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

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

5 CFR Part 7201

29 CFR Parts 1600 and 1650

RIN 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Equal Employment Opportunity Commission

AGENCY: Equal Employment Opportunity Commission (EEOC or Commission).

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission, with the concurrence of the Office of Government Ethics (OGE), is adopting as final without change an interim rule for employees of EEOC that supplements the Standards of Ethical Conduct for Employees of the Executive Branch issued by OGE. The EEOC is making final the repeal of its old agency standards of conduct regulations, which were superseded by OGE's Standards of Ethical Conduct, OGE's financial disclosure regulation, and EEOC's supplemental standards. In addition, EEOC is making final the issuance of a cross-reference, and the redesignation of EEOC debt collection procedures.

EFFECTIVE DATE: This final rule is effective on July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Deputy Legal Counsel, Thomas J. Schlageter, Assistant Legal Counsel, or Kathleen Oram, Senior Attorney, at (202) 663–4669 or TDD (202) 663–7026. This notice is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this notice is an alternative format should be made to EEOC's Publications Center at 1–800–669–3362.

SUPPLEMENTARY INFORMATION: On February 26, 1996, at 61 FR 7065–7067, the Equal Employment Opportunity Commission, with the concurrence of the Office of Government Ethics, published an interim supplemental standards rule to implement its ethics program. That interim rulemaking also repealed old EEOC standards that had been superseded by OGE's executive branchwide Standards and financial disclosure regulations, as well as EEOC's new supplemental standards. The interim rule also added a residual cross-reference provision, and redesignated EEOC's debt collection by salary offset procedures. comments were invited from the public, to be received by EEOC on or before April 26, 1996. No comments were received, and EEOC has determined that no changes are need to the interim rule. Therefore, EEOC is, with OGE's concurrence as to the supplemental standards, adopting the interim rule, without change, as final.

In promulgating this final rule, the Commission has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This regulation has not been reviewed by the Office of Management and Budget under that Executive order as it deals with agency organization, management, and personnel matters and is not, in any event, deemed ''significant'' thereunder. As required by the Regulatory Flexibility act (5 U.S.C. chapter 6), it is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities because it applied exclusively to EEOC employees. In addition, the Commission has determined that his final rule does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

List of Subjects

5 CFR Part 7201

Conflict of interests; Government employees.

29 CFR Part 1600

Conflict of interests; Government employees.

29 CFR Part 1650

Debt collection.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission, with the concurrence of the Office of Government Ethics, is adopting the interim rule amending title 5 of the Code of Federal Regulations and title 29, chapter XIV, of the Code of Federal Regulations, which was published at 61 FR 7065–7067 on February 26, 1996, as a final rule without change.

Dated at Washington DC, this 23rd day of June.

For the Equal Employment Opportunity Commission.

Gilbert F. Casellas,

Chairman.

Approved: July 1, 1997.

Stephen D. Potts,

Director, Office of Government Ethics.

[FR Doc. 97–17772 Filed 7–7–97; 8:45 am]

BILLING CODE 6750–06–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 316

[INS No. 1849–97]

RIN 1115–AE84

Adding the University of La Verne to the Listing of American Institutions of Research

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by adding the University of La Verne (La Verne College of Athens) to the list of American institutions of research recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization. Persons and their dependents who expect to be continuously absent from the United States for a year or more because of work at one of the American institutions of research recognized by the Attorney General may be given permission to be absent without interrupting continuous residence for naturalization purposes. This change is necessary because such recognized institutions are published in the Service's regulations. Based on the findings of the District Director of Los Angeles, the Regional Director of the Western Region determined and ordered on February 5, 1997, that the University

of La Verne (La Verne College of Athens) be recognized as an American institution of research recognized by the Attorney General.

DATES: This final rule is effective August 7, 1997.

FOR FURTHER INFORMATION CONTACT: Jane B. Barker, Senior Adjudications Officer, Benefits Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Pursuant to Service regulations, after an applicant has been admitted for permanent residence, he or she must reside in the United States continuously for at least 5 years before filing an application for naturalization. Under certain circumstances, persons and their dependents who expect to be continuously absent from the United States for a year or more because of work at one of the American institutions of research recognized by the Attorney General may be given permission to be absent without interrupting continuous residence for naturalization purposes. Based on the findings of the District Director of Los Angeles, the Regional Director of the Western Region determined and ordered on February 5, 1997, that the University of La Verne (La Verne College of Athens), is an American institution of research for the purpose of preserving residence in the United States for naturalization. Accordingly, § 316.20(a) will be amended by adding that institution to the list of American institutions of research recognized by the Attorney General.

The Service's implementation of this rule as a final rule is based upon the ''good cause'' exceptions found at 5 U.S.C. 553 (b)(B) and (d)(3). The reason for immediate implementation of this final rule is as follows: This rule is editorial in nature and merely updates the existing institutional listings currently contained in Title 8 of the Code of Federal Regulations.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic effect on a substantial number of small entities because of the following factors. This rule is editorial in nature and merely updates the existing institutional listings currently contained in Title 8 of the Code of Federal Regulations.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditures by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

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

Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 316

Citizenship and Naturalization.

Accordingly, part 316 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

1. The authority citation for part 316 continues to read as follows:

Authority: 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR 2.

§ 316.20 [Amended]

2. In § 316.20, paragraph (a) is amended by adding the American institution of research ''University of La Verne (La Verne College of Athens)'' immediately after ''University of Kansas, Office of International Programs''.

Dated: June 23, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97–17715 Filed 7–7–97; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–62–AD; Amendment 39–10072; AD 97–14–14]

RIN 2120–AA64

Airworthiness Directives; Industrie Aeronautiche E Meccaniche Model Piaggio P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Industrie Aeronautiche E Meccaniche (I.A.M.) Model Piaggio P–180 airplanes that are equipped with a certain freon air conditioning system. This AD requires inspecting the baggage compartment for stringer or air cycle machine (ACM) by-pass duct damage, repairing any damage found, and modifying the freon air inlet duct and electrical wiring. This AD results from trim system malfunction on one of the affected airplanes, resulting from contact between the freon air inlet duct and the electrical wiring. The actions specified by this AD are intended to prevent trim system malfunction caused by contact between the freon air inlet duct and electrical wiring, which could result in loss of control of the airplane.

DATES: Effective August 29, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of August 29, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from I.A.M. Rinaldo Piaggio, S.p.A., Via Cibrario, 4 16154, Genoa, Italy. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE–62-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, Suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain I.A.M. Model Piaggio P–180 airplanes of the same type design that have either a freon air conditioning system incorporated in accordance with I.A.M. Kit 80KS00004–* * * (801/803/805/807) or a Keith Freon Air Conditioning System installed in accordance with Supplemental Type Certificate (STC) SA2762CE was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 14, 1997 (62 FR 6890). The NPRM proposed to require inspecting the baggage compartment for stringer or air cycle machine (ACM) by-pass duct damage, repairing any damage found, and modifying the freon air inlet duct and electrical wiring (Modification No. 80M000014). Accomplishment of the proposed inspection and modification as specified in the NPRM would be in accordance with Piaggio Avante P–180 Service Bulletin 80–00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995.

The NPRM was the result of trim system malfunction on one of the affected airplanes, resulting from contact between the freon air inlet duct and the electrical wiring.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 5 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 18 workhours (inspection: 2 workhours; modification: 16 workhours) per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $100 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $5,900 or $1,180 per airplane.

The above figures only take into account the cost of the inspection and modification, and do not account for the cost of replacing any parts found damaged during the inspection. The FAA has no way of determining how many airplanes may be found damaged during the inspections.

The FAA knows of no affected airplane owner/operator (of the five affected) that has already accomplished the required action.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

97–14–14 Industrie Aeronautiche E Mecchaniche: Amendment 39–10072; Docket No. 96–CE–62–AD.

Applicability: Model Piaggio P–180 airplanes, serial numbers 1004 and 1006 through 1030, certificated in any category, that have either a freon air conditioning system incorporated in accordance with I.A.M. Kit 80KS00004–* * * (801/803/805/807) or a Keith Freon Air Conditioning System installed in accordance with Supplemental Type Certificate (STC) SA2762CE.

Note 1: The modification required by this AD is incorporated at manufacture on Model Piaggio P–180 airplanes, beginning with serial number 1031. Airplanes with this modification are not affected by this AD.

Note 2: 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 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent trim system malfunction caused by contact between the freon air inlet duct and electrical wiring, which could result in loss of control of the airplane, accomplish the following:

(a) Inspect the baggage compartment for stringer or air cycle machine (ACM) by-pass

duct damage (cracks, frays, nicks, dents, etc.) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Avante P–180 Service Bulletin (SB) 80–00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995. If any parts are damaged, prior to further flight, repair or replace the damaged part in accordance with the applicable maintenance manual.

(b) Modify the freon air inlet duct and electrical wiring (Modification No. 80M000014) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Avante P–180 SB 80–00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995.

(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, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) The inspection and modification required by this AD shall be done in accordance with Piaggio Avante P–180 SB 80–00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained I.A.M. Rinaldo Piaggio, S.p.A., Via Cibrario, 4 16154, Genoa, Italy. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39–10072) becomes effective on August 29, 1997.

Issued in Kansas City, Missouri, on June 30, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–17732 Filed 7–7–97; 8:45 am]

BILLING CODE 4910–13–U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1000 and 1017

Removal of Confidential Business Information Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission (''Commission'') is removing 16 CFR part 1017, Procedures for Safeguarding Confidential Business Information Received from EPA, because it is duplicative of EPA regulations and procedures that the Commission is obligated to follow.

EFFECTIVE DATE: July 8, 1997.

ADDRESSES: Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone 301–504–0980.

SUPPLEMENTARY INFORMATION: 16 CFR part 1017 sets forth internal procedures for handling confidential business information that the Commission receives from time to time from the Environmental Protection Agency. It also sets forth internal procedures for handling chemical formulation information that the Consumer Product Safety Commission obtained from consumer product manufacturers in 1975.

The procedures described in part 1017 for handling EPA information are now obsolete. Moreover, the procedures that the Commission must follow in order to obtain confidential business information from EPA are procedures that EPA itself mandates. These procedures include an annual EPA certification of individual Commission employees as a condition of their access to EPA confidential business information.

The Commission sees no value in replicating those procedures in its own volume of regulations in the Code of Federal Regulation. Likewise, the chemical formulation information obtained in 1975 has since been destroyed and there are no plans to acquire such information in the future. Accordingly, the Commission is removing part 1017 in its entirety.

The Commission is also amending 16 CFR 1000.27 to indicate that the responsibility for handling and safeguarding confidential business information received from EPA, formerly described in 16 CFR part 1017, remains with the Commission's Directorate for Epidemiology and Health Sciences.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b), notice and other public procedures are not required and it is effective immediately upon publication in the **Federal Register**. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612, and, thus, is exempt from the provisions of the Act. This action will have no effect on the environment.

List of Subjects

16 CFR Part 1000

Organization and functions (Government Agencies).

16 CFR Part 1017

Business and industry, Chemicals, Confidential business information, Security measures.

For the reason stated in the preamble, Chapter II, Title 16 of the Code of Federal Regulations is amended as follows:

PART 1000—COMMISSION ORGANIZATION AND FUNCTIONS

1. The authority citation for part 1000 continues to read as follows:

Authority: 5 U.S.C. 552(a).

§ 1000.27 [Amended]

2. Section 1000.27 is amended by adding the following new sentence at the end: ''The Directorate is responsible for managing and safeguarding confidential business information received from the Environmental Protection Agency in accordance with the requirements of that agency.''

PART 1017—[REMOVED]

1. Under authority of 5 U.S.C. 301, part 1017 is removed and reserved.

Dated: July 1, 1997.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97–17771 Filed 7–7–97; 8:45 am]

BILLING CODE 6355–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 228, 229, 230, 232, 239, 240 and 260

[Release Nos. 33–7427; 34–38798; 39–2355; IC–22730; File No. S7–28–96]

RIN 3235–AG96

Rulemaking for the EDGAR System

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission (''Commission'') today adopts a number of amendments to its

rules governing the submission of filings and other documents through the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. These amendments reflect the Commission's experience with the EDGAR system as well as the close of the initial phase-in stage of the EDGAR project.

EFFECTIVE DATE: These rule changes will become effective on August 7, 1997.

FOR FURTHER INFORMATION CONTACT: James R. Budge, Division of Corporation Finance at (202) 942–2950, or Ruth Armfield Sanders, Division of Investment Management at (202) 942–0633, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC. 20549.

SUPPLEMENTARY INFORMATION: The Commission today adopts amendments to the following rules relating to electronic filing on the EDGAR system: Rule 200.30–1,[1] Rule 200.30–5,[2] Item 601 of Regulation S–B and Regulation S–K,[3] Rule 405 of Regulation C,[4] Rules 10,[5] 11,[6] 101,[7] 102,[8] 201,[9] 202,[10] 303,[11] 304,[12] 307[13] and 311[14] of Regulation S–T,[15] Forms S–2,[16] S–3,[17] S–8,[18] F–2[19] and F–3[20] under the Securities Act of 1933 (''Securities Act''),[21] Rule 0–1,[22] Rule 13d–2,[23] Rule 13e–4,[24] Schedule 14A,[25] and Rule 14e–1[26] under the Securities Exchange Act of 1934 (''Exchange Act''),[27] and Rule 0–2[28] under the Trust Indenture Act of 1939.[29] The Commission also is adding new Rules 100 and 601 to Regulation S–T, and eliminating Rules 901, 902 and 903 of Regulation S–T, the EDGAR transition rules.[30]

[1] 17 CFR 200.30–1.
[2] 17 CFR 200.30–5.
[3] 17 CFR 228.601 and 229.601, respectively.
[4] 17 CFR 230.405.
[5] 17 CFR 232.10.
[6] 17 CFR 232.11.
[7] 17 CFR 232.101.
[8] 17 CFR 232.102.
[9] 17 CFR 232.201.
[10] 17 CFR 232.202.
[11] 17 CFR 232.303.
[12] 17 CFR 232.304.
[13] 17 CFR 232.307.
[14] 17 CFR 232.311.
[15] 17 CFR Part 232.
[16] 17 CFR 239.12.
[17] 17 CFR 239.13.
[18] 17 CFR 239.16b.
[19] 17 CFR 239.32.
[20] 17 CFR 239.33.
[21] 15 U.S.C. 77a *et seq.*
[22] 17 CFR 240.0–1.
[23] 17 CFR 240.13d–2.
[24] 17 CFR 240.13e–4.
[25] 17 CFR 240.14a–101.
[26] 17 CFR 240.14e–1.
[27] 15 U.S.C. 78a *et seq.*
[28] 17 CFR 260.0–2.
[29] 15 U.S.C. 77aaa *et seq.*
[30] 17 CFR 232.901, 232.902 and 232.903, respectively.

I. Background

In 1993, registrants and others began to electronically submit many of the documents filed with the Commission via the EDGAR system.[31] Domestic registrants became electronic filers in a series of discrete phase-in groups. Following a congressionally-mandated test period, which included electronic filing by several phase-in groups, the Commission certified that the system satisfied all statutory requirements and announced a schedule to complete the transition to mandated electronic filing for most filers.[32] On May 6, 1996, the last group of domestic registrants was phased in. Once the phase-in period was over, the Commission reviewed its electronic filing rules and proposed to update them.[33] The Commission recognized in the proposals the shift from a paper-based filing system to an electronic one. The proposals also reflected the practical experience the Commission gained with electronic filing over the last several years.

II. Rule Changes Adopted

The Commission proposed for public comment a number of minor and technical changes to its electronic filing rules. The Commission solicited comment with respect to each proposal. Three commenters responded.[34] The Commission continues to believe, as it did in the proposing release, that the rule proposals would benefit filers and the staff. The Commission today adopts the proposed changes, except as discussed below.

A. EDGAR Transition Rules Eliminated

The Commission adopted Rules 901, 902 and 903 of Regulation S–T to govern the phase-in of registrants and provide guidance in situations where one party to a transaction was a phased-in electronic filer and another party was a paper filer. With the end of the phase-in period, these transition rules are no longer needed. The Commission is eliminating these rules, retaining in other rules in Regulation S–T any provisions that are still useful, as explained more fully below.[35]

B. New Rule 601 of Regulation S–T Governing Foreign Private Issuers

The Commission does not require foreign private issuers and foreign governments to file electronically unless they are acting in concert with, or as a third party filer with respect to, a domestic registrant. Until now, foreign private issuers' electronic filing responsibilities were outlined in Rule 901 of Regulation S–T. Since the Commission has now eliminated that rule, its requirements applicable to foreign private issuers and foreign governments are being adopted as new Rule 601 of Regulation S–T. This rule states that these entities generally are not required to file electronically, unless they are filing jointly with a domestic registrant or acting as a third party filer with respect to such a registrant.

The new rule also provides that these companies or entities may choose to file electronically in most situations. The EDGAR system currently supports many types of documents filed by foreign private issuers and foreign governments. The Commission intends to make future modifications to the EDGAR system, where appropriate, to broaden the availability of EDGAR to additional form types used by these foreign filers.

The new rule also codifies a staff interpretation where a foreign private

[31] The rules initiating mandated electronic filing were adopted as interim rules in: Release No. 33–6977 (February 23, 1993) (58 FR 14628) (containing a general description of the EDGAR system, Regulation S–T (the electronic filing regulation), and the rules applicable to filings processed by the Division of Corporation Finance); Release No. IC–19284 (February 23, 1993) (58 FR 14848) (relating to rules specific to investment companies and institutional investment managers); and Release No. 35–25746 (February 23, 1993) (58 FR 14999) (relating to rules specific to public utility holding companies).

[32] Release No. 33–7122 (December 19, 1994) (59 FR 67752).

[33] Release No. 33–7369 (December 5, 1996) (61 FR 65440).

[34] These letters are available for inspection and copying in the Public Reference Room at the Commission's Headquarters at 450 Fifth Street, NW., Washington, DC. Refer to File No. S7–28–96.

[35] New Rule 100 of Regulation S–T and the changes to Rule 101 of Regulation S–T. The definition of ''electronic filer'' in Rule 11 of Regulation S–T, Rule 405 of Regulation C, Exchange Act Rule 0–1, and Trust Indenture Act Rule 0–1 have been updated to reflect these changes.

Rule 101(d) of Regulation S–T now includes the requirement, formerly found in Rules 901(d) and 902(g), that a new electronic filer submit a paper copy of its first electronic filing. The Commission also is retaining in Rule 101 the note formerly found in Rule 901 relating to electronic filing of beneficial ownership reports with respect to foreign private issuers. The Office of EDGAR Policy in the Division of Corporation Finance ((202) 942–2940) or the EDGAR Branch in the Division of Investment Management ((202) 942–0591), as appropriate, can answer questions relating to these issues.

The provisions delegating authority to the Division of Corporation Finance and the Division of Investment Management to change phase-in dates are also being eliminated. Rule 902(e) (17 CFR 232.902(e)) addressed matters of concern during EDGAR transition from paper to electronic filing, particularly with reference to an electronically filed Securities Act Rule 497(e) (17 CFR 230.497(e)) ''sticker'' relating to a prospectus previously filed in paper. Since the transition has been completed, these provisions are no longer necessary. However, the staff continues to be of the view that a registrant need not re-submit the prospectus or statement of additional information to which a Rule 497(e) ''sticker'' relates, if the related document has been filed electronically.

issuer engages in an exchange offer, merger or other business combination transaction with a domestic registrant and the foreign private issuer files a registration statement under the Securities Act with respect to the transaction. In these cases, the parties can file the registration statement and other documents relating to the transaction in paper if the domestic registrant will not be a reporting entity when the transaction is concluded. This eliminates the burden from companies whose only electronic filing obligations would arise in connection with the filing of a registration statement.

C. Rule 10 of Regulation S–T

Rule 10(b) of Regulation S–T [36] has for several years included a note strongly urging persons who are about to become electronic filers to submit a Form ID to obtain EDGAR access and security codes between three and six months prior to their first required electronic filing. The Commission is amending this instruction to emphasize that those making their first required filings, including issuers making initial public offerings, should submit their Forms ID early to be ready to make their initial filings in electronic format.

D. Rule 11 of Regulation S–T

In the past, the Commission retained its official records on microfiche. The Commission has changed this practice and now allows for storage of filed documents in a variety of media. In order to reflect current records retention practices, the term ''official filing'' in Rule 11(m) of Regulation S–T [37] is being newly defined to mean any filing that has been received and accepted by the Commission, regardless of filing medium.

E. Rule 13 of Regulation S–T

The Commission proposed codifying in Rule 13 of Regulation S–T [38] a staff interpretive letter that relates to the timing of filing proxy materials permitted to be ''mailed for filing'' with the Commission at the same time they are published, furnished, sent or given to security holders or others.[39] This letter allows issuers and others to electronically file proxy materials promptly on the next business day following distribution to security holders where it is impracticable to file the materials electronically on the same business day of the Commission (between the hours of 8 a.m. and 5:30 p.m.) on which the distribution first occurs. The Commission staff currently is reviewing the rules that govern the timing of filing proxy materials in light of the growing public reliance on the EDGAR database for investment information and the use of other rapid information dissemination methods. Consequently, the Commission has decided not to codify this position at this time. However, the interpretive position given in the Lesser letter will continue to be in effect unless and until the related rules are changed.

F. Notification of Delayed Filing—Form DF

The Commission proposed creating a new Form DF which filers could use to preserve the timeliness of their Exchange Act periodic reports and other specified documents without the need for staff intervention. The proposal was designed as an alternative to the filing date adjustment procedure already in place. While one commenter expressed a positive interest in the proposal, the Commission has decided to defer action on it for the present. Once the direction of future EDGAR programming is established, the Commission may reconsider the proposal. Filing date adjustments will continue to be considered on a case-by-case basis.

Under Rule 13, candidates must demonstrate bona fide attempts to file electronically and must experience unanticipated technical difficulties in order to qualify for a filing date adjustment. It has been staff policy to consider filing date adjustment requests primarily in connection with Exchange Act reports, beneficial ownership reports and reports filed under section 16. Generally, the staff does not grant filing date adjustments relating to registration statements or other transactional filings.

Reasonable requests for an adjustment to the filing date of an Exchange Act report will be granted if the filing is made (or re-submitted) promptly. However, filers have an obligation to confirm the status of their filings and must read the related acceptance or suspension messages carefully to determine if the filing was successfully made. For example, if a filing inadvertently was submitted as a test or a confirming electronic copy, and was therefore not considered an official filing, a new filing must be made immediately and the staff must be notified if the second transmission was after the due date of the filing and an adjustment is desired. It is not the policy of the staff to grant adjustments backdating a filing over an extended period of time.

G. Rule 101 of Regulation S–T

1. Exemption for Form 10–K as First Electronic Filing

During the phase-in period, issuers had an automatic exemption from electronic filing for their first required filing after becoming subject to electronic filing rules if that document was a Form 10–K [40] or 10–KSB.[41] Now that all domestic issuers have become electronic filers, this provision no longer is needed. Reporting entities will already have had the advantage of the one-time exemption and any new issuer's first filing will not be an annual report on either of these forms. Consequently, the Commission is eliminating this provision. Of course, if a company experiences special difficulties in the preparation or filing of its annual reports, it may continue to follow the procedures for hardship exemptions outlined in Rules 201 and 202 of Regulation S–T.

2. Proxy Materials and Annual Reports to Security Holders Furnished by Registrants Subject to Reporting Obligations Under Section 15(d) of the Exchange Act

Form 10–K and Form 10–KSB both require issuers reporting under Section 15(d) of the Exchange Act [42] to furnish to the Commission for its information any annual report to security holders covering the registrant's last fiscal year and every proxy statement, form of proxy or other proxy soliciting material sent to more than ten of the registrant's security holders with respect to any annual or other meeting of security holders. When these issuers submit this information with their Exchange Act annual reports, it is not deemed filed with the Commission unless it is incorporated by reference into the report itself.

The Commission intended that these documents be filed electronically, but they were not specifically addressed in Rule 101 of Regulation S–T. The Commission is amending Rule 101 to correct this omission. Filers should submit these proxy materials using the same EDGAR form type as used for other definitive proxy statements, DEF 14A, or DEFA14A for definitive additional materials, as outlined in the EDGAR Filer Manual. Consistent with the requirements to furnish annual reports to security holders under the proxy rules, registrants have the option to submit their annual report to security holders pursuant to these annual

[36] 17 CFR 232.10(b).

[37] 17 CFR 232.11(m).

[38] 17 CFR 232.13.

[39] *Henry Lesser* (November 28, 1995).

[40] 17 CFR 249.310.

[41] 17 CFR 249.310b.

[42] 15 U.S.C. 78o(d).

reporting provisions either in paper or in electronic format. If filed electronically, filers should use the ARS form type.[43]

3. Schedules 13D and 13G

The electronic filing rules require that the first electronic amendment to a paper-filed Schedule 13D or Schedule 13G restate the entire text of the schedule.[44] The purpose of this requirement is to ensure that a complete and current copy of these schedules is placed on the electronic database so that financial observers do not need to refer to paper filings for a complete version of the filings. However, the staff's position has been that if the purpose of the first electronic amendment is to report a reduction in beneficial ownership that relieves the filer from further reporting obligations, the amendment needs not include a restatement of the entire text of the schedule, but only the amended portions. The Commission is codifying this position. A restatement requirement in these situations is burdensome to filers and provides little benefit to those who follow beneficial ownership transactions.

4. Proxy Material Filed Pursuant to Exchange Act Rule 16b–3(b)(2)(ii)

Effective August 15, 1996,[45] the Commission no longer requires that issuers file certain proxy material related to employee benefit plans under the rules promulgated under section 16 of the Exchange Act.[46] Consequently, the Commission is amending Regulation S–T Rule 101(c) of Regulation S–T to eliminate the provision relating to the old filing requirement.[47]

5. Filings Made in Connection With Securities Act Exemptions

The Commission has eliminated Regulations B and F,[48] which provided exemptions under the Securities Act. Consequently, references in Rule 101(c) of Regulation S–T to filings made pursuant to those regulations have been removed.

6. Certain Material Filed Pursuant to Investment Company Act Sections 23(c), 24(e) and 24(f)

The Commission is adding to the Regulation S–T list of mandated electronic submissions certain documents previously not expressly included in, but intended to be covered under, Rule 101 of Regulation S–T.[49] The submissions added are documents filed with the Commission pursuant to Sections 23(c),[50] 24(e),[51] and 24(f)[52] of the Investment Company Act.

H. Hardship Exemptions

1. Confirming Copy Legends

Rule 202 of Regulation S–T provides for exemptions from electronic filing, pursuant to delegated authority, for documents, portions of documents, or groups of documents where the electronic filer would incur undue burden and expense to convert the material to an electronic format. Paragraph (d) of that rule allows the staff to grant such exemptions for a limited period of time premised on an undertaking to submit an electronic version of the material at the end of the stated period. However, unlike Rule 201 (for temporary hardship exemptions), Rule 202(d) has not included a requirement that the electronic version be identified as a confirming electronic copy of what was filed in paper pursuant to the exemption by including a legend to that effect on the first page of the document. The Commission is adding this requirement to be consistent with other similar provisions and to alert users of the information to the fact that the information previously had been filed in paper.

2. Sanctions

The Commission also is modifying the language found in Rule 202(d) of Regulation S–T and in the instructions to Forms S–2, S–3, S–8, F–2 and F–3 to reflect the fact that failure to submit a confirming electronic copy pursuant to a Rule 202(d) hardship exemption renders the registrant ineligible to use the form. Rule 303 of Regulation S–T also is revised by broadening its language to provide that documents filed in paper under Rule 202(d) cannot be incorporated by reference if a required confirming electronic copy is not submitted with respect to that document. Similarly, the tender offer rules have been amended to indicate that tender offer periods are tolled so long as all required confirming electronic copies have not been submitted to the Commission.[53] These changes are consistent with the treatment associated with temporary hardship exemption requirements and codify current staff interpretation.

3. Exhibits

a. Exhibit index. Rule 102 of Regulation S–T and Item 601 of Regulations S–K and S–B require filers to indicate in a filing's exhibit index whether a confirming electronic copy of a paper-filed exhibit has been submitted by placing the letters ''CE'' next to the item in the index. In the past, the language in the rules has been limited to confirming electronic copies submitted pursuant to a temporary hardship exemption. The Commission is amending these provisions to encompass all documents originally filed in paper pursuant to any type of hardship exemption for which a filer submits a required confirming electronic copy.

b. Technical procedures. The electronic filing rules contemplate under certain circumstances paper filing of exhibits in connection with an otherwise electronic filing. Filers may do this pursuant to either a temporary hardship exemption or a continuing hardship exemption, depending on the type of hardship involved. In every case involving a temporary hardship exemption, the filer is required within six business days following the paper filing to submit a confirming electronic copy of the material filed in paper.[54] Persons making filings in paper pursuant to a continuing hardship exemption may be required to file a confirming electronic copy of the paper-filed material after a designated period of time.[55] Usually a confirming electronic copy consists of an entire filing that was filed in paper pursuant to a hardship exemption. The electronic version is identified to the electronic system as only a copy of a previously-filed paper document and is not considered a new filing. Where the subject of the hardship exemption is an exhibit only, the standard protocol

[43] Investment companies are required to file electronically with the Commission copies of their annual, semi-annual and other periodic reports to security holders. *See* Rule 101(a)(iv) of Regulation S–T (17 CFR 232.101(a)(iv)) and Rule 30b2–1 (17 CFR 270.30b2–1) of the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act''). These filers should use the N–30D or N–30B–2 form type, as appropriate.

[44] Rule 101(a)(2)(ii) of Regulation S–T (17 CFR 232.101(a)(2)(ii)) and Rule 13d–2(c) (17 CFR 240.13d–2(c)).

[45] Release No. 34–37260 (May 31, 1996) (61 FR 30376).

[46] Former Rule 16b–3(b)(2)(ii) (17 CFR 240.16b–3(b)(2)(ii)).

[47] Technical amendments to citations in paragraphs (a)(1)(ii) and (c)(6) of Rule 101 also have been adopted.

[48] Release No. 33–7300 (May 31, 1996) (61 FR 30397).

[49] Rule 101(a)(1)(iv) of Regulation S–T (17 CFR 232.101(a)(1)(iv)).

[50] 15 U.S.C. 80a–23(c).

[51] 15 U.S.C. 80a–24(e).

[52] 15 U.S.C. 80a–24(f). While Form 24F–2 (17 CFR 274.24) is among the filings which must be submitted electronically, filers should be aware that there is no need to replicate electronically items such as boxes and vertical lines appearing in the paper version of this form.

[53] Rules 13e–4 and 14e–1.

[54] Rule 201(b) of Regulation S–T [17 CFR 232.201(b)].

[55] Rule 202(d) of Regulation S–T.

cannot be followed because exhibits cannot be filed standing alone—they must be a part of a filing.

Persons who have an obligation to submit electronic confirming copies of an exhibit filed in paper pursuant to a hardship exemption must submit the exhibit electronically by filing an amendment to the document to which the exhibit relates. The CONFIRMING-COPY tag should not be used in the submission header. Filers should include a statement in the amendment explaining that the amendment is solely to submit an electronic copy of an exhibit previously filed in paper pursuant to a hardship exemption. The Commission is codifying this procedure in the rules by adding an instruction to Rule 201 and Rule 202 of Regulation S–T.

I. Proxy Statement Performance Graph

Electronic filers who must furnish a stock performance comparison graph in their proxy statements pursuant to Item 402(*l*) of Regulation S–K [56] are required to satisfy that obligation in their electronic filings by setting forth the data from the graph in tabular form.[57] The rules also require filers to supplementally furnish a copy of the graph to the staff. In order to reduce the burden on proxy filers, the Commission is eliminating the requirement that the graph be supplementally sent to the staff. Of course, registrants will continue to be required to produce a copy of the graph, as sent to security holders, upon staff request, pursuant to Rule 304(c).[58]

The Commission is revising Rule 304(d) to expressly apply to investment company registrants. Investment company filers will now follow the provisions of Rule 304(d) in their preparation of the line graph required by Item 5A of Form N–1A,[59] a practice previously encouraged by the staff of the Division of Investment Management.[60] While one commenter believed that three month's transitional time should be given, the Commission believes that, given the previous experience with submissions under this rule, there is no necessity for a transition period.

J. Annual Report Provisions Inapplicable to Investment Companies

The Commission is revising Rule 303(b) of Regulation S–T [61] to clarify that it does not apply to investment company filers, a codification of staff interpretation. Rule 303(b) now expressly states that its requirements concerning incorporation by reference to reports to security holders do not apply to investment companies.

The Commission also is revising Schedule 14A, clarifying that investment companies need not submit electronically annual or quarterly reports to security holders, or any portion thereof, incorporated by reference into a proxy statement, if the report was filed electronically.[62] This revision is also a codification of staff interpretation.

K. Computational Materials To Be Filed Under Cover of Form SE

Some issuers of asset-backed securities file large amounts of computational materials with a Form 8–K, pursuant to two no-action letters.[63] These materials often are voluminous and difficult to convert to an acceptable electronic format. Typically, filers of such materials have been granted hardship exemptions from filing them electronically. In order to reduce compliance costs both to the issuers and the staff, the Commission is amending Rule 311 of Regulation S–T to add this type of supporting documentation to the list of items that may be filed in paper under cover of Form SE without the need for staff action. The Form 8–K itself, as well as any required term sheets, should be filed electronically.

L. Financial Data Schedules

The Commission is codifying the principles outlined in two staff interpretive positions relating to Financial Data Schedules. First, a note is being added stating that issuers of asset-backed securities (as defined in Form S–3, except that the securities need not be investment grade) that are not required to file financial statements with the Commission in their Securities Act registration statements or their reports filed pursuant to sections 13(a) or 15(d) of the Exchange Act are not required to submit a Financial Data Schedule in connection with those filings.[64] This is consistent with the requirement that Financial Data Schedules be submitted only when updated financial statements are filed. A second note also is being added to the effect that a registrant is not required to restate prior Financial Data Schedules for a recapitalization that is in the form of a stock split or reverse stock split, provided that the <EPS> tag in the Financial Data Schedule for the period in which the stock split occurs includes a footnote that indicates that a stock split has occurred and its effective date, and that prior Financial Data Schedules have not been restated for the recapitalization.[65]

In addition, the Financial Data Schedule rules provide that where a filer submits a document in paper pursuant to a temporary hardship exemption, and the document would have been accompanied by a Financial Data Schedule if filed in electronic format, the filer must submit the Financial Data Schedule with the confirming electronic copy of the filing. Since documents may be filed in paper pursuant to a continuing hardship exemption on the condition that the issuer file an electronic version within a stated time period,[66] the Commission is amending its rules to reflect its position that registrants must submit a Financial Data Schedule with the required confirming electronic copy of a document filed in paper pursuant to any hardship exemption where the underlying document would have included the schedule had it been filed originally in electronic format.

M. Red Ink Requirements

The Commission has eliminated its requirements to print designated information in red ink.[67] Consequently, it is revising Rule 307 of Regulation S–T to reflect this change.

III. Other Electronic Submission, Processing and Retrieval Issues

In the proposing release, the Commission solicited comment on various ways to expand or otherwise modify the EDGAR system to help both users of the EDGAR database as well as filers. The Commission asked specific questions about electronic submission of confidential treatment requests, no-action letters,[68] and exempt offerings as

[56] 17 CFR 229.402(*l*).

[57] Rule 304(d) of Regulation S–T (17 CFR 232.304(d)).

[58] 17 CFR 232.304(c). Paragraph (b)(2) also is being amended to conform its language with the changes made to Rule 304 in Release 33–7289 (May 9, 1996) (61 FR 24652), relating to use of electronic media for delivery purposes.

[59] 17 CFR 274.11A.

[60] The staff of the Commission has never interpreted a textual description of the performance graph as sufficient to fulfill the requirement of Rule 304(a), as suggested by one commenter.

[61] 17 CFR 232.303(b).

[62] Note D.4 to Schedule 14A.

[63] *Distribution of Certain Written Materials Relating to Asset-Backed Securities*, (February 17, 1995) and *Mortgage and Asset-Backed Securities—Furnishing Information to Customers*, (May 20, 1994).

[64] *See Ford Motor Credit Company* (April 14, 1995).

[65] *See AFLAC/AFLAC Incorporated* (April 10, 1996).

[66] Rule 202(d) of Regulation S–T.

[67] Release No. 33–7300.

[68] Since the Commission issued the proposing release, the Division of Corporation Finance has established a new e-mail address to receive requests

well as other matters. Each of the three commenters made useful suggestions that the Commission will consider in its ongoing evaluation of the future of the system.

IV. Cost-Benefit Analysis

No commenter responded to the Commission's solicitation of comment with respect to the costs and benefits that would result if the rule proposals were adopted. The Commission anticipates that the rule changes will not impose significant costs on filers, since they generally are codifications and/or clarifications of existing filing practices. The rule changes should be beneficial to filers inasmuch as they clarify existing rules and make the filing community at large more aware of current practices and interpretations. The Commission also considered the impact of the rule changes on competition, as required under section 23(a) of the Exchange Act. There will be little or no impact on competition for the reasons explained in connection with the costs and benefits generally.

V. Regulatory Flexibility Act Certification

In connection with the rule proposals, the Chairman of the Commission has certified that the amendments proposed herein would not, if adopted, have a significant economic impact on a substantial number of small entities. The certification, including the factual bases for the determination, was published with the proposing release in satisfaction of section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

VI. Paperwork Reduction Act

The staff consulted with the Office of Management and Budget (''OMB'') and submitted for approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) proposed Form DF. Since the Commission is not adopting Form DF at this time, there will be no change to information collection requirements as a result of this rulemaking.

VII. Statutory Basis

The rule amendments outlined above are proposed pursuant to sections 6, 7, 8, 10 and 19(a) of the Securities Act, sections 3, 12, 13, 14, 15(d), 23(a) and 35(A) of the Exchange Act, sections 3, 5, 6, 7, 10, 12, 13, 14, 17 and 20 of the Public Utility Holding Company Act of 1935,[69] section 319 of the Trust Indenture Act of 1939,[70] and sections 8, 30, 31 and 38 of the Investment Company Act of 1940.[71]

List of Subjects in 17 CFR Parts 200, 228, 229, 230, 232, 239, 240, and 249

Registration requirements, Reporting and recordkeeping requirements, Securities.

Text of the Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for part 200 continues to read in part as follows:

Authority: 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 78*ll*(d), 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

* * * * *

§ 200.30–1 [Amended]

2. By amending § 200.30–1 by removing paragraph (m).

§ 200.30–5 [Amended]

3. By amending § 200.30–5 by removing paragraph (j) and by redesignating paragraphs (k) and (l) as paragraphs (j) and (k).

PART 228—INTEGRATED DISCLOSURE SYSTEM FOR SMALL BUSINESS ISSUERS

4. The authority citation for part 228 is revised to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77aa(25), 77aa(26) 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78*l*, 78m, 78n, 78o, 78u–5, 78w, 78*ll*, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

5. By amending § 228.601 by revising the second sentence of instruction 3 to paragraph (a), by designating the note to paragraph (c)(1)(ii) as ''*Note 1 to paragraph (c)(1)(ii)*'', by adding Note 2 to paragraph (c)(1)(ii), by revising paragraph (c)(1)(v), and by adding a note to paragraph (c)(2)(iii) to read as follows:

§ 228.601 (Item 601) Exhibits.

(a) * * *

Instructions to Item 601(a)

* * * * *

(3) * * * Whenever an electronic confirming copy of an exhibit is filed pursuant to a hardship exemption (§ 232.201 or § 232.202(d) of this chapter), the exhibit index should specify where the confirming electronic copy can be located; in addition, the designation ''CE'' (confirming electronic) should be placed next to the listed exhibit in the exhibit index.

* * * * *

(c) *Financial Data Schedule—*

(1) *General.* * * *

(ii) * * *

Note 2 to paragraph (c)(1)(ii): Issuers of asset-backed securities (as that term is defined in the general instructions to Form S–3 (§ 239.13 of this chapter), except that they need not be investment grade) that are not required to file financial statements with the Commission in their Securities Act registration statements or their reports filed pursuant to sections 13(a) or 15(d) of the Exchange Act are not required to submit a Financial Data Schedule in connection with those filings.

* * * * *

(v) A Financial Data Schedule shall be submitted only in electronic format. Where a registrant submits a filing, otherwise required to include a Financial Data Schedule, in paper pursuant to a hardship exemption under Rule 201 or Rule 202(d) of Regulation S–T (§ 232.201 or § 232.202(d) of this chapter, respectively), the Financial Data Schedule shall not be included with the paper filing, but shall be included with the required confirming electronic copy.

* * * * *

(2) *Format and presentation of Financial Data Schedule.* * * *

(iii) * * *

Note to paragraph (c)(2)(iii): A registrant is not required to restate prior Financial Data Schedules for a recapitalization that is in the form of a stock split or reverse stock split, provided that the <EPS≤ tag for the period in which the stock split occurs includes a footnote indicating that a stock split has occurred and its effective date, and that prior Financial Data Schedules have not been restated for the recapitalization.

* * * * *

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for interpretive or no-action letters. Persons seeking such letters from the Division may now submit their requests either in paper or electronically at cfletters@sec.gov. At this time, electronic requests must be in standard e-mail text or ASCII format so the staff can easily read and print the letters. These letters will be processed by the staff in the same manner as requests submitted in paper. If there is confidential information in the request, remember that it may be possible for others to intercept and read e-mail.

This mailbox should be used only for requests for interpretive or no-action letters from the Division of Corporation Finance, not for other correspondence. The requests should comply with all of the procedures set forth in Release No. 33–6269 (December 5, 1980), except that multiple copies are not needed. The letter should include the telephone number of the requestor.

[69] 15 U.S.C. 79a *et seq.*

[70] 15 U.S.C. 77aaa *et seq.*

[71] 15 U.S.C. 80a–1 *et seq.*

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER THE SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

6. The authority citation for part 229 continues to read in part as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z-2, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78c, 78i, 78j, 78*l*, 78m, 78n, 78o, 78u–5, 78w, 78*ll*(d), 79e, 79n, 79t, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

* * * * *

7. By amending § 229.601, paragraph (a) by revising the second sentence of instruction 4 of ''Instructions to Item 601'', by designating the note to paragraph (c)(1)(ii) as ''*Note 1 to paragraph (c)(1)(ii)*'', by adding Note 2 to paragraph (c)(1)(ii), by revising paragraph (c)(1)(v), and by adding a note to paragraph (c)(2)(iii) to read as follows:

§ 229.601 (Item 601) Exhibits.

(a) * * *

Instructions to Item 601

* * * * *

(4) * * * Whenever an electronic confirming copy of an exhibit is filed pursuant to a hardship exemption (§ 232.201 or § 232.202(d) of this chapter), the exhibit index should specify where the confirming electronic copy can be located; in addition, the designation ''CE'' (confirming electronic) should be placed next to the listed exhibit in the exhibit index.

* * * * *

(c) *Financial Data Schedule*—

(1) *General.* * * *

(ii) * * *

Note 2 to paragraph (c)(1)(ii): Issuers of asset-backed securities (as that term is defined in the general instructions to Form S–3 [§ 239.13 of this chapter], except that they need not be investment grade) that are not required to file financial statements with the Commission in their Securities Act registration statements or their reports filed pursuant to Sections 13(a) or 15(d) of the Exchange Act are not required to submit a Financial Data Schedule in connection with those filings.

* * * * *

(v) A Financial Data Schedule shall be submitted only in electronic format. Where a registrant submits a filing, otherwise required to include a Financial Data Schedule, in paper pursuant to a hardship exemption under Rule 201 or Rule 202(d) of Regulation S-T (§ 232.201 or § 232.202(d) of this chapter, respectively), the Financial Data Schedule shall not be included with the paper filing, but shall be included with the required confirming electronic copy.

* * * * *

(2) *Format and presentation of Financial Data Schedule.*

* * * * *

(iii) * * *

Note to paragraph (c)(2)(iii): A registrant is not required to restate prior Financial Data Schedules for a recapitalization that is in the form of a stock split or reverse stock split, provided that the <EPS> tag for the period in which the stock split occurs includes a footnote indicating that a stock split has occurred and its effective date, and that prior Financial Data Schedules have not been restated for the recapitalization.

* * * * *

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

8. The authority citation for Part 230 continues to read in part as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78d, 78*l*, 78m, 78n, 78o, 78w, 78*ll*(d), 79t, 80a–8, 80a–29, 80a–30, and 80a–37, unless otherwise noted.

* * * * *

9. By amending § 230.405 by revising the definition of ''electronic filer'' to read as follows:

§ 230.405 Definitions of terms.

* * * * *

Electronic filer. The term *electronic filer* means a person or an entity that submits filings electronically pursuant to Rules 100 and 101 of Regulation S–T (§§ 232.100 and 232.101 of this chapter, respectively).

* * * * *

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

10. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

11. By amending § 232.10 by revising the note following paragraph (b) to read as follows:

§ 232.10 Application of Part 232.

* * * * *

Note: The Commission strongly urges any person or entity about to become subject to the disclosure and filing requirements of the federal securities laws to submit a Form ID well in advance of the first required filing, including a registration statement relating to an initial public offering, in order to facilitate electronic filing on a timely basis.

12. By amending § 232.11 by revising paragraphs (e) and (m) to read as follows:

§ 232.11 Definition of terms used in part 232.

* * * * *

(e) *Electronic filer.* The term *electronic filer* means a person or an entity that submits filings electronically pursuant to Rules 100 and 101 of Regulation S–T (§§ 232.100 and 232.101, respectively).

* * * * *

(m) *Official filing.* The term *official filing* means any filing that is received and accepted by the Commission, regardless of filing medium.

* * * * *

13. By adding § 232.100, following the undesignated heading ''Electronic Filing Requirements'' to read as follows:

§ 232.100 Persons and entities subject to mandated electronic filing.

The following persons or entities shall be subject to the electronic filing requirements of this part 232:

(a) Registrants whose filings are subject to review by the Division of Corporation Finance, except for foreign private issuers and foreign governments;

(b) Registrants whose filings are subject to review by the Division of Investment Management; and

(c) Any party (including natural persons, foreign private issuers and foreign governments) that files a document jointly with, or as a third party filer with respect to, a registrant that is subject to mandated electronic filing requirements.

14. By amending § 232.101 by revising paragraphs (a)(1)(ii), (a)(1)(iii), (a)(1)(iv), (a)(2)(ii), (b)(1), (c)(6) and (c)(7), by removing paragraph (c)(19), and by adding paragraph (d) to read as follows:

§ 232.101 Mandated electronic submissions and exceptions.

(a) *Mandated electronic submissions.*

(1) * * *

(ii) Statements and applications filed with the Commission pursuant to the Trust Indenture Act (15 U.S.C. 77aaa, *et seq.*), other than applications for exemptive relief filed pursuant to section 304 (15 U.S.C. 77ddd) and section 310 (15 U.S.C. 77jjj) of that Act;

(iii) Statements, reports and schedules filed with the Commission pursuant to section 13, 14, or 15(d) of the Exchange Act (15 U.S.C. 78m, 78n and 78o(d)), except Form 13F (§ 249.325 of this chapter), and proxy materials required to be furnished for the information of the Commission in connection with annual reports on Form 10–K (§ 249.310 of this chapter) or Form 10–KSB (§ 249.310b of this chapter) filed pursuant to section 15(d) of the Exchange Act.

Note to paragraph (a)(1)(iii). Electronic filers are restricted from filing Schedules 13D and 13G with respect to foreign private issuers because EDGAR requires an IRS tax identification number to be inserted for the subject company as a prerequisite to acceptance of the filing. Such filings should be made in paper pending future system enhancements.

(iv) Documents filed with the Commission pursuant to sections 8, 17, 20, 23(c), 24(e), 24(f), and 30 of the Investment Company Act (15 U.S.C. 80a–8, 80a–17, 80a–20, 80a–23(c), 80a–24(e), 80a–24(f) and 80a–29); *provided, however,* that submissions under section 6(c), 8(f) or 17(g) of that Act (15 U.S.C. 80a–6(c), 80a–8(f) or 80a–17(g), or documents related to applications for exemptive relief under any section of that Act, shall not be made in electronic format; and

* * * * *

(2) * * *

(ii) The first electronic amendment to a paper format Schedule 13D (§ 240.13d–101 of this chapter) or Schedule 13G (§ 240.13d–102 of this chapter), shall restate the entire text of the Schedule 13D or 13G, but previously filed paper exhibits to such Schedules are not required to be restated electronically. *See* Rule 102 (§ 232.102) regarding amendments to exhibits previously filed in paper format. Notwithstanding the foregoing, if the sole purpose of filing the first electronic Schedule 13D or 13G amendment is to report a change in beneficial ownership that would terminate the filer's obligation to report, the amendment need not include a restatement of the entire text of the Schedule being amended.

* * * * *

(b) * * *

(1) Annual reports to security holders furnished for the information of the Commission pursuant to Rule 14a–3(c) (§ 240.14a–3(c) of this chapter) or Rule 14c–3(b) (§ 240.14c–3(b) of this chapter), or pursuant to the requirements of Form 10–K or Form 10–KSB filed by registrants pursuant to Section 15(d) of the Exchange Act.

* * * * *

(c) * * *

(6) Applications for exemptive relief filed pursuant to Sections 304 and 310 of the Trust Indenture Act.

(7) Filings relating to offerings exempt from registration under the Securities Act, including filings made pursuant to Regulation A (§§ 230.251–230.263 of this chapter), Regulation D (§§ 230.501–230.506 of this chapter) and Regulation E (§§ 230.601–230.610a of this chapter), as well as filings on Form 144 (§ 239.144 of this chapter) where the issuer of the securities is not subject to the reporting requirements of section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively).

* * * * *

(d) *Paper Copies of Electronic Filings.* Electronic filers, including third party filers, shall submit to the Commission a paper copy of their first electronic filing, as follows:

(1) The paper copy shall be either a document that meets the requirements of the applicable Commission rules and regulations for paper filings or a paper printout of the electronic filing. If the copy being submitted is the paper printout of the electronic filing, the header information specified in the EDGAR Filer Manual shall be omitted or blanked out to ensure that confidential information contained in the header remains non-public.

(2) The paper copy shall be sent to the following address: OFIS Filer Support, SEC Operations Center, 6432 General Green Way, Alexandria, VA 22312–2413. The paper copy shall be received by the Commission no later than six business days after the electronic filing. The following legend shall be typed, printed or stamped in capital letters at the top of the cover page of the paper copy:

THIS PAPER DOCUMENT IS BEING SUBMITTED PURSUANT TO RULE 101(d) OF REGULATION S–T.

(3) Signatures are not required for paper format documents submitted pursuant to this paragraph (d).

15. By amending § 232.102 by revising the last sentence of paragraph (d) to read as follows:

§ 232.102 Exhibits.

* * * * *

(d) * * * Whenever an electronic confirming copy of an exhibit is filed pursuant to a hardship exemption (§ 232.201 or § 232.202(d)), the exhibit index should specify where the confirming electronic copy can be located; in addition, the designation ''CE'' (confirming electronic) should be placed next to the listed exhibit in the exhibit index.

* * * * *

16. By amending § 232.201 by designating the note following paragraph (b) as Note 1 and by adding Note 2 to read as follows:

§ 232.201 Temporary hardship exemption.

* * * * *

(b) * * *

Note 2. If the exemption relates to an exhibit only, the requirement to submit a confirming electronic copy shall be satisfied by refiling the exhibit in electronic format in an amendment to the filing to which it relates. The confirming copy tag should not be used. The amendment should note that the purpose of the amendment is to add an electronic copy of an exhibit previously filed in paper pursuant to a temporary hardship exemption.

17. By amending § 232.202 by revising paragraph (d) before the note, designating the note as Note 1 and adding Note 2 and Note 3 to read as follows:

§ 232.202 Continuing hardship exemption.

* * * * *

(d) If a continuing hardship exemption is granted for a limited time period, the grant may be conditioned upon the filing of the document or group of documents that is the subject of the exemption in electronic format upon the expiration of the period for which the exemption is granted. The electronic format version shall contain the following statement in capital letters at the top of the first page of the document:

THIS DOCUMENT IS A COPY OF THE (SPECIFY DOCUMENT) FILED ON (DATE) PURSUANT TO A RULE 202(d) CONTINUING HARDSHIP EXEMPTION.

* * * * *

NOTE 2. If the exemption relates to an exhibit only and a confirming electronic copy of the exhibit is required to be submitted, the exhibit should be refiled in electronic format in an amendment to the filing to which it relates. The confirming copy tag should not be used. The amendment should note that the purpose of the amendment is to add an electronic copy of an exhibit previously filed in paper pursuant to a continuing hardship exemption.

NOTE 3. Failure to submit a required confirming electronic copy of a paper filing made in reliance on a continuing hardship exemption granted pursuant to paragraph (d) of this section will result in ineligibility to use Forms S–2, S–3, S–8, F–2 and F–3 (*see*, §§ 239.12, 239.13, 239.16b, 239.32 and 239.33, respectively), restrict incorporation by reference of the document submitted in paper (*see* Rule 303 of Regulation S–T (§ 232.303), and toll certain time periods associated with tender offers (*see* Rule 13e–4(f)(12) (§ 240.13e–4(f)(12)) and Rule 14e–1(e) (§ 240.14e–1(e))).

18. By amending § 232.303 by revising paragraph (a)(2) and paragraph (b) to read as follows:

§ 232.303 Incorporation by reference.

(a) * * *

(2) Any document filed in paper pursuant to a hardship exemption for which a required confirming electronic copy has not been submitted.

* * * * *

(b) If any portion of the annual or quarterly report to security holders is incorporated by reference into any

electronic filing, such portion of the annual or quarterly report to security holders shall be filed in electronic format as an exhibit to the filing, as required by Item 601(b)(13) of Regulation S–K and Item 601(b)(13) of Regulation S–B. This requirement shall not apply to incorporation by reference by an investment company from an annual or quarterly report to security holders.

19. By amending § 232.304 by revising paragraph (b)(2) and paragraph (d), to read as follows:

§ 232.304 Graphic, image and audio material.

* * * * *

(b)(1) * * *

(2) Narrative descriptions, tabular representations or transcripts of graphic, image and audio material included in an electronic filing or appendix thereto also shall be deemed part of the filing. However, to the extent such descriptions, representations or transcripts represent a good faith effort to fairly and accurately describe omitted graphic, image or audio material, they shall not be subject to the liability and anti-fraud provisions of the federal securities laws.

* * * * *

(d) The performance graph that is to appear in registrant proxy and information statements relating to annual meetings of security holders (or special meetings or written consents in lieu of such meetings) at which directors will be elected, as required by Item 402(*l*) of Regulation S–K (§ 229.402(*l*) of this chapter), and the line graph that is to appear in registrant annual reports to security holders or prospectuses, as required by paragraph (b) of Item 5A of Form N–1A (§ 274.11A of this chapter), shall be furnished to the Commission in connection with an electronic filing by presenting the data in tabular or chart form within the electronic filing, in compliance with paragraph (a) of this section and the formatting requirements of the EDGAR Filer Manual.

20. By revising § 232.307 to read as follows:

§ 232.307 Bold face type.

Provisions requiring presentation of information in bold face type shall be satisfied in an electronic format document by presenting such information in capital letters.

21. By amending § 232.311 by adding paragraph (i) to read as follows:

§ 232.311 Documents submitted in paper under cover of Form SE.

* * * * *

(i) Computational materials filed as an exhibit to Form 8–K (§ 249.308) by issuers of an ''asset-backed security,'' as that term is defined in General Instruction I.B.5 of Form S–3 (§ 239.13 of this chapter).

22. By adding an undesignated heading and § 232.601, to read as follows:

FOREIGN PRIVATE ISSUERS AND FOREIGN GOVERNMENTS

§ 232.601 Foreign private issuers and foreign governments.

(a) Foreign private issuers and foreign governments shall not be subject to the mandated electronic filing requirements of this part 232, except that a document filed either jointly with, or with respect to, a registrant that is subject to mandated electronic filing shall be filed in electronic format. *See* Rule 100 of Regulation S–T (§ 232.100).

(b) Foreign private issuers and foreign governments may choose to file electronically any document not required to be so filed to the extent that an appropriate form type is available, as identified by the EDGAR Filer Manual.

(c) Notwithstanding any provision of this part 232, if a foreign private issuer engages in an exchange offer, merger or other business combination transaction with a domestic registrant and the foreign private issuer files a Securities Act registration statement with respect to the transaction, the registration statement and all other documents relating to the transaction may be filed in paper, provided that the domestic registrant will not be subject to the reporting requirements of the Exchange Act at the conclusion of the transaction.

§§ 232.901–232.903 And the Undesignated Heading [Removed and reserved]

23. By removing and reserving §§ 232.901, 232.902 and 232.903 and the undesignated heading ''Transition to Electronic Filing''.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

24. The authority citation for part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77sss, 78c, 78*l*, 78m, 78n, 78o(d), 78u–5, 78w(a), 78*ll*(d), 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t, 80a–8, 80a–29, 80a–30 and 80a–37, unless otherwise noted.

* * * * *

§ 239.12 [From S–2 amended]

25. By amending Form S–2 (referenced in § 239.12) by revising general instruction I.H.(1) to read as follows:

Note: The text of Form S–2 does not, and the amendment thereto will not, appear in the Code of Federal Regulations.

FORM S–2

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

GENERAL INSTRUCTIONS

* * * * *

I. Eligibility Requirements for Use of Form S–2

* * * * *

H. *Electronic filings.* * * *

(1) all required electronic filings, including confirming electronic copies of documents submitted in paper pursuant to a hardship exemption as provided by Rule 201 or Rule 202(d) of Regulation S–T (§ 232.201 or § 232.202(d) of this chapter); and,

* * * * *

§ 239.13 [Form S–3 amended]

26. By amending Form S–3 (referenced in § 239.13) by revising general instruction I.A.8.(1) to read as follows:

Note: The text of Form S–3 does not, and the amendment thereto will not, appear in the Code of Federal Regulations.

FORM S–3

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

GENERAL INSTRUCTIONS

* * * * *

I. Eligibility Requirements for Use of Form S–3

* * * * *

A. *Registrant Requirements.* * * *

8. *Electronic filings.* * * *

(1) all required electronic filings, including confirming electronic copies of documents submitted in paper pursuant to a hardship exemption as provided by Rule 201 or Rule 202(d) of Regulation S–T (§ 232.201 or § 232.202(d) of this chapter); and,

* * * * *

§ 239.166 [Form S–8 amended]

27. By amending Form S–8 (referenced in § 239.16b) by revising general instruction A.3.(1) to read as follows:

Note: The text of Form S–8 does not, and the amendment thereto will not, appear in the Code of Federal Regulations.

FORM S–8

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

A. Rule as to Use of Form S–8. * * *

3. *Electronic filings.* * * *

(1) all required electronic filings, including confirming electronic copies of documents submitted in paper pursuant to a hardship exemption as provided by Rule 201 or Rule 202(d) of Regulation S–T (§ 232.201 or § 232.202(d) of this chapter); and,

§ 239.32 [Form F–2 amended]

28. By amending Form F–2 (referenced in § 239.32) by revising general instruction I.H to read as follows:

Note: The text of Form F–2 does not, and the amendment thereto will not, appear in the Code of Federal Regulations.

FORM F–2

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

A. Eligibility Requirements for Use of Form F–2. * * *

H. *Electronic filings.* In addition to satisfying the foregoing conditions, a registrant subject to the electronic filing requirements of Rule 101 of Regulation S–T (§§ 232.101 of this chapter) shall have filed with the Commission all required electronic filings, including confirming electronic copies of documents submitted in paper pursuant to a hardship exemption as provided by Rule 201 or Rule 202(d) of Regulation S–T (§ 232.201 or § 232.202(d) of this chapter).

* * * * *

§ 239.33 [Form F–3 amended]

29. By amending Form F–3 (referenced in § 239.33) by revising general instruction I.A.6 to read as follows:

Note: The text of Form F–3 does not, and the amendment thereto will not, appear in the Code of Federal Regulations.

FORM F–3

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

I. Eligibility Requirements for Use of Form F–3 * * *

A. *Registrant requirements* * * *

6. *Electronic filings.* In addition to satisfying the foregoing conditions, a registrant subject to the electronic filing requirements of Rule 101 of Regulation S–T (§§ 232.101 of this chapter) shall have filed with the Commission all required electronic filings, including confirming electronic copies of documents submitted in paper pursuant to a hardship exemption as provided by Rule 201 or Rule 202(d) of Regulation S–T (§ 232.201 or § 232.202(d) of this chapter).

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

30. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

31. By amending § 240.0–1 by revising paragraph (a)(5) to read as follows:

§ 240.0–1 Definitions.

(a) * * *

(5) The term *electronic filer* means a person or an entity that submits filings electronically pursuant to Rules 100 and 101 of Regulation S–T (§§ 232.100 and 232.101 of this chapter, respectively).

* * * * *

32. By amending § 240.13d–2 by revising paragraph (c) to read as follows:

§ 240.13d–2 Filing of amendment to Schedule 13D or 13G.

* * * * *

(c) The first electronic amendment to a paper format Schedule 13D (§ 240.13d–101 of this chapter) or Schedule 13G (§ 240.13d–102 of this chapter) shall restate the entire text of the Schedule 13D or 13G, but previously filed paper exhibits to such Schedules are not required to be restated electronically. *See* Rule 102 of Regulation S–T (§ 232.102 of this chapter) regarding amendments to exhibits previously filed in paper format. Notwithstanding the foregoing, if the sole purpose of filing the first electronic Schedule 13D or 13G amendment is to report a change in beneficial ownership that would terminate the filer's obligation to report, the amendment need not include a restatement of the entire text of the Schedule being amended.

* * * * *

33. By amending § 240.13–4 by revising the last sentence of paragraph (f)(12) to read as follows:

§ 240.13e–4 Tender offers by issuers.

* * * * *

(f) * * *

(12) * * * If such documents were filed in paper pursuant to a hardship exemption (*see* § 232.201 and § 232.202 of this chapter), the minimum offering periods shall be tolled for any period during which a required confirming electronic copy of such Schedule and tender offer material is delinquent.

* * * * *

34. By amending § 240.14a–101 by adding a sentence to the end of Note D.4. after the cover page to read as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

SCHEDULE 14A INFORMATION:

* * * * *

Notes:

* * * * *

D. * * *

4. *Electronic Filings.* * * * This provision shall not apply to registered investment companies.

* * * * *

35. By amending § 240.14e–1 by revising paragraph (e) to read as follows:

§ 240.14e–1 Unlawful tender offer practices.

* * * * *

(e) The periods of time required by paragraphs (a) and (b) of this section shall be tolled for any period during which the bidder has failed to file in electronic format, absent a hardship exemption (§§ 232.201 and 232.202 of this chapter), the Schedule 14D–1 Tender Offer Statement (§ 240.14d–100 of this chapter), any tender offer material specified in paragraph (a) of Item 11 of that Schedule, and any amendments thereto. If such documents were filed in paper pursuant to a hardship exemption (*see* § 232.201 and § 232.202(d) of this chapter), the minimum offering periods shall be tolled for any period during which a required confirming electronic copy of such Schedule and tender offer material is delinquent.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

36. The authority citation for Part 260 continues to read as follows:

Authority: 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, 78*ll*(d), 80b–3, 80b–4, and 80b–11.

37. By amending § 260.0–2 by revising paragraph (g) to read as follows:

§ 260.0–2 Definitions of terms used in the rules and regulations.

* * * * *

(g) *Electronic filer.* The term *electronic filer* means a person or an entity that submits filings electronically pursuant to Rules 100 and 101 of Regulation S–T (§§ 232.100 and 232.101 of this chapter, respectively).

* * * * *

Dated: July 1, 1997.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17660 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled

CFR Correction

In title 20 of the Code of Federal Regulations, parts 400 to 499, revised as of Apr. 1, 1997, on pages 795 and 796, in § 416.994a, paragraphs (e)(1) and (f)(4) were incorrectly amended. The correct texts of the paragraphs read as follows:

§ 416.994a How we will determine whether your disability continues or ends, and whether you are and have been receiving treatment that is medically necessary and available, disabled children.

* * * * *

(e) * * *

(1) *Substantial evidence shows that, based on new or improved diagnostic techniques or evaluations, your impairment(s) is not as disabling as it was considered to be at the time of the most recent favorable decision.* Changing methodologies and advances in medical and other diagnostic techniques or evaluations have given rise to, and will continue to give rise to, improved methods for determining the causes of (i.e., diagnosing) and measuring and documenting the effects of various impairment on children and their functioning. Where, by such new or improved methods, substantial evidence shows that your impairment(s) is not as severe as was determined at the time of our most recent favorable decision, such evidence may serve as a basis for a finding that you are no longer disabled, provided that you do not currently have an impairment(s) that meets or equals the severity of any listed impairment, and therefore results in marked and severe functional limitations. In order to be used under this exception, however, the new or improved techniques must have become generally available after the date of our most recent favorable decision.

(i) *How we will determine which methods are new or improved techniques and when they become generally available.* New or improved diagnostic techniques or evaluations will come to our attention by several methods. In reviewing cases, we often become aware of new techniques when their results are presented as evidence. Such techniques and evaluations are also discussed and acknowledged in medical literature by medical professional groups and other governmental entities. Through these sources, we develop listings of new techniques and when they become generally available. For example, we will consult the Health Care Financing Administration for its experience regarding when a technique is recognized for payment under Medicare and when they began paying for the technique.

(ii) *How you will know which methods are new or improved techniques and when they become generally available.* We will let you know which methods we consider to be new or improved techniques and when they become available through two vehicles.

(A) Some of the future changes in the Listing of Impairments in appendix 1 of subpart P of part 404 of this chapter will be based on new or improved diagnostic or evaluative techniques. Such listings changes will clearly state this fact as they are published as Notices of Proposed Rulemaking and the new or improved technique will be considered generally available as of the date of the final publication of that particular listing in the **Federal Register.**

(B) From time to time, we will publish in the **Federal Register** cumulative lists of new or approved diagnostic techniques or evaluations that have been in use since 1970, how they changed the evaluation of the applicable impairment and the month and year they became generally available. We will include any changes in the Listing of Impairments published in the Code of Federal Regulations since 1970 that are reflective of new or improved techniques. We will not process any cases under this exception using a new or improved diagnostic technique that we have not included in a published notice until we have published an updated cumulative list. The period between publications will be determined by the volume of changes needed.

* * * * *

(f) * * *

(4) *You fail to follow prescribed treatment which would be expected to improve your impairment(s) so that it no longer results in marked and severe functional limitations.* If treatment has been prescribed for you which would be expected to improve your impairment(s) so that it no longer results in marked and severe functional limitations, you must follow that treatment in order to be paid benefits. If you are not following that treatment and you do not have good cause for failing to follow that treatment, we will find that your disability has ended (see § 416.930(c)). The month your disability ends will be the first month in which you failed to follow the prescribed treatment.

[FR Doc. 97–55504 Filed 7–7–97; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 165

Beverages

CFR Correction

In title 21 of the Code of Federal Regulations, parts 100 to 169, revised as of Apr. 1, 1997, on page 508, in § 165.110, in the table in paragraph (b)(4)(i)(A) the entries for ''Sulfate'' and ''Endrin'' should be removed.

[FR Doc. 97–55505 Filed 7–7–97; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[IN 74–3; FRL–5854–4]

Approval of Section 112(l) Program of Delegation; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a request for delegation of the Federal air toxics program contained within 40 CFR parts 61 and 63 pursuant to section 112(l) of the Clean Air Act (CAA) of 1990. The State's mechanism of delegation involves State rule adoption of all existing and future section 112 standards unchanged from the Federal standards. The actual delegation of authority of individual standards will be in the form of a letter from EPA to the Indiana Department of Environmental Management (IDEM). This request for approval of a mechanism of delegation encompasses all sources not covered by the Part 70 program.

DATES: This action will become effective August 7, 1997.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR–18J, Chicago, Illinois, 60604. Please contact Sam Portanova at (312) 886–3189 to

arrange a time if inspection of the submittal is desired.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, EPA Region 5, AR–18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886–3189.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 112(l) of the CAA enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program. The Federal air toxics program implements the requirements found in section 112 of the CAA pertaining to the regulation of hazardous air pollutants. Approval of an air toxics program is granted by the EPA if the Agency finds that the State program: (1) is ''no less stringent'' than the corresponding Federal program or rule, (2) the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance. Once approval is granted, the air toxics program can be implemented and enforced by State or local agencies, as well as EPA. Implementation by local agencies is dependent upon appropriate subdelegation.

On February 7, 1996, Indiana submitted to EPA a request for delegation of authority to implement and enforce the air toxics program under section 112 of the CAA. On February 29, 1996, EPA found the State's submittal complete. In this notice EPA is taking final action to approve the program of delegation for Indiana.

EPA published a direct final rule approving Indiana's request for delegation of authority to implement and enforce the air toxics program under section 112 in the April 1, 1997, **Federal Register** (62 FR 15404). EPA also published a proposed approval of Indiana's request in the April 1, 1997, **Federal Register** (62 FR 15453). In the event that EPA received adverse comments, it would withdraw the direct final rule and publish a final action based on the proposed rule. EPA received a public comment on this action on April 30, 1997. As a result of that public comment, the April 1, 1997, direct final rule will be removed. In this document, EPA addresses the public comment and takes final action to approve Indiana's request for delegation of authority to implement and enforce the air toxics program under section 112. This action is based on the April 1, 1997, proposed rule (62 FR 15453).

II. Review of State Submittal

A. Program Summary

Requirements for approval, specified in section 112(l)(5), require that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. These requirements are also requirements for an adequate operating permits program under Part 70 (40 CFR 70.4). On November 14, 1995, EPA promulgated a final interim approval under Part 70 of the State of Indiana's Operating Permit Program. The notice included the approval of a mechanism for delegation of all section 112 standards for sources subject to the Part 70 program. Sources subject to the Part 70 program are those sources that are operating pursuant to a Part 70 permit issued by the State, local agency, or EPA. Sources not subject to the Part 70 program are those sources that are not required to obtain a Part 70 permit from either the State, local agency, or EPA. This action supplements the Part 70 rulemaking in that Indiana will have the authority to implement and enforce the section 112 air toxics program regardless of a source's Part 70 applicability. The Indiana program of delegation for sources not subject to Part 70 will not include delegation of section 112(r) authority or section 112(i)(5) Early Reductions Program authority.

As stated above, this notice constitutes EPA's approval of Indiana's program of delegation of all existing and future air toxics standards, except for section 112(r) standards as they pertain to non-Part 70 sources. This delegation is for State rule adoption of all existing and future section 112 standards unchanged from the Federal standards delegation. Indiana intends to seek such delegation for all section 112 standards with the exception of section 112(r). The Indiana program of delegation will operate as follows:

1. For existing section 112 standards, IDEM has submitted a schedule for their adoption into the State regulations.

2. For a future section 112 standard for which IDEM intends to accept delegation, EPA will automatically delegate the authority to implement a standard to the State by letter unless IDEM notifies EPA differently within 45 days of EPA final promulgation of the standard. Upon receipt of the EPA letter, the State will be responsible for the implementation of the standard. Some activities necessary for effective implementation of the standard include receipt of initial notifications, recordkeeping, reporting and generally assuring that sources subject to the standard are aware of its existence.

3. IDEM will adopt the standard unchanged from the Federal standard into the State regulations as expeditiously as practicable. Indiana Code (IC) 13–7–7–5 requires IDEM to adopt such standards within 9 months of the effective date of the Federal standard.

4. Upon completion of regulatory action, IDEM will submit to EPA proof of rule adoption.

5. EPA will respond with a letter delegating enforcement authority to the State. EPA will enforce the standard until such time the State has been delegated the enforcement authority.

Indiana will assume responsibility for the timely implementation and enforcement required by the standard, as well as any further activities agreed to by IDEM and EPA. When deemed appropriate, IDEM will utilize the resources of its Small Business Assistance Program to assist in general program implementation.

B. Criteria for Approval

On November 26, 1993, EPA promulgated regulations to provide guidance relating to the approval of State programs under section 112(l) of the CAA. 58 FR 62262. That rulemaking outlined the requirements of approval with respect to various delegation options. The requirements for approval, pursuant to section 112(l)(5) of the CAA, of a program to implement and enforce Federal section 112 rules as promulgated without changes are found at 40 CFR 63.91. Any request for approval must meet all section 112(l) approval criteria, as well as all approval criteria of 40 CFR 63.91. A more detailed analysis of the State's submittal pursuant to 40 CFR 63.91 is contained in the Technical Support Document included in the docket of this rulemaking.

Under section 112(l) of the CAA, approval of a State program is granted by the EPA if the Agency finds that it: (1) is ''no less stringent'' than the corresponding Federal program, (2) that the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance.

C. Analysis

EPA is approving Indiana's mechanism of delegation because the State's submittal meets all requirements necessary for approval under section 112(l). The first requirement is that the program be no less stringent than the Federal program. The Indiana program is no less stringent than the

corresponding Federal program or rule because the State has requested delegation of all standards unchanged from the Federal standards.

Second, the State has shown that it has adequate authority and resources to implement the program. The Indiana Air Pollution Control Board has statutory authority to adopt rules necessary to implement the Federal Clean Air Act, as amended by the Clean Air Act Amendments of 1990. IC 13–1–1–4. This authority includes the ability to adopt federal section 112 rules as promulgated without change. Indiana has adopted several existing section 112 rules, is in the process of adopting the remaining existing section 112 rules, and commits to the expeditious adoption of future section 112 rules. Adequate resources will be obtained through section 105 grant monies awarded to States by EPA, through State matching funds, and through any monies from the State's Title V program that can be used to fund acceptable Title V activities with respect to these non-Part 70 sources.

Third, upon promulgation of a standard, Indiana will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirement, education and outreach to affected sources, and providing assistance to sources in completing and submitting initial notifications. Indiana has already conducted such activities for several section 112 standards. In addition, Indiana is committed to adopting section 112 standards into the State regulations within 9 months of Federal promulgation. This schedule is sufficiently expeditious for approval.

Fourth, nothing in the Indiana program for delegation is contrary to Federal guidance.

D. Determinations.

In approving this delegation, EPA expects that the State will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the Clean Air Act or 40 CFR part 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by EPA determinations or guidance.

III. Response to Public Comment

The EPA received one comment on the April 1, 1997, **Federal Register** notice. RSR Corporation (RSR) submitted comments on behalf of its wholly owned subsidiary Quemetco, Incorporated. RSR commented that ''EPA has stated its intent to issue substantial revisions to the secondary lead NESHAP provisions.'' RSR expressed concern that IDEM could adopt unchanged federal regulations that ''are or will be obsolete'' and urged EPA to delay implementation of the delegation of the NESHAP for secondary lead smelters until EPA has promulgated final revisions to the secondary lead NESHAP.

EPA's approval of the delegation of authority to implement and enforce the air toxics program under section 112 only provides a mechanism for the State to accept delegation of authority to implement NESHAPs. State implementation of a particular NESHAP would not occur until Indiana adopts the standard into the State rule. Therefore, approval of the delegation of authority under 112(l) would not cause the State to receive automatic delegation of a standard. In addition, the delegation of authority under section 112(l) for Title V sources was established as part of the Indiana Title V program interim approval rulemaking (60 FR 57188). As a major source, Quemetco will be subject to the Title V program and, thus, Indiana already has delegation of authority under section 112(l) for this source. EPA's approval of this delegation need not be delayed in order to prevent the State implementation of the secondary lead NESHAP.

Furthermore, delegation of authority under section 112(l) and subsequent adoption of the State rule only transfers authority to implement and enforce a NESHAP from the EPA to the State. Until this action occurs, the NESHAP is implemented and enforced by EPA and sources are subject to all requirements of the Federally-promulgated standard.

RSR also requested that EPA ''establish the secondary lead NESHAP as the lead standard for use in attainment areas in the country.'' ''To promote consistency and environmental protection, RSR requests that EPA determine that the secondary lead NESHAP should replace existing, scattered lead emission standards in attainment areas.'' Since this action only addresses the delegation of authority to implement and enforce the air toxics program under section 112 to the State of Indiana, it will not address the issue of establishing lead standards in attainment areas nationwide.

RSR requests that, in this delegation, EPA ''direct Indiana to use the NESHAP to replace the standard for Quemetco in Marion County because those standards were developed in a piecemeal, fragmented fashion.'' This action only addresses delegation of authority under 112(l) and not State implementation plan rules which have been adopted by Indiana. Therefore, EPA will not address Indiana's regulatory actions for the State implementation plan in this rulemaking. Moreover, the CAA gives States the authority and primary responsibility to develop rules to address nonattainment areas within their borders. In a given case, a State may determine it is necessary to adopt or maintain requirements different from those contained in the nationally applicable rules.

IV. Final Action

The EPA is promulgating final approval of the February 7, 1996, request by the State of Indiana for delegation of section 112 standards unchanged from Federal standards because the request meets all requirements of 40 CFR 63.91 and section 112(l) of the CAA. Upon the effective date of this rule, all existing section 112 standards which have been adopted unchanged into the State rules are delegated to the State of Indiana. Future delegation of the section 112 standards to the State will occur upon EPA's promulgation of the standard according to the procedures outlined earlier in this rule.

Upon the effective date of this action, all notifications, reports and other correspondence required under section 112 standards should be sent to the State of Indiana rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206–6015.

In this action, EPA approves the delegation of the Federal air toxics program pursuant to section 112(l) of the CAA. EPA published a proposed approval of this delegation on April 1, 1997, and is granting final approval with this rulemaking. The final approval shall be effective on August 7, 1997.

Copies of the State's submittal and other information relied upon for the final approval of the requested delegation are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to the State's delegated air toxics program. EPA shall consider each request for revision to the

State's delegated air toxics program in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility

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.

Delegation of pre-existing Federal requirements under section 112 of the CAA does not create any new requirements, but simply allows the State to enforce Federal requirements that have been or will be separately promulgated. Therefore, because this Federal delegation 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 the State action. The CAA forbids EPA to base its actions concerning State plans on such grounds. *Union Electric Co.* v. *EPA.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rule that include a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. This Federal action approves delegation of pre-existing Federal requirements to the State. No new Federal requirements are imposed. Accordingly, no additional costs to local or tribal governments, or the private sector, result from this action. EPA believes that the cost of any additional authority voluntarily undertaken by the State will be less than $100 million.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 8, 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 63

Environmental Protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671(q).

Dated: June 26, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–17737 Filed 7–7–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 88–57; FCC 97–209]

Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On June 17, 1997, the Commission released an Order on Reconsideration and Second Report and Order amending several rules concerning connection of inside wiring to the telephone network. The Order on Reconsideration and Second Report and Order is intended to clarify our demarcation point definition and other rules in part 68.

EFFECTIVE DATE: August 7, 1997.

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

FOR FURTHER INFORMATION CONTACT: Bill von Alven, Senior Engineer (202) 418–2342, or Marian Gordon, Special Counsel, Network Services Division, Common Carrier Bureau, (202) 418–2337.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Order on Reconsideration and Second Report and Order in the matter of Review of §§ 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification of § 68.213 of the Commission's Rules filed by the Electronic Industries Association, FCC 97–209, adopted June 12, 1997, and released June 17, 1997. The Commission concurrently released a Second Further Notice of Proposed Rulemaking in the same docket. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington, D.C. or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857–3800.

Analysis of Proceeding

1. In the Order on Reconsideration, and Second Report and Order, the Commission clarifies its demarcation point definition and addresses other part 68 rules regarding inside wiring. The Commission finds that, because there may be factors such as physical

conditions or safety considerations which make it difficult to place the demarcation point within twelve inches of the point at which the wiring enters a customer's premises, the demarcation point may be located within twelve inches of the customer's premise ''or as near thereto as practicable.'' The Commission also clarifies that only major additions or rearrangements of existing inside wiring are considered new installations under its rules. To address the concern that customers working on wiring outside their own individual unit in a multiunit building could pose risk of harm, the Commission concludes that in the case of multiunit premises, the premises owner may prohibit tenants from working on wiring located outside of the tenant's individual unit or on wiring that serves other customers. The Commission states that it did not intend that carriers establish new operating procedures to govern multiunit buildings existing on August 13, 1990 that would automatically relocate those buildings' demarcation points, and clarifies that the standard operating practices are those practices in effect on August 13, 1990. Thus, our rules do not authorize changing the demarcation point for an existing building to the minimum point of entry. The Commission also requires telephone companies to give building owners, upon request, all available information regarding the wiring layout of their buildings including copies of existing schematic diagrams and service records. It also adopted a standard for determining whether a material meets the requirements for gold or gold equivalence under our rules. The Commission determined that customers may connect simple wiring installations of up to four access lines to the telephone network. It finds that this change will increase consumer options without presenting a significant risk of harm to the network. It also amends the definition of non-system premises wiring to state that such wiring includes wiring installations of up to four access lines.

2. It is ordered that, pursuant to sections 1, 4, 201–205, 218, 220, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201–205, 218, 220 and 405, and 5 U.S.C. §§ 552 and 553, the Order on Reconsideration and Second Report and Order is adopted.

3. It is further ordered that the rule amendments set forth herein are effective on August 7, 1997. The collection of information contained within is contingent upon approval by the Office of Management and Budget.

List of Subjects in 47 CFR Part 68

Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Accordingly part 68 of title 47 is amended as follows:

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for part 68 continues to read as follows:

Authority: Secs. 1, 4, 5, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

2. Section 68.3 is amended by revising paragraphs (a) and (b) of the demarcation point definition, and by revising the introductory paragraph for the definition of non-system premises wiring, to read as follows:

§ 68.3 Definitions.

* * * * *

Demarcation point: * * *

(a) *Single unit installations.* For single unit installations existing as of August 13, 1990, and installations installed after that date the demarcation point shall be a point within 30 cm (12 in) of the protector or, where there is no protector, within 30 cm (12 in) of where the telephone wire enters the customer's premises, or as close thereto as practicable.

(b) *Multiunit installations.* (1) In multiunit premises existing as of August 13, 1990, the demarcation point shall be determined in accordance with the local carrier's reasonable and non-discriminatory standard operating practices. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises, or as close thereto as practicable.

(2) In multiunit premises in which wiring is installed after August 13, 1990, including major additions or rearrangements of wiring existing prior to that date, the telephone company may establish a reasonable and nondiscriminatory practice of placing the demarcation point at the minimum point of entry. If the telephone company does not elect to establish a practice of placing the demarcation point at the minimum point of entry, the multiunit premises owner shall determine the location of the demarcation point or points. The multiunit premises owner shall determine whether there shall be a single demarcation point location for all customers or separate such locations for each customer. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point 30 cm (12 in) from where the wiring enters the customer's premises, or as close thereto as practicable.

(3) In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit that serves only that particular customer.

* * * * *

Non-system premises wiring: Wiring that is used with up to four-line business and residence services, located at the subscriber's premises.

* * * * *

3. Section 68.110 is amended by adding a new paragraph (c) to read as follows:

§ 68.110 Compatibility of the telephone network and terminal equipment.

* * * * *

(c) *Availability of inside wiring information.* Any available technical information concerning wiring on the customer side of the demarcation point, including copies of existing schematic diagrams and service records, shall be provided by the telephone company upon request of the building owner or agent thereof. The telephone company may charge the building owner a reasonable fee for this service, which shall not exceed the cost involved in locating and copying the documents. In the alternative, the telephone company may make these documents available for review and copying by the building owner. In this case, the telephone company may charge a reasonable fee, which shall not exceed the cost involved in making the documents available, and may also require the building owner to pay a deposit to guarantee the documents' return.

4. Section 68.213 is amended by revising paragraphs (a) and (b), to read as follows:

§ 68.213 Installation of other than ''fully protected'' non-system simple customer premises wiring.

(a) *Scope of this rule.* Provisions of this rule apply only to ''unprotected'' premises wiring used with simple

installations of wiring for up to four line residential and business telephone service. More complex installations of wiring for multiple line services, for use with systems such as PBX and key telephone systems, are controlled by § 68.215 of these rules.

(b) *Wiring authorized*. Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to carrier-installed facilities if installed in accordance with these rules. The telephone company is not responsible, except pursuant to agreement between it and the customer or undertakings by it, otherwise consistent with Commission requirements, for installation and maintenance of wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier. The subscriber and/or premises owner may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring that may have been installed by the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the telephone company-installed protector. All plugs and jacks used in connection with inside wiring shall conform to subpart F of this part. In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit wiring that serves only that particular customer. *See* Demarcation point definition, § 68.3(b)(3). The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the telephone company-installed protector. All plugs and jacks used in connection with inside wiring shall conform to subpart F of this part.

* * * * *

5. Section 68.215 is amended by revising the subject heading to read as follows:

§ 68.215 Installation of other than ''fully protected'' system premises wiring that serves more than four subscriber access lines.

* * * * *

6. Section 68.500 is amended by adding a new sentence at the end of the introductory paragraph, and prior to the specifications for a 6-position plug, to read as follows:

§ 68.500 Specifications.

General. * * * For the purposes of this section, hard gold and contact performance equivalent to gold shall be determined in accordance with the standards detailed in Appendix H of TIA Telecommunications Systems Bulletin No. 31 Part 68 Rationale and Measurement Guidelines (TSB.31), prepared by EIA/TIA TR–41 Committee on Telephone Terminals (1992). This publication may be obtained by contacting Global Engineering Documents, 7730 Carondelet Avenue, Suite # 407, St. Louis, Missouri, 63105. (Telephone number 1–800–854–7179).

* * * * *

[FR Doc. 97–17713 Filed 7–7–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket No. PS–151; Notice 1]

RIN 2137–AC91

Liquefied Natural Gas Regulations; Miscellaneous Amendments

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Confirmation of effective date; and partial removal of direct final rule.

SUMMARY: This document confirms the effective date of the amendments of the direct final rule which updated the Liquefied Natural Gas (LNG) regulations by replacing the current ''Flammable vapor-gas dispersion protection'' method with a method based on the ''dense gas dispersion (DEGADIS)'' model, and replacing the current ''Thermal radiation protection'' method with a method based on the ''LNGFIRE'' program model. This document removes the section of the direct final rule that incorporated safety requirements for mobile and temporary LNG facilities by referencing National Fire Protection Association (NFPA) Standard 59A (1996 edition), Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG).

EFFECTIVE DATES: This document confirms June 25, 1997, as the effective date of the amendments to § 193.2057, § 193.2059 and Appendix A to Part 193 published on February 25, 1997, at 62 FR 8402. The approval of the incorporation by reference of certain publications listed in those amendments remains June 25, 1997. This document also removes § 193.2019 effective June 25, 1997.

FOR FURTHER INFORMATION CONTACT: Mike Israni, telephone: (202) 366–4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or the Dockets Unit (202) 366–5046, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 1997, RSPA published a direct final rule (62 FR 8402) titled ''Liquefied Natural Gas Regulations—Miscellaneous Amendments.'' In that rule, RSPA stated that if no adverse comments were received by April 28, 1997, it would publish a confirmation notice within 30 days, and if an adverse comment was received, RSPA would issue a document to confirm that fact and would withdraw the direct final rule in whole or in part. The rule also stated that RSPA might then incorporate the adverse comment(s) into a subsequent direct final rule or might publish a notice of proposed rulemaking.

RSPA received two comments on Section 193.2019, Mobile and temporary LNG facilities, in the direct final rule. One comment was from the industry and a second was from an individual employed by a state utility commission. The industry comment, from the largest independent natural gas distribution company in New England, applauded RSPA's incorporation by reference of the safety requirements for mobile and temporary LNG facilities contained in standard NFPA 59A. The commenter from the state utility commission expressed concern over adopting the NFPA standard 59A by reference for the mobile and temporary LNG facilities. Details of this comment will be discussed in a subsequent direct final rule.

RSPA did not receive any comments relative to the direct final rule provisions for Section 193.2057, Thermal radiation protection, and Section 193.2059, Flammable vapor-gas dispersion protection, in the direct final rule. Therefore, this document confirms that the changes to Sections 193.2057 and 193.2059 in the direct final rule will become effective on June 25, 1997.

List of Subjects in 49 CFR Part 193

Fire prevention, Pipeline safety, Reporting and recordkeeping requirements, Security measures.

In consideration of the foregoing, RSPA amends Part 193 of title 49 of the Code of Federal Regulations as follows:

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60103, 60104, 60108, 60109, 60111, 60112, 60118; and 49 CFR 1.53.

§ 193.2019 [Removed]

2. Section 193.2019 is removed.

Issued in Washington, D.C. on June 25, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97–17171 Filed 7–7–97; 8:45 am]

BILLING CODE 4910–60–P

Proposed Rules

Federal Register
Vol. 62, No. 130
Tuesday, July 8, 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

Rural Housing Service

Rural Business—Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1944

RIN 0575–AB93

Processing Requests for Section 515 Rural Rental Housing (RRH) Loans, Exhibit A–8; Reopening of Comment Period

AGENCIES: Rural Housing Service, Rural Business—Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Reopening of comment period on proposed rule.

SUMMARY: The Rural Housing Service (RHS) is reopening the comment period for proposed revisions to Exhibit A–8, Outline of A Professional Market Study, of the Section 515 RRH loans regulation. The proposed revisions were published in the **Federal Register** on January 17, 1996 (61 FR 1153).

DATES: Written comments must be received on or before August 7, 1997.

ADDRESSES: Written comments may be submitted, *in duplicate*, to the Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Stop 0743, 1400 Independence Avenue SW, Washington, D.C. 20250. Comments may be submitted via the Internet by addressing them to ''comments@rus.usda.gov'' and must contain the word ''market'' in the subject. All written comments will be available for public inspection at the above address during normal working hours.

FOR FURTHER INFORMATION CONTACT: Linda Armour, Senior Loan Specialist, Multi-Family Housing Processing Division, RHS, U.S. Department of Agriculture, Room 5349—South Building, Stop 0781, Washington, D.C. 20250, telephone (202) 720–1608.

SUPPLEMENTARY INFORMATION:

Background

On January 17, 1996, the Rural Housing Service published a proposed rule in the **Federal Register** (61 FR 1153), which included proposed changes to Exhibit A–8, Outline of a Professional Market Study, of 7 CFR part 1944, subpart E. The final rule, which was subsequently published in the **Federal Register** on May 7, 1997 (62 FR 25071) did not include any of the proposed revisions to Exhibit A–8 for the reasons discussed later in this document. The final rule advised that the comment period would be reopened in a separate rulemaking document for the proposed revisions to Exhibit A–8 only.

The proposed rule invited comments on the merits of changing the manner of calculating market demand in Exhibit A–8, Outline of a Professional Market Study. The current method of determining the number of units needed is based on an estimate of the change in income-eligible renter households since the last census (projected for 2 years from the date of the study), plus 20 percent of renter households living in substandard housing and 20 percent of rent-overburdened households, minus units being developed or in the planning stages. The method presented in the proposed rule estimates the total current number of income-eligible households, minus the current stock of available comparable rental units and units being developed or planned. Only 2 commentors addressed this proposed change; one supported the change, the other opposed it.

Since only 2 comments were received and because the opinions were divided, we feel this issue merits further consideration. We believe there are benefits to both of the methods discussed above. In addition, a third important indicator of demand is found by analyzing existing rental stock based on the number of single-family, mobile home, and multi-family rentals, a survey of existing multi-family rentals with their rent structure, current vacancy rates by unit size, length of rent-up, and the extent of waiting and inquiry lists. Therefore, we are considering an option whereby estimates of demand would be provided using all three methods; the recommended number of units would be based on the smaller number unless justification for a higher number could be demonstrated. We are inviting comments from all interested parties on these proposed changes.

Dated: June 30, 1997.

Ronnie O. Tharrington,

Acting Administrator, Rural Housing Service.

[FR Doc. 97–17688 Filed 7–7–97; 8:45 am]

BILLING CODE 3410–XV–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR PARTS 232, 240, and 249

[Release Nos. 34–38800; IC–22731. File No. S7–18–97]

RIN 3235–AG97

Rulemaking for EDGAR System

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Securities and Exchange Commission (''Commission'') is proposing to require electronic filing of Form 13F by institutional investment managers via the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. The proposal would require filings of Form 13F to be made by either direct transmission, magnetic tape, or diskette. Under this proposal, these reports would be filed electronically and have the same degree of availability to the public as other Commission electronic filings.

DATES: Comments must be submitted on or before August 7, 1997.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File No. S7–18–97; this file number should be included in the subject line if E-mail is used. Comment letters will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will also be posted on the Commission's Internet Web Site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Anthony A. Vertuno, Senior Special Counsel, or Ruth Armfield Sanders, Senior Counsel, Division of Investment Management, at (202) 942–0591 or (202) 942–0633.

SUPPLEMENTARY INFORMATION: The Commission requests public comment on a proposal to require mandatory electronic filing of Form 13F [1] by institutional investment managers in accordance with the Commission's rules implementing the EDGAR system.[2] The changes, if adopted, will affect Regulation S–T; rules 13f–1 and 13f–2 [3] under the Securities Exchange Act of 1934 (''Exchange Act''); [4] and Forms 13F and 13F–E [5] under the Exchange Act.

I. Background and Proposed Amendments

In February 1993, the Commission adopted Regulation S–T, governing mandatory electronic filing, and a number of amendments to its rules, schedules and forms, to implement the EDGAR system and require registrants whose filings are processed by the Division of Corporation Finance and the Division of Investment Management to make most of their submissions electronically. A graduated phase-in process to mandatory electronic filing began on April 26, 1993, and ended on May 6, 1996, when all filers not previously phased in became subject to mandatory electronic filing.

The Commission has gained substantial experience with the EDGAR system and its implementing regulations since the first mandated filings were made in April 1993 and has determined that it should proceed with mandatory electronic filing of Form 13F. The public interest in having these reports, along with other filings, available electronically has increased, and the Commission believes these reports should have the same degree of availability as other Commission filings. The specific proposal is set forth below.

A. General

Form 13F reports are filed by institutional investment managers to report certain equity securities holdings of their managed accounts.[6] During phase-in to mandatory electronic filing, filers have not been required to file Form 13F reports electronically. Currently, Form 13F reports can be filed electronically on Form 13F–E, the electronic version of Form 13F, on a voluntary basis.[7] Now that filer phase-in has been completed, the Commission proposes to make electronic filing of Form 13F mandatory.

Unlike other EDGAR submissions, which can be prepared and filed as ''free text'' documents, Form 13F–E must be prepared as a structured file with a position-sensitive layout of data records.[8] To help ensure that filers used the specified structure, the Commission requires Form 13F–E to be submitted by magnetic tape. Form 13F–E reports consist of large numbers of similar data records, and magnetic tape filings provide an efficient means of standardizing the filing format and facilitating automated and accurate transfer and tabulation of the reported data.[9] However, only about five percent of the approximately 1800 filers of Form 13F choose to file the form electronically on Form 13F–E.

The standardized format is also used by EDGAR, which performs some pre-dissemination processing of the filings. Successful pre-dissemination processing [10] depends directly on the filer's compliance with the format requirements for the form.

Electronic filing of reports on Form 13F–E is optional under the current EDGAR filing rules because many filers do not have the ability to produce magnetic tape filings. However, the Commission is aware of increasing demand for the electronic availability of reports on Form 13F.[11] For example, the Commission believes that shareholders may find the information contained in Form 13F filings useful in tracking institutional investor holdings in their investments and that issuers, too, may find detail as to institutional investor holdings useful, since much of their shareholder list may reflect holdings in ''street name,'' rather than beneficial ownership. Mandatory electronic dissemination of this data would help insure timely and efficient dissemination of this important information. The Commission believes that these reports should have the same degree of availability as other Commission filings. Therefore, the Commission is now proposing to make the electronic filing of Form 13F reports mandatory and to provide for the filing of these reports by direct transmission and diskette as well as by magnetic tape. The Commission does not propose to apply the detailed formatting requirements of Form 13F–E to the mandatory electronic submission of Form 13F. The Commission proposes that filers prepare Form 13F as they do other electronic submissions, although the basic tabular presentation of data would be retained, as is currently the case with Form 13F reports filed in paper. Disseminators and other users of Form 13F data would be responsible for extracting the data and for standardizing its presentation, to the extent desirable.

B. Changes to Rule 13f–1 and Form 13F

The proposals would amend rule 13f–1 to address the requirements for filing amendments to Form 13F and would make certain revisions to Form 13F, as described below.[12]

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[1] 17 CFR 249.325.

[2] For a comprehensive discussion of the rules adopted by the Commission governing mandated electronic filing, *see* Release Nos. 33–6977 (Feb. 23, 1993) [58 FR 14628], IC–19284 (Feb. 23, 1993) [58 FR 14848], 35–25746 (Feb. 23, 1993) [58 FR 14999], and 33–6980 (Feb. 23, 1993) [58 FR 15009]. *See also* Release No. 33–7072 (July 8, 1994 [59 FR 36258], relating to implementation of Financial Data Schedules, Release No. 33–7122 (Dec. 19, 1994) [59 FR 67752], making the EDGAR rules final and applicable to all domestic registrants and adopting minor amendments to the EDGAR rules, and Release No. 33–7241 (Nov. 13, 1995) [60 FR 57682], adopting an updated EDGAR Filer Manual, version 4.40 (the ''EDGAR Filer Manual'') and technical amendments to the EDGAR rules. *See also* Release No. 33–7427 (July 1, 1997) adopting certain technical amendments to the EDGAR rules.

[3] 17 CFR 240.13f–1 and 240.13f–2.

[4] 15 U.S.C. 78a *et seq.*

[5] 17 CFR 249.326.

[6] Section 13(f)(1) of the Exchange Act [15 U.S.C. 78m(f)(1)] requires institutional investment managers exercising investment discretion over accounts holding at least $100 million in fair market value of certain equity securities to file a report on Form 13F with the Commission at the times set forth in rule 13f–1 [17 CFR 240.13f–1].

[7] In the EDGAR Pilot system and following the opening of the operational EDGAR system, Form 13F reports could be filed on Form 13F–E, under temporary rule 13f–2(T) [17 CFR 240.13f–2(T)], proposed in Release No. 34–23694 (Oct. 8, 1986) [51 FR 37291], adopted in Release No. 34–24206 (Mar. 12, 1987) [52 FR 9151], amended to govern the filing of Form 13F on operational EDGAR in Release No. IC–18664 (Apr. 20, 1992) [57 FR 18223], and made permanent with minor amendments in Release No. IC–19284. *See* Rule 101(b)(7) of Regulation S–T [17 CFR 232.101(b)(7)].

[8] Instructions for filing electronically Form 13F–E appear in the form and in the EDGAR Filer Manual.

[9] Section 13(f)(3) of the Exchange Act requires the Commission to tabulate the information reported under Section 13(f)(1). Disclosure Inc., under contract with the Commission, tabulates the reported securities holdings both by the issuer of the securities being held (showing the portfolio manager whose clients hold the securities) and by reporting portfolio manager (showing the securities being held by each reporting portfolio manager). These tabulations are made available in the Commission's public reference room and are published by Disclosure Inc. in both hard copy and on-line computerized form.

[10] Pre-dissemination processing of Form 13F–E includes pagination, insertion of column headings on each page, and make-up of a cover page for the filing using data elements tagged by the filer.

[11] Currently, only the reports filed voluntarily via EDGAR on Form 13F–E are disseminated electronically and available on the Commission's Internet Web Site, whereas other public disclosure filings are required to be filed via EDGAR and are disseminated and available electronically.

[12] The revisions to Form 13F would be made to accommodate more easily the preparation of the form as an electronic filing. The proposals would also remove Form 13F–E and rule 13f–2 [17 CFR

Requests for confidential treatment[13] of Form 13F information and the information for which confidential treatment is requested will continue to be required to be filed in paper.[14] Upon denial of a confidential treatment request, or the expiration of confidential treatment previously granted, the filer would be required to submit the material electronically.[15]

1. Rule 13f-1

Under the proposals, rule 13f-1 would be revised by adding a new subparagraph governing the filing of amendments to Form 13F.[16] The new paragraph would require that each amendment to a Form 13F either restate the form in its entirety, as amended, or designate the amendment as containing only additions to the previous filed report. The paragraph would also provide for the sequential numbering of amendments.

2. Form 13F

The revised Form 13F, as proposed, would not differ substantively from the current Form 13F, although there would be some differences in organization and presentation. The revised Form 13F would be in a three-part format, consisting of a Form 13F Cover Page (the ''Cover Page''), a Form 13F Summary Page (the ''Summary Page''), and a Form 13F Information Table (the ''Information Table'').[17] The proposed contents of each of these parts, as well as the content of certain proposed form instructions, are summarized below.

• *Cover Page.* The Cover Page would include the information included in current Form 13F, such as the period end date;[18] the name and address of the institutional investment manager filing the report; the signature, name, title and phone number of the person signing the report; and, if applicable, a List of Other Managers Reporting for this Manager.[19]. The Cover Page as proposed would also provide for the identification of an amendment filing;[20] the inclusion of the 13F file number of the manager filing the report; and the designation of the report as one that names other reporting manager(s) reporting for the filer, reports holdings over which the reporting manager exercises discretion, or both.[21]

• *Summary Page.* The Summary Page, as proposed, would include a List of Other Included Managers for which the filer is reporting[22] and a new Report Summary. The Report Summary would contain the Number of Other Included Managers, an Information Table Entry Total, and an Information Table Value Total.[23] These three items would provide a useful and convenient summary of key information included elsewhere in the report and also provide a means for cross-checking to ensure that the report as accepted and disseminated is the complete report as intended to be filed.

• *Information Table.* The Information Table, as proposed, would call for the same information as Items 1 through 8 of current Form 13F.[24]

• *Certain Proposed Instructions.* Proposed General Instruction 3 for Form 13F would retain the requirement that copies of the form be filed with the appropriate regulatory agency.[25] However, this instruction would clarify that the manager may satisfy its obligation to file with another regulatory agency by sending a printed copy of the EDGAR filing with the confidential access codes removed or blanked out.

Proposed General Instruction 4 would retain a reference to the Official List of Section 13(f) securities.[26] Proposed Special Instruction 14 would include guidance on the preparation of Form 13F for electronic filing, addressing such topics as maximum line length, page tag requirements, and selection of EDGAR submission types.

C. Changes to Regulation S–T

Regulation S–T, which governs the preparation and submission of electronic filings to the Commission, would be amended as described below in connection with the mandatory electronic submission of Form 13F:

• *Rule 101(a)(1)(iii) of Regulation S–T.* The Regulation S–T list of mandated electronic submissions would be revised to remove the exclusion of Form 13F from the list of mandated electronic filings.

• *Rule 101(b)(7) of Regulation S–T.* Reports on Form 13F would be removed from those allowed but not required to be submitted in electronic format.

D. Request for Comment

The Commission requests comment on its proposal to make the electronic submission of reports on Form 13F mandatory. The Commission also requests comment on the proposed amendments to Regulation S–T and rule 13f-1, and on the proposed revised format of Form 13F. The Commission also seeks comment on whether, in conjunction with mandatory electronic filing, it should retain either the current Form 13F–E requirement that reports be submitted only by magnetic tape or the current Form 13F–E formatting requirements.

II. General Request for Comment

Comment is solicited with regard to each proposal respecting the viewpoints of both the filers and the users of information filed via EDGAR. Commenters should address any alternatives to these proposals they deem appropriate. The Commission also requests comment on whether the proposals, if adopted, would have an adverse effect on competition that is neither necessary nor appropriate in furthering the purposes of the Exchange Act. The Commission requests comment on whether the proposals, if adopted, would promote efficiency, competition, and capital formation. The Commission also requests comment on whether the public considers this a major or minor rule change. Comments will be considered by the Commission in compliance with its responsibilities under Section 2(b) of the Securities Act of 1933[27] and Section 3(f) of the Exchange Act.[28] The Commission encourages commenters to provide empirical data or other facts to support their views. Comments will be considered by the Commission in complying with its responsibilities under Section 23(a) of the Exchange

240.13f–2], which governs the filing of Form 13F–E on EDGAR.

[13] Requests for confidential treatment may be filed pursuant to Section 13(f)(3) of the Exchange Act [15 U.S.C. 78m(f)(3)]. Instruction D of current Form 13F references that section and further provides for confidential treatment for up to one year for certain open risk arbitrage positions for which required representations are included in the request. Proposed Instructions for Confidential Treatment Requests for revised Form 13F include the same provisions.

[14] This is consistent with the treatment of other requests for confidential treatment under the EDGAR system. *See* Rule 101(c)(1)(i) [17 CFR 232.101(c)(1)(i)].

[15] Each quarter approximately 50 managers would be required to re-submit electronically information previously submitted in paper in connection with a request for confidential treatment. *See* supra footnote 14.

[16] *See* paragraph (a)(2) of rule 13f-1 [17 CFR 240.13f-1(a)(1)] as proposed.

[17] *See* Special Instruction 1 for Form 13F as proposed.

[18] *See* Special Instruction 2 for Form 13F as proposed.

[19] *See* Special Instruction 7 for Form 13F as proposed.

[20] *See* Special Instruction 3 for Form 13F as proposed.

[21] *See* Special Instruction 6 for Form 13F as proposed.

[22] *See* Special Instruction 9 for Form 13F as proposed. The requirement in the current Form 13F and 13F–E that other included managers be listed alphabetically would be eliminated.

[23] *See* Special Instruction 8 for Form 13F as proposed.

[24] *See* Special Instruction 13 for Form 13F as proposed.

[25] *See* General Instruction C for current Form 13F.

[26] *See* General Instruction E for current Form 13F.

[27] 15 U.S.C. 77b(b).

[28] 15 U.S.C. 78c(f).

Act.[29] Comments should be addressed to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File Number S7–18–97. This file number should be included on the subject line if E-mail is used.

III. Cost-Benefit Analysis

To assist the Commission in its evaluation of the costs and benefits that may result from the proposed changes contained in this release, commenters are requested to provide their views and data relating to any costs and benefits associated with these proposals. It is anticipated that these proposals will not affect significantly the costs and burdens associated with filing requirements generally, or specifically with respect to electronic filing.

In addition, Section 23(a) of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the anti-competitive effects of such rules, if any, and to balance any impact against regulatory benefits gained in terms of furthering the purposes of the Exchange Act.[30] The Commission preliminarily has considered the proposed amendments to Rule 13f–1, Form 13F and related rules in light of the standards cited in Section 23(a)(2) and believes preliminarily that, if adopted, they would not likely have an adverse impact on competition not necessary or appropriate in furtherance of the Exchange Act because they would enhance public access to reported information. The Commission solicits commenters' views regarding the effects of the proposed rules on competition.

IV. Summary of Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendments proposed in this release would not, if adopted, have a significant economic impact on a substantial number of small entities. Institutional investment managers are not required to submit reports on Form 13F unless their holdings are in aggregate at least $100,000,000. Therefore, no small entities within the definition contained in rule 0–10 under the Exchange Act are affected by the form, and no small entities are otherwise affected by the proposed rule amendments. The certification, documenting the factual basis therefor, is attached to this release as Appendix A.

V. Paperwork Reduction Act

Certain provisions of the proposed amendments to Form 13F contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. Section 3501 *et seq.*), and the Commission has submitted them to the Office of Management and Budget for review in accordance with 44 U.S.C. Section 3507(d) and 5 CFR 1320.11. The title for the collection of information is ''Form 13F, Report of Institutional Investment Managers pursuant to Section 13(f) of the Securities Exchange Act of 1934.''

Section 13(f) of the Exchange Act requires the Commission to adopt rules that would create a reporting and disclosure system to collect specific information and to disseminate the information to the public. Pursuant to this statutory mandate, the Commission adopted rule 13f–1 under the Exchange Act (17 CFR 240.13f–1), which requires institutional investment managers who exercise investment discretion over accounts of exchange-traded or NASDAQ-quoted equity securities having, in the aggregate, a fair market value of at least $100,000,000 to file quarterly reports with the Commission on Form 13F.

Form 13F provides a reporting and disclosure system to collect specific information and to disseminate the information to the public about the holdings of institutional investment managers who exercise investment discretion over accounts of exchange-traded or NASDAQ-quoted equity securities having, in the aggregate, a fair market value of at least $100,000,000.

It is estimated that approximately 1,800 institutional investment managers are subject to the rule. These include such institutional investment managers as certain pension funds, trusts, hedge funds, and investment advisers. Each reporting manager files Form 13F quarterly. Each quarter, following the expiration of grants of confidential treatment, approximately 50 managers will re-submit electronically information previously submitted in paper. It is estimated that compliance with the form's requirements imposes a total annual burden per manager of approximately 98.8 hours for each of the 1,804 managers submitting the report (an increase of .1 hours per quarter per manager due to the additional requirement of a cover page and summary page containing certain *de minimis* additional reporting information[31]) plus an additional annual burden of 4 hours (one additional burden hour per quarter) for each of the 50 managers re-submitting information previously filed. The total annual burden for all managers is estimated at 177,894 hours. The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is based on the Commission's experience with similar filings and discussions with a few registrants.

Unless a currently valid OMB control number is displayed, an agency may not sponsor or conduct or require response to an information collection. The OMB control number for Form 13F is 3235–0006. The Form 13F contains no separate retention period rule for recordkeeping requirements but is subject to the general recordkeeping requirements under Regulation S–T and the Exchange Act rules. It is mandatory for each institutional investment manager subject to the rule to file Form 13F. Section 13(f)(3) of the Exchange Act[32] authorizes the Commission, as it determines necessary or appropriate in the public interest or for the protection of investors, to delay or prevent public disclosure of any information filed under Section 13(f) upon request. It also prohibits the Commission from disclosing to the public information identifying securities held by the account of a natural person or any estate or trust (other than a business trust or investment company).

Pursuant to 44 U.S.C. Section 3506(c)(2)(B), the Commission solicits comments to (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collections of information; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

[29] 15 U.S.C. 78w(a).

[30] See 15 U.S.C. 78w(a)(2).

[31] The additional requirements are not complex. The cover page adds the requirements of identification of an amendment filing; the inclusion of the 13F file number of the manager filing the report; and the designation of the report as one that names other reporting manager(s) reporting for the filer, reports holdings over which the reporting manager exercises discretion, or both. The summary page adds a Report Summary, containing the Number of Other Included Managers, an Information Table Entry Total, and an Information Table Value Total.

[32] 15 U.S.C. 78m(f)(3).

Persons desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, D.C. 20503, and should also send a copy of their comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 with reference to File No. 270–22. OMB is required to make a decision concerning the collections of information between thirty and sixty days after publication, so a comment to OMB is best assured of having its full effect if OMB receives it within thirty days of publication.

VI. Statutory Basis

The foregoing amendments are proposed pursuant to Sections 3, 12, 13, 14, 15(d), 23(a) and 35A of the Exchange Act.

List of Subjects in 17 CFR Parts 232, 240, and 249

Confidential business information, Reporting and recordkeeping requirements, Securities.

Text of the Proposed Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. By amending § 232.101 by revising paragraph (a)(1)(iii) and by removing paragraph (b)(7) and redesignating paragraph (b)(8) as (b)(7), to read as follows:

§ 232.101 Mandated electronic submissions and exceptions.

(a) *Mandated electronic submissions.* (1) * * *

(iii) Statements, reports and schedules filed with the Commission pursuant to Sections 13, 14, or 15(d) of the Exchange Act (15 U.S.C. 78m, n, and *o*(d)), *provided that* if a registrant's first mandated electronic filing would be an annual report on Form 10–K (§ 249.310 of this chapter) or Form 10–KSB (§ 249.310b of this chapter) such annual report may, at the option of the registrant, be submitted in paper format;

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z-2 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

4. By amending § 240.13f-1 by redesignating paragraph (a) as paragraph (a)(1) and by adding paragraph (a)(2) to read as follows:

§ 240.13f–1 Reporting by institutional investment managers of information with respect to accounts over which they exercise investment discretion.

(a)(1) * * *

(2) An amendment to a Form 13F (§ 249.325 of this chapter) report, other than one reporting only holdings that were not previously reported in a public filing for the same period, must set forth the complete text of the Form 13F. Amendments must be numbered sequentially.

* * * * *

5. Section 240.13f–2 is removed.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

6. The authority citation for Part 249 continues to read, in part, as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted; * * *

7. By revising Form 13F (referenced in § 249.325), to read as follows:

Note—The text of the following form does not and the amendments will not appear in the Code of Federal Regulations.

Form 13F

OMB Approval
OMB Number: 3235–0006
Expires: April 30, 2000
Estimated average burden hours per response: 23.99

United States Securities and Exchange Commission, Washington, D.C.

Information Required of Institutional Investment Managers Pursuant to Section 13(f) of the Securities Exchange Act of 1934 and Rules Thereunder

General Instructions

1. *Rule as to Use of Form 13F.* Form 13F is to be used for reports required to be filed by Section 13(f) of the Securities Exchange Act of 1934 [15 U.S.C. 78m(f)] (''Exchange Act'') and rule 13f–1 [17 CFR 240.13f–1] thereunder by institutional investment managers (''Managers'').

2. *Rules to Prevent Duplicative Reporting.* If two or more Managers, each of which is required by rule 13f–1 to file a report on Form 13F for the reporting period, exercise investment discretion with respect to the same securities, only one such Manager must include information regarding such securities in its reports on Form 13F.

A Manager having securities over which it exercises investment discretion that are reported by another Manager (or Managers) must identify the Manager(s) reporting on its behalf in the manner described in Special Instruction 6.

A Manager reporting holdings subject to shared investment discretion must identify the other Manager(s) with respect to which the filing is made in the manner described in Special Instruction 8.

3. *Filing of Form 13F.* Form 13F is to be filed with the Commission within 45 days after the end of each calendar year and each of the first three calendar quarters of each calendar year. As required by Section 13(f)(4) of the Exchange Act, a Manager which is a bank, the deposits of which are insured in accordance with the Federal Deposit Insurance Act, must file with the appropriate regulatory agency for the bank a copy of every Form 13F report filed with the Commission pursuant to this subsection by or with respect to such bank. Filers who file Form 13F electronically can satisfy their obligation to file with other regulatory agencies by sending (a) a paper copy of the EDGAR filing (however, the confidential access codes must be removed or blanked out); (b) the filing in electronic format, if the regulatory agency with which the filing is being made has made provisions to receive filings in electronic format; or (c) for filers filing in paper format under continuing hardship exemptions, a copy of the Form 13F paper filing.

4. *Official List of Section 13(f) Securities.* The Official List of Section 13(f) Securities published by the Commission (the ''13F List'') lists the securities the holdings of which are to be reported on Form 13F. Form 13F filers may rely on the current 13F List in determining whether they need to report any particular securities holding. Paper copies are available at a reasonable fee from the Securities and Exchange Commission, Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

Instructions for Confidential Treatment Requests

Pursuant to Section 13(f)(3) of the Exchange Act [15 U.S.C. 78m(f)(3)], the Commission (1) may prevent or delay public disclosure of information reported on this form in accordance with Section 552 of Title 5 of the United States Code, the Freedom of Information Act [5 U.S.C. 552], and (2) shall not disclose information reported on this form identifying securities held by the account of a natural person or an estate or trust (other than a business trust or investment company). Any portion of a report which contains information identifying securities held by the account of a natural person or an estate or trust (other than a business trust or investment company)

must be submitted in accordance with the procedures for requesting confidential treatment.

Requests for confidential treatment of information reported on this form should be made in accordance with rule 24b-2 under the Exchange Act [17 CFR 240.24b-2], except that requests relating to the non-disclosure of information identifying the securities held by the account of a natural person or an estate or trust (other than a business trust or investment company) must so state but need not, in complying with paragraph (b)(2)(ii) of rule 24b-2, include an analysis of any applicable exemptions from disclosure under the Commission's rules and regulations adopted under the Freedom of Information Act [17 CFR 200.80].

All requests for and information subject to the request for confidential treatment filed pursuant to Section 13(f)(3) of the Exchange Act must be filed in paper in accordance with rule 101(c)(1)(i) of Regulation S–T [17 CFR 232.101(c)(1)(i)]. If confidential treatment is requested with respect to information required to be reported on Form 13F, an original and four copies of the Form 13F reporting information for which confidential treatment is requested must be filed in paper with the Secretary of the Commission.

A Manager requesting confidential treatment in accordance with the Freedom of Information Act must provide enough factual support for its request to enable the Commission to make an informed judgment as to the merits of the request. The request should address all pertinent factors, including all of the following that are relevant:

1. If confidential treatment is requested as to more than one holding of securities, discuss each holding separately unless a class or classes of holdings can be identified as to which the nature of the factual circumstances and the legal analysis are substantially the same.

2. If a request for confidential treatment is based upon a claim that the subject information is confidential, commercial or financial information, provide the information required by paragraphs 2.a through 2.e of this Instruction except that, if the subject information concerns security holdings that represent open risk arbitrage positions and no previous requests for confidential treatment of those holdings have been made, only the information required in paragraph 2.f need be provided.

a. Describe the investment strategy being followed with respect to the relevant securities holdings, including the extent of any program of acquisition and disposition (note that the term ''investment strategy,'' as used in this instruction, also includes activities such as block positioning).

b. Explain why public disclosure of the securities would, in fact, be likely to reveal the investment strategy; consider this matter in light of the specific reporting requirements of Form 13F (e.g., securities holdings are reported only quarterly and may be aggregated in many cases).

c. Demonstrate that such revelation of an investment strategy would be premature; indicate whether the Manager was engaged in a program of acquisition or disposition of the security both at the end of the quarter and at the time of the filing; and address whether the existence of such a program may otherwise be known to the public.

d. Demonstrate that failure to grant the request for confidential treatment would be likely to cause substantial harm to the Manager's competitive position; show what use competitors could make of the information and how harm to the Manager could ensue.

e. State the period of time for which confidential treatment of the securities holdings is requested. The time period specified may not exceed one (1) year from the date the Form 13F is required to be filed with the Commission.

f. For securities holdings that represent open risk arbitrage positions, the request must include good faith representations that:

i. The securities holding represents a risk arbitrage position open on the last day of the period for which the Form 13F is filed; and

ii. The reporting Manager has a reasonable belief as of the period end that it may not close the entire position on or before the date the Form 13F is required to be filed with the Commission.

If these representations are made in writing at the time the Form 13F is filed, the subject securities holdings will automatically be accorded confidential treatment for a period of up to one (1) year from the date the Form 13F is required to be filed with the Commission.

g. At the expiration of the period for which confidential treatment has been granted pursuant to paragraph 2.e or 2.f of this Instruction (the ''Expiration Date''), the Commission, without additional notice to the reporting manager, will make such security holdings public unless a *de novo* request for confidential treatment of the information that meets the requirements of paragraphs 2.a through 2.e of this Instruction is filed with the Commission at least fourteen (14) days in advance of the Expiration Date.

3. If the Commission grants a request for confidential treatment, it may delete details which would identify the manager and use the information in tabulations required by Section 13(f)(3) absent a separate showing that such use of information could be harmful.

4. Upon the denial by the Commission of a request for confidential treatment, or upon the expiration of the confidential treatment previously granted for a filing, unless a hardship exemption is available, the filer must submit electronically, within six (6) business days of the expiration or notification of the denial, as applicable, a report on Form 13F, or an amendment to its publicly filed Form 13F report, if applicable, listing those holdings as to which confidential treatment was denied or has expired. If an amendment is filed, it must not be a restatement; it must be designated as an amendment which adds new holdings entries. Include at the top of the Form 13F Cover Page the following legend to correctly designate the type of filing being made:

This filing lists securities holdings reported on the Form 13F filed on (date) pursuant to a request for confidential treatment and for which (that request was denied/confidential treatment expired) on (date).

Special Instructions

1. This form consists of three parts: the Form 13F Cover Page (the ''Cover Page''), the Form 13F Summary Page (the ''Summary Page''), and the Form 13F Information Table (the ''Information Table'').

2. When preparing the report, omit all bracketed text. Include brackets used to form check boxes.

The Cover Page

3. The period end date used in the report (and in the EDGAR submission header) is the last day of the calendar year or quarter, as appropriate, even though that date may not be the same as the date used for valuation in accordance with Special Instruction 9.

4. Amendments to a Form 13F must either restate the Form 13F in its entirety or include only holdings entries that are being reported in addition to those already reported in a current public Form 13F for the same period. If the Form 13F is being filed as an amendment, then, on the Cover Page, check the amendment box; enter the amendment number; and check the appropriate box to indicate whether the amendment (a) is a restatement or (b) adds new holdings entries. Each amendment must include a complete Cover Page and, if applicable, a Summary Page and Information Table. *See* rule 13f–1(a)(2) [17 CFR 240.13f–1(a)(2)].

5. Present the Cover Page and the Summary Page information in the format and order provided in the form. The Cover Page may include information in addition to the required information, so long as the additional information does not, either by its nature, quantity, or manner of presentation, impede the understanding or presentation of the required information. Place all additional information after the signature of the person signing the report (immediately preceding the Report Type section). Do not include any additional information on the Summary Page or in the Information Table.

6. Designate the Report Type for the Form 13F by checking the appropriate box in the Report Type section of the Cover Page, and include, where applicable, the List of Other Managers Reporting for this Manager (on the Cover Page), the Summary Page and the Information Table, as follows:

a. If all of the securities with respect to which a Manager has investment discretion are reported by another Manager (or Managers), check the box for Report Type ''13F NOTICE,'' include (on the Cover Page) the List of Other Managers Reporting for this Manager, and omit both the Summary Page and the Information Table.

b. If all of the securities with respect to which a Manager has investment discretion are reported in this report, check the box for Report Type ''13F HOLDINGS REPORT,'' omit from the Cover Page the List of Other Managers Reporting for this Manager, and include both the Summary Page and the Information Table.

c. If only part of the securities with respect to which a Manager has investment discretion is reported by another Manager (or

Managers), check the box for Report Type ''13F COMBINATION REPORT,'' include (on the Cover Page) the List of Other Managers Reporting for this Manager, and include both the Summary Page and the Information Table.

Summary Page

7. Include on the Summary Page the Report Summary, containing the Number of Other Included Managers, the Information Table Entry Total and the Information Table Value Total.

a. Enter as the Number of Other Included Managers the total number of other Managers listed in the List of Other Included Managers on the Summary Page. *See* Special Instruction 8. If none, enter the number zero (''0''). Do not include in this total the Manager filing this report.

b. Enter as the Information Table Entry Total the total number of line entries providing holdings information included in the Information Table.

c. Enter as the Information Table Value Total the aggregate fair market value of all holdings reported in this report, *i.e.*, the total for Column 4 (Fair Market Value) of all line entries in the Information Table. This total must be expressed as a rounded figure, corresponding to the individual Column 4 entries in the Information Table. *See* Special Instruction 9.

8. Include on the Summary Page the List of Other Included Managers. Use the title, column headings and format provided.

a. If this Form 13F does not report the holdings of any Manager other than the Manager filing this report, enter the word ''NONE'' under the title and omit the column headings and list entries.

b. If this Form 13F reports the holdings of one or more Managers other than the Manager filing this report, enter in the List of Other Included Managers all such Managers together with their respective Form 13F file numbers, if known. (The 13F file numbers are assigned to Managers when they file their first Form 13F.) Assign a number to each manager in the List of Other Included Managers, and present the list in sequential order. The numbers need not be consecutive. All other Managers identified in Column 7 of the Information Table must be included. Do not include the Manager filing this report.

Information Table

9. In determining fair market value, use the value at the close of trading on the last trading day of the calendar year or quarter, as appropriate. Enter values rounded to the nearest one thousand dollars (with ''000'' omitted).

10. Holdings otherwise reportable may be omitted if the Manager holds, on the period end date, fewer than 10,000 shares (or less than $200,000 principal amount in the case of convertible debt securities) and less than $200,000 aggregate fair market value (and option holdings to purchase only such amounts).

11. Holdings of options must be reported only if the options themselves are Section 13(f) securities. For purposes of the $100,000,000 reporting threshold, only the value of such options should be considered, not the value of the underlying shares. However, the entries in Columns 1 through 5 and 7 through of the Information Table must be given in terms of the securities underlying the options, not the options themselves. Column 6 must be answered in terms of the discretion to exercise the option. A separate segregation in respect of securities underlying options must be made for entries for each of the columns, coupled with a designation ''PUT'' or ''CALL'' following such segregated entries in Column 5, referring to securities subject respectively to put and call options. No entry in Column 8 need be given for securities subject to reported call options.

12. Furnish the Information Table using the table title, column headings and format provided. Provide column headings once at the beginning of the Information Table; repetition of column headings on subsequent pages is not required. Present the table in accordance with the column instructions provided in Special Instructions 12.b.i through 12.b.viii. Do not include any additional information in the Information Table. Begin the Information Table on a new page; do not include any portion of the Information Table on either the Cover Page or the Summary Page.

a. In entering information in Columns 4 through 8 of the Information Table, list securities of the same issuer and class with respect to which the Manager exercises sole investment discretion separately from those with respect to which investment discretion is shared. Special Instruction 12.b.vi for Column 6 describes in detail how to report shared investment discretion.

b. Instructions for each column in the Information Table:

i. *Column 1. Name of Issuer.* Enter in Column 1 the name of the issuer for each class of security reported as it appears in the current Official List of Section 13(f) Securities published by the Commission (the ''13F List''). Reasonable abbreviations are permitted.

ii. *Column 2. Title of Class.* Enter in Column 2 the title of the class of the security reported as it appears in the 13F List. Reasonable abbreviations are permitted.

iii. *Column 3. CUSIP Number.* Enter in Column 3 the nine (9) digit CUSIP number of the security.

iv. *Column 4. Market Value.* Enter in Column 4 the market value of the holding of the particular class of security as prescribed by Special Instruction 9.

v. *Column 5. Amount and Type of Security.* Enter in Column 5 the total number of shares of the class of security or the principal amount of such class. Use the abbreviation ''SH'' to designate shares and ''PRN'' to designate principal amount. If the holdings being reported are put or call options, enter the designation ''PUT'' or ''CALL,'' as appropriate.

vi. *Column 6. Investment Discretion.* Segregate the holdings of securities of a class according to the nature of the investment discretion held by the Manager. Investment discretion must be designated as ''sole'' (SOLE); ''shared-defined'' (DEFINED); or ''shared-other'' (OTHER), as described below:

(A) *Sole.* Designate as ''sole'' securities over which the Manager exercised sole investment discretion. Report ''sole'' securities on one line. Enter the word SOLE in Column 6.

(B) *Shared-Defined.* If investment discretion is shared with controlling and controlled companies (such as bank holding companies and their subsidiaries); investment advisers and investment companies advised by those advisers; or insurance companies and their separate accounts, then investment discretion must be designated as ''shared-defined'' (DEFINED).

For each holding of DEFINED securities, segregate the securities into two categories: those securities over which investment discretion is shared with another Manager or Managers on whose behalf this Form 13F is being filed, and those securities over which investment discretion is shared with any other person, other than a Manager on whose behalf this Form 13F is being filed.

Enter each of the two segregations of DEFINED securities holdings on a separate line, and enter the designation DEFINED in Column 6. *See* Special Instruction 12.b.vii for Column 7.

(C) *Shared-Other.* ''Shared-Other'' securities (OTHER) are those over which investment discretion is shared in a manner other than that described in Special Instruction 12.b.vi.(B) above.

For each holding of OTHER securities, segregate the securities into two categories: those securities over which investment discretion is shared with another Manager or Managers on whose behalf this Form 13F is being filed, and those securities over which investment discretion is shared with any other person, other than a Manager on whose behalf this Form 13F is being filed.

Enter each segregation of OTHER securities holdings on a separate line, and enter the designation ''OTHER'' in Column 6. *See* Special Instruction 12.b.vii for Column 7.

Note: A Manager is deemed to share discretion with respect to all accounts over which any person under its control exercises discretion. A Manager of an institutional account, such as a pension fund or investment company, is not deemed to share discretion with the institution unless the institution actually participated in the investment decision-making.

vii. *Column 7. Other Managers.* Identify each other Manager on whose behalf this Form 13F is being filed with whom investment discretion is shared as to any reported holding by entering in this column the number assigned to the Manager in the List of Other Included Managers.

Enter this number in Column 7 opposite the segregated entries in Columns 4, 5 and 8 (and the relevant indication of shared discretion set forth in Column 6) as required by the preceding special instruction. Enter no other names or numbers in Column 7.

The conditions of sharing discretion with other Managers must be consistent for all holdings reported on a single line.

viii. *Column 8. Voting Authority.* Enter the number of shares for which the Manager exercises sole, shared, or no voting authority (none) in this column, as appropriate.

A Manager exercising sole voting authority over specified ''routine'' matters, and no authority to vote in ''non-routine'' matters, is deemed for purposes of this Form 13F to have no voting authority. ''Non-routine'' matters include a contested election of directors, a merger, a sale of substantially all the assets, a change in the articles of incorporation affecting the rights of shareholders, and a change in fundamental investment policy; ''routine'' matters include selection of an accountant, uncontested election of directors, and approval of an annual report.

If voting authority is shared only in a manner similar to a sharing of investment discretion which would call for a response of ''shared-defined'' (DEFINED) under Column 6, voting authority should be reported as sole under subdivision (a) of Column 8, even though the Manager may be deemed to share investment discretion with that person under Special Instruction 12.b.vi.

13. Preparation of the electronic filing:

a. No line on the Cover Page or the Summary Page may exceed 80 characters in length. *See* rule 305 of Regulation S–T [17 CFR 232.305].

b. No line in the Form 13F Information Table may exceed 132 characters in length. *See* rule 305 of Regulation S–T [17 CFR 232.305].

c. If the Form 13F Report Type is ''13F HOLDINGS REPORT'' or ''13F COMBINATION REPORT,'' then place one EDGAR <PAGE> tag at the end of the Cover Page and one <PAGE> tag at the end of the Summary Page. Additional EDGAR <PAGE> tags are not required. However, filers electing to include additional <PAGE> tags should, for each page containing a <PAGE> tag, include no more than sixty (60) lines per page, including the line on which the <PAGE> tag is placed.

d. Underscoring used in the form to indicate the placement of information to be furnished by the filer may be omitted in preparation of the form for electronic filing.

e. Use the following EDGAR submission types for the following Form 13F Report Types:

Form 13F report type	EDGAR submission type
13F holdings report:	
Initial filing	13F–HR
Amendments	13F–HR/A
13F notice:	
Initial filing	13F–NT
Amendments	13F–NT/A
13F combination report:	
Initial filing	13F–HR
Amendments	13F–HR/A

Paperwork Reduction Act Information

Potential persons who are to respond to the collection of information contained in this form are not required to respond to the collection of information unless the form displays a currently valid OMB control number.

Section 13(f) of the Exchange Act requires the Commission to adopt rules creating a reporting and disclosure system to collect specific information and to disseminate such information to the public. Pursuant to this statutory mandate, the Commission adopted rule 13f–1 under the Exchange Act (17 CFR 240.13f–1), which requires institutional investment managers who exercise investment discretion over accounts of exchange-traded or NASDAQ-quoted equity securities having, in the aggregate, a fair market value of at least $100,000,000 to file quarterly reports with the Commission on Form 13F with respect to the value of those securities over which they have investment discretion.

The purpose of Form 13F is to provide a reporting and disclosure system to collect specific information and to disseminate such information to the public about the holdings of institutional investment managers who exercise investment discretion over accounts of exchange-traded or NASDAQ-quoted equity securities having, in the aggregate, a fair market value of at least $100,000,000.

It is estimated that each filer spends an average of 24.7 hours preparing each quarterly report. In addition, it is estimated that, each quarter, approximately 50 managers will resubmit information previously filed in paper pursuant to a grant of confidential treatment and that each such manager will spend an additional hour on the resubmission.

Any member of the public may direct to the Commission any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden.

Responses to the collection of information are mandatory. *See* Section 13(f) of the Exchange Act [15 U.S.C. 78m(f)] and rule 13f–1 [17 CFR 240.13f–1] thereunder.

Section 13(f)(3) of the Exchange Act [15 U.S.C. 78m(f)(3)] authorizes the Commission, as it determines necessary or appropriate in the public interest or for the protection of investors, to delay or prevent public disclosure of any information filed under Section 13(f) upon request. It also prohibits the Commission from disclosing to the public information identifying securities held by the account of a natural person or any estate or trust (other than a business trust or investment company).

This collection of information has been reviewed by OMB in accordance with the clearance requirements of 44 U.S.C. Section 3507.

Form 13F

United States Securities and Exchange Commission, Washington, DC 20549

Form 13F Cover Page

Report for the Calendar Year or Quarter Ended: _____

Check here if Amendment [ ]; Amendment Number: ____

This Amendment (Check only one.):

[ ] is a restatement.

[ ] adds new holdings entries.

Institutional Investment Manager Filing this Report:

Name: _____

Address: _____

_____

_____

13F File Number: 28– _____

The institutional investment manager filing this report and the person by whom it is signed hereby represent that the person signing the report is authorized to submit it, that all information contained herein is true, correct and complete, and that it is understood that all required items, statements, schedules, lists, and tables, are considered integral parts of this form.

Person Signing this Report on Behalf of Reporting Manager:

Name: _____

Title: _____

Phone: _____

Signature, Place, and Date of Signing:

_____

[Signature]

_____

[City, State]

_____

[Date]

Report Type (Check only one.):

[ ] 13F HOLDINGS REPORT. (Check here if all holdings of this reporting manager are reported in this report.)

[ ] 13F NOTICE. (Check here if no holdings reported are in this report, and all holdings are reported by other reporting manager(s).)

[ ] 13F COMBINATION REPORT. (Check here if a portion of the holdings for this reporting manager are reported in this report and a portion are reported by other reporting manager(s).)

List of Other Managers Reporting for this Manager: [If there are no entries in this list, omit this section.]

13F File Number

28– _____

Name _____

[Repeat as necessary.]

Form 13F Summary Page

Report Summary:

Number of Other Included Managers:.

Form 13F Information Table Entry Total:.

Form 13F Information Table Value Total:. $ (thousands)

List of Other Included Managers:

Provide a numbered list of the name(s) and 13F file number(s) of all institutional investment managers with respect to which

this report is filed, other than the manager filing this report.

[If there are no entries in this list, state ''NONE'' and omit the column headings and list entries.]

No. _____

13F File Number 28– _____

Name _____

[Repeat as necessary.]

FORM 13F INFORMATION TABLE

Column 1	Column 2	Column 3	Column 4	Column 5		Column 6	Column 7	Column 8		
								Voting authority		
Name of Issuer	Title of class	CUSIP	Value (×$1000)	Shrs or prn amt	Sh/ put/ prn call	Invest-ment dis-cretion	Other managers	Sole	Shared	None
[Repeat as necessary]										

8. Section 249.326 (including Form 13F–E) is removed.

By the Commission.

Dated: July 1, 1997.

Margaret H. McFarland,

Deputy Secretary.

Appendix A—This Appendix to the Preamble Will Not Appear in the Code of Federal Regulations

Regulatory Flexibility Act Certification

I, Arthur Levitt, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments to Rules 101 and 903 of Regulation S–T, and Rule 13f–1 and Form 13F under the Securities Exchange Act of 1934 (the ''Exchange Act''), and the elimination of Rule 13f–2 and Form 13F–E under the Exchange Act, as set forth in Exchange Act Release Number 38800, if adopted, would not have a significant economic impact on a substantial number of small entities.

The proposed rule amendments generally would not have a significant economic impact on small entities. Institutional investment managers are not subject to reporting unless their holdings are in aggregate at least $100,000,000, so few if any small entities within the definition contained in rule 0–10 under the Exchange Act are affected by the form or rules amendments, and few if any small entities are otherwise affected by the proposed amendments.

Arthur Levitt

June 30, 1997.

[FR Doc. 97–17712 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RIN 1506–AA09

Financial Crimes Enforcement Network; Bank Secrecy Act Regulations; Money Services Businesses; Open Working Meetings

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Meetings on proposed rules.

SUMMARY: The Financial Crimes Enforcement Network (''FinCEN'') will hold four working meetings to give interested persons the opportunity to discuss with FinCEN officials issues arising under the proposed rules for money services businesses published May 21, 1997. The first meeting will address issues arising under the proposed rule relating to the definition and registration of money services businesses (other than issues related to stored value products). The three additional meetings, whose specific information will be contained in a separate notice, will address issues arising under other aspects of the proposed rules (as well as issues concerning stored value products).

DATES: The first meeting will be held on July 22, 1997, 9:30 a.m. to 5:00 p.m., Vienna, VA. See **SUPPLEMENTARY INFORMATION** section for the additional meeting dates.

ADDRESSES: The first meeting will be held at the Tycon Conference Center, 2070 Chain Bridge Road, Vienna, VA 22182. See **SUPPLEMENTARY INFORMATION** section for information concerning additional meeting addresses.

FOR FURTHER INFORMATION CONTACT:

Legal or Technical: Eileen Dolan, Legal Assistant, Office of Legal Counsel, FinCEN, at (703) 905–3590 or Charles Klingman, Financial Institutions Policy Specialist, FinCEN, at (703) 905–3602.

Attendance: Camille Steele, at (703) 905–3819, or Karen Robb, at (703) 905–3770.

General: FinCEN's Information telephone line, at (703) 905–3848, or www.ustreas.gov/treasury/bureaus/fincen (''What's New'' section).

SUPPLEMENTARY INFORMATION: On May 21, 1997, FinCEN issued three proposed regulations relating to money services businesses. The first proposed regulation (62 FR 27890) would define money services businesses and require the businesses to register with the Department of the Treasury and to maintain a current list of their agents. The second proposed regulation (62 FR 27900) would require money transmitters, and issuers, sellers, and redeemers, of money orders and traveler's checks, to report suspicious transactions involving at least $500 in funds or other assets. The third proposed regulation (62 FR 27909) would require money transmitters and their agents to report and retain records of transactions in currency or monetary instruments of at least $750 but not more than $10,000 in connection with the transmission or other transfer of funds to any person outside the United States, and to verify the identity of senders of such transmissions or transfers.

FinCEN is announcing today that it will hold a meeting July 22, 1997, specifically to discuss the regulation relating to the definition and registration of money services businesses. The meeting is not intended as a substitute for FinCEN's request for written comments in the notice of proposed rulemaking published May 21, 1997. Rather, the meeting is intended to help make the comment process as productive and interactive as possible by providing a forum between the industry and FinCEN concerning the issues arising under the proposed regulation. FinCEN is particularly interested in learning what steps it can take to help educate money services businesses about the registration requirements. The meeting will be open to the public and will be recorded. A transcript of the meeting will be

available for public inspection and copying; prepared statements will be accepted for inclusion in the record. Accordingly, oral or written material not intended to be disclosed to the public should not be raised at the meeting.

FinCEN will also hold three other working meetings to discuss issues arising under the other proposed money services business regulations as well as issues concerning stored value products arising under the definition and registration regulation. In particular, FinCEN will hold working meetings focusing on issues relating to (1) money transmitters, (2) stored value products, and (3) issuers, sellers, or redeemers of money orders or traveler's checks. FinCEN will publish a separate notice announcing more specific information for those meetings as soon as it finalizes the specific times and addresses for the meetings. The dates and locations are as follows:

1. Money transmitters—July 28, 1997, New York, New York.

2. Stored value products—August 1, 1997, San Jose, California.

3. Issuers, sellers, and redeemers of money orders and traveler's checks—August 11, 1997, Chicago, Illinois.

In the interest of providing as broad and convenient an opportunity as possible for persons to discuss these regulatory measures, FinCEN will provide time during each meeting to discuss issues relating to any of the three rules published May 21, 1997. Thus, persons wishing to discuss aspects of the rules other than those for which a particular meeting is called may wish to participate in one or more of the meetings.

Persons wishing to attend or to participate in this first meeting should inform either Camille Steele or Karen Robb as listed under the **FOR FURTHER INFORMATION CONTACT** section.

Dated: July 2, 1997.

Eileen P. Dolan,

Federal Register Liaison Officer, Financial Crimes Enforcement Network.

[FR Doc. 97–17779 Filed 7–7–97; 8:45 am]

BILLING CODE 4820–03–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 95–155]

Toll Free Service Access Codes

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On July 2, 1997, the Commission released a public notice seeking further comments to the Commission's Notice of Proposed Rulemaking (Toll Free Service Access Codes), CC Docket No. 95–155, specifically on the issue of the treatment of toll-free ''vanity'' numbers. The intended effect of this action is to seek further comments to refresh the record, because the record on the NPRM is almost two years old.

DATES: Comments must be filed on or before July 21, 1997, and reply comments must be filed on or before July 28, 1997.

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

FOR FURTHER INFORMATION CONTACT: Robin Smolen, (202) 418–2336 of the Common Carrier Bureau, Network Services Division.

SUPPLEMENTARY INFORMATION:

Released: July 2, 1997.

1. On October 4, 1995, the Commission adopted a Notice of Proposed Rulemaking (CC Docket No. 95–155) addressing various issues relating to toll free service access codes and, among other issues, requesting comment on the issue of vanity-number treatment in future toll free codes. *Toll Free Service Access Codes,* Notice of Proposed Rulemaking, 10 FCC Rcd 13692 (1995) (*NPRM*) (60 FR 53157, October 12, 1995). The pleading cycle in response to the NPRM closed on November 15, 1995. In January 1996, the Common Carrier Bureau directed Database Management Services, Inc. to set aside 888 vanity numbers by placing them in ''unavailable'' status until the Commission resolves whether these numbers should be afforded any special right or protection. *Toll Free Service Access Codes,* Report and Order, 11 FCC Rcd 2496 (1996) (61 FR 7738, February 29, 1996).

2. The record on the *NPRM* is almost two years old. At this point, the industry is preparing to deploy the next toll free code in 1998. We seek, therefore, to refresh the record in CC Docket No. 95–155 on issues associated with the treatment of vanity numbers, both with 888 as well as numbers in future toll free codes. Specifically, parties should comment on issues such as, but not limited to, a vanity-number lottery and Standard Industrial Classification Codes. We ask that parties confine their discussion to issues concerning vanity numbers and avoid simply reiterating their earlier pleading.

3. Comments and reply comments in response to this Notice should be no more than 20 pages, and otherwise in compliance with Sections 1.415 and 1.419 of the Commission's rules. Comments must be filed on or before July 21, 1997, and reply comments must be filed on or before July 28, 1997. Comments and reply comments must be sent to the Office of the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. Two copies should also be sent to the Network Services Division, Common Carrier Bureau, FCC, Room 235, 2000 M Street, N.W., Washington, D.C. 20554. One copy should also be sent to the Commission's contractor for public service records duplication: ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20554. Copies can also be obtained from ITS at (202) 857–3800.

4. We will continue to treat this proceeding as non-restricted for purposes of the Commission's *ex parte* rules. *See generally* 47 CFR §§ 1.1200–1.216. For further information, contact Robin Smolen (202/418–2353) of the Network Services Division, Common Carrier Bureau.

Federal Communications Commission.

Anna M. Gomez,

Deputy Chief, Network Services Division Common Carrier Bureau.

[FR Doc. 97–17874 Filed 7–7–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 88–57; FCC 97–209]

Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On June 17, 1997, the Commission released a Second Further Notice of Proposed Rulemaking (*SFNPRM*) addressing the connection of inside wiring to the telephone network. The SFNPRM is intended to obtain comment on several issues related to the demarcation point.

DATES: Comments must be filed on or before July 17, 1997, and reply comments must be filed on or before August 1, 1997.

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

FOR FURTHER INFORMATION CONTACT: Bill von Alven, Senior Engineer (202) 418–2342, or Marian Gordon, Special

Counsel, Network Services Division, Common Carrier Bureau, (202) 418–2337.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Second Further Notice of Proposed Rulemaking in the matter of Review of §§ 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification of § 68.213 of the Commission's Rules filed by Electronic Industries Association, FCC 97–209, adopted June 12, 1997, and released June 17, 1997. The Commission concurrently released an Order on Reconsideration and Second Report and Order in the same docket. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857–3800.

Analysis of Proceeding

1. The *SFNPRM* asks for comment on the application of the revised demarcation point definition to complex wiring. The Commission seeks comment on whether it should continue to allow the telephone company demarcation point to be placed away from a building, at the property line. The Commission seeks comment on whether the use of poor quality inside wiring in one building affects service in other buildings. It also asks for comment on an enhanced wire quality standard designed to address the problem of cross-talk. The Commission seeks comment on whether the enhanced wire quality standard should be adopted as a two-year interim standard, and what industry body or bodies should be the entity through which members work to develop a permanent standard to solve the problems created by poor quality inside wiring. It asks whether the enhanced wire quality standard is overly restrictive. The Commission also requests comment on a proposal that wire meeting the proposed interim standard be marked at specific intervals. The Commission asks for comment on whether the standard for determining whether a material meets the requirements for gold or gold equivalence, should also be an interim standard effective for two years, until industry develops a permanent standard. It seeks comment concerning through which industry body or bodies a permanent standard should be developed if the standard becomes only an interim standard.

2. It is further ordered that, pursuant to Sections 1, 4, 201–205, 218, and 220, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201–205, 218, and 220, and 5 U.S.C. §§ 552 and 553, *Second Further Notice of Proposed Rulemaking* is provided to amend part 68 of the Commission's rules, as described herein.

List of Subjects in 47 CFR Part 68

Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Accordingly part 68 of title 47 is proposed to be amended as follows:

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE NETWORK

1. The authority citation for part 68 continues to read as follows:

Authority: Secs. 1, 4, 5, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

2. Section 68.213 is proposed to be amended by revising paragraph (c) to read as follows:

§ 68.213 Installation of other than ''fully protected'' non-system simple customer premises wiring.

* * * * *

(c) *Material requirements.*

(1) For new installations and modifications to existing installations, conductors shall be solid, 24 gauge or larger, twisted copper pairs which comply with the electrical specifications for Category 3 or higher as defined in the ANSI EIA/TIA Building Wiring Standards.

(2) Conductors shall have insulation with a 1500 Volt rms minimum breakdown rating. This rating shall be established by covering the jacket or sheath with at least 15 cm (6 in) (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30 second time period to 1500 Volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

(3) All wire and connectors meeting the requirements set forth in paragraphs (c)(1) and (2) of this section shall be marked in a manner visible to the consumer, as recommended in the ANSI EIA/TIA premises cabling standards.

* * * * *

[FR Doc. 97–17714 Filed 7–7–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1002, 1182, 1187, and 1188

[STB Ex Parte No. 559]

Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board proposes to establish revised procedures governing finance applications involving motor passenger carriers, filed under 49 U.S.C. 14303. The proposed procedures adopt, with modifications, the existing procedures promulgated by the Interstate Commerce Commission (ICC). In addition, the regulations in parts 1187 and 1188 are proposed to be removed and replaced by new provisions incorporated in part 1182. (Accordingly, in a separate notice published today, the rulemaking proposed by the ICC in Ex Parte No. MC–216 is being discontinued.)

DATES: Comments are due on August 7, 1997.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 559 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, Mercury Building, 1925 K Street, N.W., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (1995) (ICCTA), which took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain of its motor carrier regulatory functions to the Secretary of Transportation (Secretary) and to the Surface Transportation Board (Board). See ICCTA section 101 (abolition of the ICC). See also new 49 U.S.C. 13101–14914 (regulatory provisions applicable to motor carriers, administered in part by the Secretary and in part by the Board).

Finance Jurisdiction. Under the new provisions of 49 U.S.C. 14303, the Board has jurisdiction over finance transactions'i.e., consolidations, mergers, purchases, leases, and contracts to operate properties or franchises'involving motor passenger carriers. [1] The Board's jurisdiction over these finance transactions is similar to that of the ICC.

Since enactment of the ICCTA, the Board has continued to apply in motor passenger carrier cases the procedural rules that were promulgated by the ICC. In most instances, the former rules have provided adequate and appropriate guidance to applicants and other interested parties, and there have been no difficulties in applying those rules under the new statute. The rules, however, are obsolete in some areas.

The Board has reviewed the regulations and has determined that certain modifications are required to conform them to the new statute and to assure expeditious processing of motor passenger carrier finance proceedings. Relatively few substantive modifications are required to the former regulations, and these are detailed in a separate decision, which is available to all persons for a charge by calling DC NEWS & DATA, INC., at (202) 289–4357.

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

The Board certifies that the rules proposed, if adopted, would not have a significant economic impact on any substantial number of small entities. The procedures established are simple and expeditious, impose no additional reporting requirements on small entities, and maintain the rapid processing time typical of such applications under the former rules promulgated by the ICC. The Board seeks comments, however, on whether there would be effects on small entities that should be considered.

List of Subjects

49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

49 CFR Part 1182

Administrative practice and procedure, Maritime carriers, Motor carriers.

49 CFR Part 1187

Administrative practice and procedure, Maritime carriers, Motor carriers.

49 CFR Part 1188

Administrative practice and procedure, Motor carriers.

Decided: June 20, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1002, 1182, 1187, and 1188 of the Code of Federal Regulations are proposed to be amended as follows:

PART 1002—FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701; and 49 U.S.C. 721(a).

2. Section 1002.2 is proposed to be amended by revising fee items (2) and (5) in the table in paragraph (f) to read as follows:

§ 1002.2 Filing fees.

* * * * *

(f) * * *

Type of proceeding	Fee
(2) An application to consolidate, merge, purchase, lease, or contract to operate the properties or franchises of motor carriers of passengers or to acquire control of motor carriers of passengers, under 49 U.S.C. 14303	1,100.
* * * *	*
(5) A request for interim approval in connection with a finance application involving a motor carrier of passengers, under 49 U.S.C. 14303(i)	250.
* * * *	*

3. Part 1182 is proposed to be revised to read as follows:

PART 1182—PURCHASE, MERGER, AND CONTROL OF MOTOR PASSENGER CARRIERS

Sec.
1182.1 Applications covered by these rules.
1182.2 Content of applications.
1182.3 Filing the application.
1182.4 Board review of the application.
1182.5 Comments.
1182.6 Processing an opposed application.
1182.7 Interim approval.
1182.8 Miscellaneous requirements.

Authority: 5 U.S.C. 559; 21 U.S.C. 853a; and 49 U.S.C. 13501, 13902(c), and 14303.

§ 1182.1 Applications covered by these rules.

These rules govern applications for authority under 49 U.S.C. 14303 to consolidate, merge, purchase, lease, or contract to operate the properties or franchises of motor carriers of passengers or to acquire control of motor carriers of passengers. There is no application form for these proceedings. Applicants shall file a pleading containing the information described in 49 CFR 1182.2. *See* 49 CFR 1002.1(f)(2) and (5) for filing fees.

§ 1182.2 Content of applications.

(a) The application must contain the following information:

(1) Full name, address, and authorized signature of each of the parties to the transaction;

(2) Copies or descriptions of the pertinent operating authorities of all of the parties; (NOTE: If an applicant is domiciled in Mexico or owned or controlled by persons of that country, copies of the actual operating authorities must be submitted.)

(3) A description of the proposed transaction;

(4) Identification of any motor passenger carriers affiliated with the parties, a brief description of their operations, and a summary of the intercorporate structure of the corporate family from top to bottom;

(5) A jurisdictional statement, under 49 U.S.C. 14303(g), that the aggregate gross operating revenues, including revenues of all motor carrier parties and all of their motor carrier affiliates from all transportation sources (whether interstate, intrastate, foreign, regulated, or unregulated) exceeded $2 million;

(Note: The motor passenger carrier parties and their motor passenger carrier affiliates may select a consecutive 12-month period ending not more than 6 months before the date of the parties' agreement covering the transaction. They must, however, select the same 12-month period.)

(6) A statement indicating whether the transaction will or will not significantly affect the quality of the human environment and the conservation of energy resources;

(7) Information to demonstrate that the proposed transaction is consistent with the public interest, including particularly: the effect of the proposed transaction on the adequacy of transportation to the public; the total fixed charges (e.g., interest) that result from the proposed transaction; and the

[1] The ICC had similar jurisdiction over such transactions involving motor carriers of property and water carriers as well.

interest of carrier employees affected by the proposed transaction. *See* 49 U.S.C. 14303(b);

(8) Certification of the U.S. Department of Transportation safety fitness rating of each motor passenger carrier involved in the transaction, whether that carrier is a party to the transaction or is affiliated with a party to the transaction;

(9) Certification by the party acquiring any operating rights through the transaction that it has sufficient insurance coverage under 49 U.S.C. 13906(a) and (d) for the service it intends to provide;

(10) A statement indicating whether any party acquiring any operating rights through the transaction is either domiciled in Mexico or owned or controlled by persons of that country; and

(11) If the transaction involves the transfer of operating authority to an individual who will hold the authority in his or her name, that individual must complete the following certification:

I, _____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that I have been so convicted, but I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to 21 U.S.C. 853a.

(b) The application shall contain applicants' entire case in support of the proposed transaction, unless the Board finds, on its own motion or that of a party to the proceeding, that additional evidentiary submissions are required to resolve the issues in a particular case.

(c) Any statements submitted on behalf of an applicant supporting the application shall be verified, as provided in 49 CFR 1182.8(e). Pleadings consisting strictly of legal argument, however, need not be verified.

(d) If an application or supplemental pleading contains false or misleading information, the granted application is void ab initio.

§ 1182.3 Filing the application.

(a) Each application shall be filed with the Board, complying with the requirements set forth at 49 CFR 1182.8.

(1) One copy of the application shall be delivered, by first-class mail, to the appropriate regulatory body in each State in which any of the parties operates in intrastate commerce.

(2) If the application involves the merger or purchase of motor passenger carriers (contemplating transfer of operating authorities or registrations from one or more parties to others), one copy of the application shall be delivered, by first-class mail, to:

Chief, Lic. & Ins. Div., U.S.D.O.T. Office of Motor Carriers-HIA 30, 400 Virginia Ave. SW, Ste. 600, Washington, DC 20004

(b) In their application, the parties shall certify that they have delivered copies of the application as provided in paragraph (a) of this section.

§ 1182.4 Board review of the application.

(a) All applications will be reviewed for completeness. Applicants will be given an opportunity to correct minor errors or omissions. Incomplete applications may be rejected, or, if omissions are corrected, the filing date of the application, for purposes of calculating the procedural schedule and statutory deadlines, will be deemed to be the date on which the complete information is filed with the Board.

(b) If the application is accepted, a summary of the application will be published in the **Federal Register** (within 30 days, as provided by 49 U.S.C. 14303(c)), to give notice to the public, in the form of a tentative grant of authority.

(c) If the published notice does not properly describe the transaction for which approval is sought, applicants shall inform the Board within 10 days after the publication date.

(d) A copy of the application will be available for inspection at the Board's offices in Washington, DC. Interested persons may obtain a copy of the application from the applicants' representative, as specified in the published notice.

§ 1182.5 Comments.

(a) Comments concerning an application must be received by the Board within 45 days after notice of the application is published, as provided by 49 U.S.C. 14303(d). Failure to file a timely comment waives further participation in the proceeding. If no comments are filed opposing the application, the published tentative grant of authority will automatically become effective at the close of the comment period. A tentative grant of authority does not entitle the applicant to consommate the transaction before the end of the comment period.

(b) A comment shall be verified, as provided in 49 CFR 1182.8(e), and shall contain all information upon which the commenter intends to rely, including the grounds for any opposition to the transaction and the commenter's interest in the proceeding.

(c) The docket number of the application must be conspicuously placed at the top of the first page of the comment.

(d) A copy of the comment shall be delivered concurrently to applicants' representative(s).

§ 1182.6 Processing an opposed application.

(a) If timely comments are submitted in opposition to an application, the tentative grant of authority is void.

(b) Applicants may file a reply to opposing comments, within 60 days after the date the application was published.

(1) The reply may include a request for an expedited decision on the issues raised by the comments. Otherwise, the reply may not contain any new evidence, but shall only rebut or further explain matters previously raised.

(2) The reply shall be verified, as provided in 49 CFR 1182.8(e), unless it consists strictly of legal argument.

(3) Applicants' reply must be served on each commenter in such manner that it is received no later than the date it is due to be filed with the Board.

(4) Opposing commenters may reply to a request for an expedited decision, within 70 days after notice of the application was published.

(c) The Board may

(1) Dispense with further procedings and make a final determination based on the record as developed; or

(2) Issue a procedural schedule specifying the dates by which: applicants may submit additional evidence in support of the application, in response to the comment(s) in opposition; and the opposing commentor(s) may reply.

(d) Further processing of an opposed application will be handled on a case-by-case basis, as appropriate to the particular issues raised in the comments filed in opposition to the application. Evidentiary proceedings must be concluded within 240 days after publication of the notice of the application.

§ 1182.7 Interim approval.

(a) A party may request interim approval of the operation of the properties sought to be acquired through the proposed transaction, for a period of not more than 180 days pending determination of the application. This request may be included in the application or may be submitted separately after the application is filed (e.g., once a comment opposing the application has been filed). An additional filing fee is required, whether the request for interim approval is included in the application or is submitted separately, at a later time. See 49 CFR 1002.2(f)(5) for the additional filing fee.

(b) A request for interim approval of the operation of the properties sought to be acquired in the application must show that failure to grant interim approval may result in destruction of or injury to those properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public.

(c) If a request for interim approval is submitted after the application is filed, it must be served on each person who files or has filed a comment in response to the published notice of the application. Service must be simultaneous upon those commenters who are known when the request for interim approval is submitted; otherwise, service must be within 5 days after the comment is received by applicants or their representative.

(d) Because the basis for requesting interim approval is to prevent destruction of or injury to motor passenger carrier properties sought to be acquired under 49 U.S.C. 14303, the processing of such requests is intended to promote expeditious decisions regarding interim approval. The Board has no obligation to give public notice of requests for interim approval, and such requests are decided without hearing or other formal proceeding.

(1) If a request for interim approval is included in the application, the Board's decision with regard to interim approval will be served in conjunction with the notice accepting the application.

(2) If an application is rejected, the request for interim approval will be denied.

(3) If an application is denied, after comments in opposition are submitted, any interim approval will terminate 30 days after service of the decision denying the application.

(e) A petition to reconsider a grant of interim approval may be filed only by a person who has filed a comment in opposition to the application.

(1) A petition to reconsider a grant of interim approval must be in writing and shall state the specific grounds upon which the commenter relies in opposing interim approval. The petition shall certify that a copy has been served on applicants' representative.

(2) The original and 10 copies of the petition to reconsider a grant of interim approval shall be filed with the Board, and one copy of the petition shall be served on applicants' representative(s).

(f) The Board may act on a petition to reconsider a grant of interim approval either separately or in connection with the final decision on the application.

§ 1182.8 Miscellaneous requirements.

(a) If applicants wish to withdraw an application, they shall jointly request dismissal in writing.

(b) An original and 10 copies of all applications, pleadings, and other material filed under this part must be filed with the Board.

(c) All pleadings (including motions and replies) submitted under this part shall be served on all other parties, concurrently and by the same (or more expeditious) means with which they are filed with the Board.

(d) Each pleading shall contain a certificate of service stating that the pleading has been served in accordance with paragraph (c) of this section.

(e) All applications and pleadings containing statements of fact (i.e., except motions to strike, replies thereto, and other pleadings that consist only of legal argument) must be verified by the person offering the statement, in the following manner:

I, [*Name and Title of Witness*], verify under penalty of perjury, under the laws of the United States of America, that all information supplied in connection with this application is true and correct. Further, I certify that I am qualified and authorized to file this application or pleading. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to five years for each offense. [*Signature and Date*]

(f) If completion of a transaction requires the transfer of operating authorities or registrations from one or more parties to others, the parties shall comply with relevant procedures of State authorities and of the Office of Motor Carriers of the U.S. Department of Transportation, to accomplish such transfers.

PART 1187—[REMOVED]

4. Part 1187 is proposed to be removed.

PART 1188—[REMOVED]

5. Part 1188 is proposed to be removed.

[FR Doc. 97–17746 Filed 7–7–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1181, 1182, 1186, and 1188

[Ex Parte No. MC–216]

Jurisdiction Over Motor Finance Transactions

AGENCY: Surface Transportation Board.

ACTION: Proposed rule, withdrawal.

SUMMARY: The Surface Transportation Board is discontinuing the rulemaking in Ex Parte No. MC–216. The rulemaking is discontinued because the regulatory support is no longer required.

DATES: This withdrawal is effective on July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600]. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (1995) (ICCTA), which took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain of its motor carrier regulatory functions to the Secretary of Transportation (Secretary) and to the Surface Transportation Board (Board). See ICCTA section 101 (abolition of the ICC). See also new 49 U.S.C. 13101–14914 (regulatory provisions applicable to motor carriers, administered in part by the Secretary and in part by the Board).

Prior to January 1, 1996, former 49 U.S.C. 11343 provided that certain motor carrier transactions, including those related to mergers, purchases, and acquisitions of control, could not be carried out without prior ICC approval. Under former 49 U.S.C. 11343(d)(1), however, ICC approval was not required if the only parties were motor carriers and their ''aggregate gross operating revenues'' did not exceed $2 million during a consecutive 12-month period ending not more than 6 months before the date of the agreement underlying the transaction.

Sale, lease, and merger transactions involving only motor carriers whose aggregate gross operating revenues did not exceed the $2 million threshold were subject to prior ICC approval under former 49 U.S.C. 10926 and the small carrier transfer rules of 49 CFR part 1181. Control transactions involving only motor carriers whose aggregate gross operating revenues did not exceed the $2 million threshold were not subject to ICC jurisdiction.

In the notice of proposed rulemaking (NPR) in this proceeding, served

December 15, 1993, and published December 16, 1993 (58 FR 65695), the ICC proposed to redefine aggregate gross operating revenues for purposes of calculating the $2 million threshold. The notice of proposed rulemaking included both a revised 49 CFR part 1188 and conforming amendments to 49 CFR parts 1181, 1182, and 1186.

Under new 49 U.S.C. 14303(g), the only remaining jurisdiction analogous to the non-rail portions of former section 49 U.S.C. 11343, motor carriers of passengers must still obtain Board approval for the same transactions that formerly were subject to old 49 U.S.C. 11343, unless the parties' aggregate gross operating revenues do not exceed the same $2 million jurisdictional threshold of old 49 U.S.C. 11343(d)(1). Other regulatory approval, as was required under former 49 U.S.C. 10926, is no longer required when the parties' aggregate gross operating revenues do not exceed the $2 million threshold. Consequently, in *Revision to Regulations Governing Finance Applications Involving Motor Passenger Carriers*, STB Ex Parte No. 559 (published elsewhere in this section of the **Federal Register**), we are issuing a new NPR proposing revised procedures for finance applications involving motor carriers of passengers. Because we will consider the jurisdictional threshold computation issue in STB Ex Parte No. 559, we are discontinuing this proceeding. The comments previously filed in this proceeding will be made part of the record in STB Ex Parte No. 559 and need not be refiled.

Environmental And Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

This action will not have a significant economic impact on a substantial number of small entities. It imposes no new requirements on any entity, and previous requirements involving carriers other than motor passenger carriers have been repealed by statute.

Decided: June 20, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97–17747 Filed 7–7–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition To List the Southern California Population of the Mountain Yellow-Legged Frog With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U. S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the southern California population of the mountain yellow-legged frog (*Rana muscosa*) pursuant to the Endangered Species Act of 1973, as amended (Act). The Service believes that the southern California population is a distinct vertebrate population segment and finds that the petition presents substantial information indicating that listing the species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on June 27, 1997. To be considered in the 12-month finding for this petition, comments and information should be submitted to the Service by August 7, 1997.

ADDRESSES: Data, information, comments, or questions concerning the finding should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul J. Barrett at the above address or telephone 760/431–9440.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service is required to promptly commence a review of the status of the species involved, if one has not already been initiated under the Service's internal candidate assessment process.

The processing of this petition conforms with the Service's final listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will continue to process the backlog of rulemakings during fiscal year 1997 following two related events: (1) The lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104–6), and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority (tier 1) to handling emergency situations, second highest priority (tier 2) to resolving the listing status of the outstanding proposed listings, and third priority (tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions. The processing of this petition falls under tier 3. The guidance states that ''effective April 1, 1997, the Service will concurrently undertake all of the activities presently included in tiers 1, 2, and 3'' (61 FR 64480).

The Service has made a 90-day finding on a petition to list the southern California populations of the mountain yellow-legged frog (*Rana muscosa*) as threatened or endangered with critical habitat. The petition, dated July 10, 1995, was submitted by D. C. ''Jasper'' Carlton (of the Biodiversity Legal Foundation), Bonnie M. Dombrowski, and Michael C. Long, and was received by the Service on July 10, 1995. The petitioners clearly identified the document as a petition and the document contained the names, addresses, and signatures of all petitioners. The petitioners submitted biological, distributional, historical, and other information and scientific reference in support of the petition. The Service subsequently received a letter from Mr. Carlton dated December 21, 1995, requesting an emergency listing of this population of the frog. The Service has determined that emergency listing of the petition entity is not warranted. In the petition, the petition entity is referred to as the ''southern California 'populations' of mountain yellow-legged frogs''. Throughout the finding, we refer to all mountain yellow-legged frogs south of the Tehachapi Mountains as the ''southern California population.'' Groups of individuals within the

southern California population that may be fully or partially reproductively isolated from each other are referred to as ''subpopulations'' in the finding.

The mountain yellow-legged frog (*Rana muscosa*) is a true frog (family Ranidae). The historic range of the mountain yellow-legged frog in the Sierra Nevada was from southern Plumas County to southern Tulare County. The southern California population, isolated from the Sierran population by the Tehachapi Mountains and a distance of about 225 kilometers (km) (140 miles (mi)), consisted of clusters in the San Gabriel, San Bernardino, and San Jacinto mountains, with a southernmost outpost on Mt. Palomar in northern San Diego County now presumed extinct. Prior to the late 1960's, mountain yellow-legged frogs were abundant in southern California stream drainages. However, the southern California population of mountain yellow-legged frog has probably been extirpated from more than 99 percent of its historic range. The petition and accompanying documentation stated that the species qualifies for designation pursuant to the Act due to potential habitat destruction, the inadequacy of existing regulatory mechanisms, and other natural or human-caused factors affecting its continued existence. The petitioners contend natural and human-induced changes in streamflows, land-use practices, intensive recreation, the introduction on nonnative competitors and predators, random events, and the species' presumed sensitivity to increased ultraviolet radiation all contribute to the decline of the population.

The Service has reviewed the petition and other information available in the Service's files. In an initial review of this information, the Service determined that an emergency listing of the southern California population was not warranted. Based upon additional review, the Service believes that the southern California population of the mountain yellow-legged frog is a distinct vertebrate population segment as defined by Service policy (61 FR 4722) and that substantial evidence exists, in light of the precarious nature of most subpopulations, its rapid decline in southern California, and the wide-ranging threats to the remaining individuals and subpopulations, that listing of this population segment as threatened or endangered may be warranted. When the Service makes a positive finding, it also is required to promptly commence a review of the status of the species. Based upon the available and any newly obtained information, the Service will issue a 12-month finding as required by Section 4(b)(3)(B) of the Act. Though the petitioners also requested that critical habitat be designated for the southern California population of the mountain yellow-legged frog, the 12-month finding will address this issue.

The Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. The Service requests any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of the southern California population of mountain yellow-legged frog. Of particular interest is information regarding (1) the existence and status of additional subpopulations, (2) environmental factors determining distribution, (3) the impact of altered flow regimes, water quality, land-use practices, and recreation on the species, and (4) genetic variability in known subpopulations.

Author

The primary author of this document is Paul J. Barrett, Carlsbad Field Office (see **ADDRESSES** section above).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Dated: June 27, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 97–17659 Filed 7–7–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Lesser Prairie-Chicken as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the lesser prairie-chicken (*Tympanuchus pallidicinctus*) to the List of Threatened and Endangered Wildlife. The Service finds that the petition presents substantial information indicating that listing the species as threatened may be warranted. The Service initiates a status review and will prepare a 12-month finding.

DATES: The finding announced in this document was made on July 8, 1997. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by September 8, 1997.

ADDRESSES: Information, comments, or questions should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 222 S. Houston, Suite A, Tulsa, Oklahoma, 74127–8909. The petition finding and supporting data are available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jerry Brabander, Field Supervisor (see **ADDRESSES** section) (telephone 918/581–7458 ext. 224).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register.** If the finding is positive, the Service is required to promptly commence a review of the status of the involved species if one has not already been initiated under the Service's internal candidate assessment process.

The Service has made a 90-day finding on a petition to list the lesser prairie-chicken (*Tympanuchus pallidicinctus*) as threatened. The petition, dated October 5, 1995 was submitted by the Biodiversity Legal Foundation, Boulder, Colorado and Marie E. Morrissey, and was received by the Service on October 6, 1995. The petitioners requested that the Service list the lesser prairie-chicken as threatened throughout its known historic range in the United States, and that critical habitat be designated as soon as needs of the species are sufficiently well known.

When the Service received the petition it was under a moratorium on listing actions as a result of Public Law 104–6, which, along with a series of

continuing budget resolutions, eliminated the Service's endangered species listing budget through April, 1996. This suspension of the listing program prohibited the Service from processing the petition to list the prairie chicken. In addition, the moratorium resulted in a substantial backlog of listing actions, which prompted the Service to issue guidance instituting a biologically based system for reducing the listing backlog. This system placed emergency listings and finalization of proposed rules to list species ahead of petition findings (61 FR 64475). For these reasons, this 90-day finding was made well over 90 days after the petition was received.

The Biodiversity Legal Foundation submitted biological, distributional, historical and other information in support of the petition. The petitioners identified threats to the lesser prairie-chicken as present and potential destruction of habitat (resulting from agricultural conversion, habitat fragmentation, intensive grazing, and brush control); disturbance caused by large oil and gas developments; over-utilization by sport hunters; disease; and predation. Further, they asserted that existing regulatory mechanisms were inadequate to protect the species from decline.

The Service has reviewed the petition, literature cited in the petition, other available literature and data, and has consulted with biologists and researchers familiar with the lesser prairie-chicken. After reviewing the best scientific and commercial information available at this time, the Service finds that the petition presents substantial information that listing the lesser prairie-chicken may be warranted.

The lesser prairie-chicken historically occupied areas of sand sagebrush-(*Artemesia filifolia*) or shinnery oak-(*Quercus havardii*) bluestem grasslands in portions of southeastern Colorado, southwestern Kansas, western Oklahoma, the Texas Panhandle, and eastern New Mexico. The area originally occupied by lesser prairie-chickens was about 358,000 square kilometers (km) (139,500 square miles (mi) (Taylor and Guthery 1980 based on Aldrich 1963). Taylor and Guthery (1980) estimated a total occupied range in 1980 of 27,300 square km (10,500 square mi), a 92 percent decrease since the 1800's.

Little information is available on lesser prairie-chicken populations prior to 1900. Litton et al. (1994) suggested that there may have been as many as two million birds in Texas alone prior to 1900. In the early twentieth century, lesser prairie-chickens were reportedly common throughout the five state range. By the 1930's extensive cultivation, overgrazing, and drought had begun to cause the species to disappear from sections where it had been abundant (Bent 1932, Baker 1953, Bailey and Niedrach 1965, Davison 1940, Lee 1950, Oberholser 1974). Lesser prairie-chicken abundance appeared to fluctuate somewhat during the 1940's and 1950's (Copelin 1963, Crawford 1980), and by the early 1970's, the total fall population may have been reduced to about 60,000 birds (Crawford 1980). By 1980, the estimate of total fall population was approximately 44,000 to 53,000 birds, a decline of 97 percent from the pre-1900 level (Crawford 1980).

The petitioners presented, or referenced, recent population abundance or trend data from each of the states. In response to the petition, the state wildlife agencies also provided the Service with information. In general, each of the state wildlife agencies was unable to provide a precise estimate of lesser prairie-chicken population abundance. Rather, the states used lek density and/or average lek size estimates as an index to density of males (a lek is a gathering area for male birds to display and attract females).

In Colorado, the lesser prairie-chicken was listed as threatened in 1973. Historical range included 6 counties; currently, they are limited to fragmented areas of 3 counties (Giesen 1994a). The number of active leks and total number of birds counted on leks increased steadily from 3 in 1959 to 45 in 1989 (Giesen 1994b), although prior to 1981, survey effort was sporadic. In the late 1980's the lesser prairie-chicken population in Colorado was estimated between 1,000–2,000 birds on approximately 58 total leks (Giesen 1994b). Since 1990, access to private land south of the Cimarron River in Baca County has been denied, leading to an inability to accurately determine total number of leks or birds. Also, drought conditions in the early 1990's coincided with noticeable declines in numbers of active leks and numbers of males counted in other areas of occupied range (K. Giesen, pers. comm., March 1, 1997). The Colorado Division of Wildlife currently estimates a total of 800–1,100 lesser prairie-chickens in the State (J. Sheppards, CDOW, pers. comm, Aug. 14, 1996, K. Giesen, pers. comm., Dec. 13, 1995).

In Kansas, the lesser prairie-chicken is considered an upland game bird. The estimated fall population in 1979 was 17,000–18,000 birds (Crawford 1980). The petitioners estimated a spring 1995 population of approximately 5,000 birds, based on a rough estimate from Kansas Department of Wildlife and Parks (KDWP). Four counties have been surveyed for density of lesser prairie-chickens since 1964. Eight of ten lesser prairie-chicken routes (counties) surveyed between 1969 and 1995 in Kansas have a significantly declining trend of birds/square mile ($P<0.10$) (R. Applegate, pers. comm, Aug. 14, 1996).

In Oklahoma, the lesser prairie-chicken is also considered an upland game bird, although the Oklahoma Department of Wildlife Conservation has proposed closing the season beginning in 1998. In 1960, Copelin (1963) estimated the spring population at 15,000, falling to 7,500 in 1979 (Cannon and Knopf 1980). In 1995, the total spring population was estimated as approximately 475 birds (R. Horton, pers. comm., Dec. 13, 1995).

Between 1968 and 1995, the average lek size in Oklahoma ranged from a high of 16.5 in 1975 to a low of 4.6 in 1995. Between 1985 and 1995, the estimated density of leks within occupied habitat ranged from a high of 0.13 leks/100 hectares (ha) (247 acres (ac)) in 1988 to a low of 0.03 leks/100 ha in 1993. Density in 1995 was 0.05 leks/100 ha (247 ac) (Oklahoma Department of Wildlife Conservation 1995).

In the spring of 1996, researchers from Oklahoma State University made an effort to locate all active leks in Oklahoma. Their searches yielded 14 active leks and 123 total birds (C. Green, Oklahoma State University, pers. comm., Jan. 17, 1997). The possible existence of two additional leks were reported later that year. Some leks found in 1996 and 1997 were located in areas not traditionally searched, indicating the possibility that expanded search range may be necessary to accurately determine the status of the lesser prairie-chicken in Oklahoma.

In Texas, the lesser prairie-chicken is also classified as an upland game bird. Litton et al. (1994) reported estimates of two million birds in Texas prior to 1900. In 1979, the Texas population was estimated between 11,000 and 18,000 birds (Crawford 1980).

The Texas Parks and Wildlife Department (TPWD) provided to the Service data beginning in 1942. Estimates for average lek size are available for the Northeastern Panhandle population between 1942 and 1996. These data show marked oscillation, yet indicate a slight increasing trend when the entire period is considered ($P=0.0077$, A. Sansom, pers. comm., Apr. 3, 1997). Estimates of average lek size are available for the Southwestern Panhandle (Permian Basin) population between 1969 and 1996. These data also indicate variance among years in average lek size, but the

overall trend is decreasing (*P*=0.0001, A. Sansom, pers. comm., Apr. 3, 1997).

Between 1942 and 1986, TPWD estimated the density of leks/100 ha in two study areas in the northeastern portion of the Texas panhandle (Wheeler and Hemphill counties). During this time period, the density of leks in Hemphill County remained fairly stable, around 0.1 leks/100 ha (247 ac). In Wheeler County, density of leks was highest in 1942 (0.9 leks/100 ha (247 ac)), peaked again in 1974 at 0.8, and remained between 0.5 and 0.6 between 1981 and 1985. Beginning in 1997, TPWD resumed estimating lek density in these two northeastern panhandle areas, as well as Gaines, Yoakum, and Bailey counties in the southwestern portion of the panhandle (A. Sansom, pers. comm., Apr. 3, 1997).

In New Mexico, the lesser prairie-chicken is an upland game bird, although the hunting season was closed in 1996. An average fall population of 6,000–10,000 birds was estimated by Taylor and Guthery (1980) using Campbell's (1972) data. Since 1971, the Bureau of Land Management (BLM) has surveyed lesser prairie-chicken leks on the Caprock Wildlife Habitat Area which encompasses approximately 50 percent of the available lesser prairie-chicken habitat in New Mexico (B. Hale, New Mexico Department of Game and Fish, pers. comm, Dec. 16, 1996). The percentage of leks sampled that are active declined from a reported high of 93 percent in 1983 (71 sampled) to 18 percent in 1996 (125 sampled, R. French, pers. comm., Aug. 14, 1996). Total population size estimates on the Caprock Area were reported as 2,600 birds in 1979, 1,100 in 1982, 2,000 in 1987, 935 in 1994, and 350 in 1996 (1996 estimate from R. French, Bureau of Land Management, Roswell District, pers. comm., Aug. 14, 1996).

In summary, indices used to gauge annual population fluctuations differ among some states, and data are fragmented over time even within given states. An examination of the data submitted by the states to the petitioner and the Service suggests a declining trend in lesser prairie-chicken populations in each of the states with the possible exception of Texas.

Threats to the species may include conversion of native prairie to cultivation and degradation of remaining habitat. Continued conversion to agriculture could result in increasingly fragmented areas of suitable habitat. Small subpopulations in restricted areas may experience barriers to dispersal and colonization, and eventually become vulnerable to inbreeding depression, genetic drift, and chance extinctions.

Livestock grazing of rangeland to a degree that leaves little residual grass cover remaining in the spring is considered detrimental to lesser prairie-chicken populations (Bent 1932, Bidwell and Peoples 1991, Cannon and Knopf 1980, Crawford 1980, Giesen 1994b, Riley et al. 1992), because grass height is reduced below that necessary for nesting cover and desirable food plants are markedly reduced.

The control of shinnery oak or sand sagebrush to increase grass production and stocking capacity of rangelands may be detrimental to lesser prairie-chickens if control occurs over extensive areas because prairie-chickens need a diversity of vegetative components within their range. However, well managed grazing that ensures a diversity of plants and cover types remain on the landscape can be favorable to prairie-chickens.

When the Service makes a positive finding, it is also required to promptly commence a review of the status of the species. In the case of the lesser prairie-chicken, the Service requests information on the status of the species throughout its range in the United States. The Service is soliciting additional information on the population abundance, population trends, distribution, use of habitats including native prairie and cropland, and factors documented to influence population abundance, distribution, and habitat use of lesser prairie-chickens.

References Cited

A complete list of all references cited herein, as well as others, is available upon request. Refer to the **ADDRESSES** section for contact information.

Authors

This document was prepared by Noreen E. Walsh, at the Service's Oklahoma office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, and Transportation.

Dated: June 30, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 97–17658 Filed 7–7–97; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 62, No. 130
Tuesday, July 8, 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

Olympic Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic PIEC Advisory Committee will meet on July 24, 1997 at the Columbia RC&D Building's Conference Room, located at 303 South ''I'' Street, Aberdeen, Washington. The meeting will begin at 9:30 a.m. and continue until 3:00 p.m. Agenda items to be covered include: (1) Review an discussion of public input for Olympic Adaptive Management Area; (2) Review of 5-year timber plan; (3) Update on Wolf Introduction; (4) Open public forum. All Olympic Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Kathy Snow, Province Liaison, USDA, Quilcene Range District, P.O. Box 280, Quilcene, WA 98376, (360) 765–2211, or Ronald R. Humphrey, Forest Supervisor, at (360) 956–2300.

Dated: July 1, 1997.

Ronald R. Humphrey,

Forest Supervisor.

[FR Doc. 97–17705 Filed 7–7–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request an Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request an extension of a currently approved information collection, the Cotton Ginning Survey.

DATES: Comments on this notice must be received by September 11, 1997 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4117, South Building, Washington, D.C. 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Cotton Ginning Survey.

OMB Number: 0535–0220.

Expiration Date of Approval: November 30, 1997.

Type of Request: To extend a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue state and national estimates of crop and livestock production. The Cotton Ginning Survey provides statistics concerning cotton ginning for specific dates and geographic regions and aids in forecasting cotton production, which is required for under 7 U.S.C. Section 475.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 6 minutes per response.

Respondents: Cotton Ginners.

Estimated Number of Respondents: 11,600.

Estimated Total Annual Burden on Respondents: 1,160 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 4162, South Building, Washington, D.C. 20250–2000.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, D.C., June 12, 1997.

Donald M. Bay,

Administrator, National Agricultural Statistics Service.

[FR Doc. 97–17680 Filed 7–7–97; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

National Sheep Industry Improvement Center; Notice of Board Meeting

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Board of Directors of the National Sheep Industry Improvement Center announces a Board of Directors meeting to develop the Center's strategic plan for accomplishing the purposes of the Center. During the meeting time the Board will visit the office that will likely become the headquarters for the National Sheep Industry Improvement Center. The Board will also address other issues as needed. Public attendance is welcomed, but public input during the meeting is not expected.

DATES: The meeting is scheduled for 1:30 p.m. to 5:30 p.m., July 24 and 8:00 a.m. to 11:00 a.m., July 25, 1997.

ADDRESSES: The meeting will be held in the W–13A Conference Room at the USDA Rural Development State Office, 655 Parfet Street, Lakewood, CO 80215.

FOR FURTHER INFORMATION CONTACT: Thomas Stafford, Director, Cooperative Marketing Division, Cooperative Services, RBS, USDA, Stop 3252, Room 4204, 1400 Independence Ave. SW, Washington, DC 20080–3252, telephone (202) 690–0368. (This is not a toll free number.) E-mail: tstaff@rurdev.usda.gov. The Federal Information Relay service on 1–800–877–8339 may be used by TDD users.

SUPPLEMENTARY INFORMATION: The Board of Directors for the National Sheep Industry Improvement Center is developing a strategic plan, as required in the legislation establishing the Center. The Board sought input into policy objectives that will guide the Center's assistance in strengthening the Nation's sheep and goat industries through three public hearings and in written comments. The hearing records and additional comments will be used as input in developing the strategic plan. The board is not looking for specific proposals or additional input at this time.

The Board has tentatively decided to locate the headquarters of the National Sheep Industry Improvement Center in the Denver area. Federal space has been located in the Denver suburb of Lakewood. The Board will tour the potential site to make final approval of the office space.

Authority: 7 U.S.C. 2008j, Pub.L. 104.130.

Dated: July 2, 1997.

Wilbur T. Peer,

Acting Administrator.

[FR Doc. 97–17742 Filed 7–7–97; 8:45 am]

BILLING CODE 3410–XY–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: July 11, 1997; 9:30 a.m. and 3:00 p.m.

PLACE:

9:30–11:00 a.m., Sheraton Imperial, 4700 Emperor Blvd., Bull Durham Room—First Floor, Durham, NC

3:00–5:00 p.m., North Carolina State University, Main Conference Facilities, Ground Floor, McKimmon Center, Raleigh, NC

The members of the Broadcasting Board of Governors (BBG) will conduct an open forum from 3:00 p.m. to 5:00 p.m. entitled ''Communicating America's Interests Abroad: Challenges and Opportunities for U.S. International Broadcasting.'' Senator Jesse Helms will participate in the forum and provide the opening remarks. Guest panelists will include William Friday, President of the University of North Carolina, Dr. Jan Keohane, President of Duke University, Dr. Robert Stevenson, Kenan Professor of Journalism of the University of North Carolina, and Jim Goodman, President of Capitol Broadcasting Company in Raleigh.

All guests, including the public, will be invited to participate in a discussion on the role of U.S. international broadcasting into the 21st century. Such dialogue should assist the Board in focusing its mission at the dawn of a new century.

The Board will conduct a preliminary meeting from 9:30 a.m. to 11:00 a.m. primarily to prepare for the afternoon forum. A variety of other primarily housekeeping matters, such as approval of the minutes of the prior meeting, will also be covered.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Brenda Thomas at (202) 401–3736.

Dated: July 3, 1997.

David W. Burke,

Chairman.

[FR Doc. 97–17986 Filed 7–3–97; 3:50 pm]

BILLING CODE 8230–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA).

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 05/17/97–06/25/97

Firm name	Address	Date petition accepted	Product
Team One USA, Inc.	1844 Poulsbo Avenue, Keyport, WA 98345.	05/21/97	Marine Patrol Craft.
Headwear U.S.A., Inc. dba Identity Headwear.	5830 Woodson Drive, Mission, KS 66285.	06/13/97	Headwear—Ball Caps and Visors.
Carolace Embroidery Company, Inc..	501 Broad Avenue, Ridgefield, NJ 07657.	06/25/97	Schiffli Embroidery and Venise Lace.
Twinplex Manufacturing Company.	840 Lively Boulevard, Wood Dale, IL 60191.	06/12/97	Tubes for Consumer Battery Shells Drawn of Alloy Steel.
Prodigy Advanced Repair Technology Corporation.	104 South Missouri, Suite 202, Claremore, OK 74017.	06/18/97	Automobile Collision Frame Straightening Equipment.
Metropolitan Machine Company	75 West Street, Medfield, MA 02052.	06/18/97	Metal Stamping Parts Used in Motor Protectors, Compressors and Air Conditioning Units.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the

tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: June 25, 1997.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 97–17657 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–24–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 57–97]

Foreign-Trade Zone No. 77—Memphis, TN Area; Application for Subzone Status; Komatsu America International Company (Construction Equipment Parts), Ripley, TN

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Memphis, Tennessee, grantee of FTZ 77, requesting special-purpose subzone status for the construction and mining equipment parts distribution facility of Komatsu America International Company Inc., located in Ripley, Tennessee. The application was submitted pursuant to 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 30, 1997.

The Komatsu facility (640,000 sq. ft. on 54 acres) is located on U.S. Highway 51 at 108 N. Industrial Drive, Ripley, Tennessee, some 50 miles north of Memphis. The facility (330 employees) is used for storage, inspection, packaging and distribution of a wide variety of parts and components for construction and mining equipment, such as engine parts, equipment, vehicle parts, electrical/electronic components and instruments. About half of the parts are sourced from abroad and over 25 percent are exported. Plant activity also includes the occasional packaging or assembly of parts into kits or subassemblies, but the applicant has indicated that any such activity conducted under FTZ procedures would not result in a lowering of tariff rates.

Zone procedures would exempt Komatsu from Customs duty payments on foreign parts that are reexported. On its domestic sales, the company would be able to defer duty payments until merchandise is shipped from the plant. The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 8, 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 the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

U.S. Department of Commerce, Export Assistance Center, 22 North Front Street, Suite 200, Memphis, TN 38103.

Dated: July 1, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–17775 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 56–97]

Foreign-Trade Zone 168—Dallas/Fort Worth, Texas, Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Dallas/Fort Worth Maquila Trade Development Corporation, grantee of FTZ 168, requesting authority to expand its zone to include two sites in Gainesville (Cooke County), Texas, adjacent to the Dallas/Fort Worth 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 27, 1997.

FTZ 168 was approved on November 1, 1990 (Board Order 491, 55 FR 46974, 11/8/90) and has been expanded four times (B.O.'s 603, 873, 885, 886). The zone currently consists of six sites in the Dallas/Fort Worth, Texas, area:

Site 1 (24 acres)—industrial area at Alta Mesa and Will Rogers Boulevards, Fort Worth;

Site 2 (263 acres)—Centreport Industrial Development, south of DFW International Airport, Fort Worth;

Site 3 (195 acres)—Fossil Creek Business Park, I–35W and I–820, Fort Worth;

Site 4 (91 acres)—Regency Business Park, Post & Paddock Road, Grand Prairie;

Site 5 (630 acres) within the 1,200-acre Mercantile Center, located at I–35 and Meacham Boulevard, Fort Worth;

Site 6 (168 acres) Frankford Trade Center, I–35E and Frankford Road, Carrollton.

The applicant is now requesting authority to expand the zone to include two industrial parks (642 acres total) located in Gainesville (Cooke County), Texas, some 50 miles north of the Dallas/Fort Worth Customs port of entry: *Proposed Site 7* (185 acres) Corporate Square Industrial Park/Armco/National Industrial Center, 3333 North I.H. 35; and, *Proposed Site 8* (457 acres) Gainesville Municipal Airport, 2300 Bonnavilla Drive. The sites are owned by the City of Gainesville, though certain parcels have been sold to individual businesses. Zone services will be provided by the FTZ Operating Company of Texas.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 8, 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 for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 2050 N. Stemmons Fwy., Suite 170, Dallas, Texas 75258

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: July 1, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–17774 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Circular Welded Non-Alloy Steel Pipe From Mexico; Antidumping Duty Administrative Review; Extension of Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the antidumping duty administrative review of Circular Welded Non-Alloy Steel Pipe from Mexico. This review covers the period November 1, 1995 through October 31, 1996.

EFFECTIVE DATE: July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Ilissa Kabak or Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0182 or 482–3833, respectively.

SUPPLEMENTARY INFORMATION: Due to the complexity of issues involved in this case, it is not practicable to complete this review within the original time limit. The Department is extending the time limit for completion of the preliminary results until December 2, 1997, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994 (*see* memorandum from Joseph A. Spetrini to Robert S. LaRussa, Subject: Antidumping Duty Administrative Review of Circular Welded Non-Alloy Steel Pipe from Mexico: Extension of Case Deadline for New Law Review). The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. § 1675(a)(3)(A)).

Dated: June 17, 1997.

Roland L. MacDonald,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 97–17727 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–802]

Furfuryl Alcohol From the Republic of South Africa; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by the respondent, Illovo Sugar Ltd. (ISL), and the petitioner, QO Chemicals Inc., the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on furfuryl alcohol from the Republic of South Africa (South Africa). The review covers one manufacturer/exporter of the subject merchandise to the United States. The period of review (POR) is December 16, 1994, through May 31, 1996.

We have preliminarily found that sales have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the constructed export price (CEP) and the normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit case briefs in this proceeding should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

EFFECTIVE DATE: July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Michelle Frederick or Scott Oudkirk, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, D.C. 20230; telephone: (202) 482–0186 or 482–2336, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreement Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 353, as of April 1, 1996.

Background

On June 21, 1995, the Department published in the **Federal Register** (60 FR 32302) the antidumping duty order on furfuryl alcohol from South Africa. On June 6, 1996, the Department published a notice of ''Opportunity to Request an Administrative Review'' (61 FR 28840) of this antidumping duty order for the period December 16, 1994, through May 31, 1996. On June 10, 1996, ISL requested that the Department conduct an administrative review of its sales of subject merchandise during the POR. On June 28, 1996, Petitioner also requested an administrative review of ISL's POR sales. We issued a questionnaire to ISL on July 23, 1996, followed by supplemental questionnaires on March 14, 1997, and May 9, 1997. We published a notice of postponement of the deadline for the preliminary results on January 24, 1997 (62 FR 3660) due to complex legal and methodological issues.

Scope of Review

The merchandise covered by this order is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes. The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Constructed Export Price

For sales to the United States, we used CEP as defined in section 772(b) of the Act, because we determined that ISL is affiliated with its exclusive U.S. agent, Harborchem, and because the subject merchandise was sold to unaffiliated U.S. purchasers after the date of importation. Our finding that ISL and Harborchem are affiliated is consistent with our finding in the Less Than Fair Value (LTFV) Investigation. *See* Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from

the Republic of South Africa, 60 FR 22550, 22552 (May 8, 1995). The facts that led to this finding in the Investigation have not changed. Moreover, contrary to comments submitted by Petitioner, we do not interpret the definition of ''Affiliated Persons'' (section 771(33) of the Act) to preclude a finding of affiliation through agency.

We calculated CEP based on f.o.b. and c.i.f. prices to unaffiliated purchasers in the United States. We made deductions, where applicable, for foreign inland movement expenses, including foreign warehousing and warehousing insurance, domestic brokerage and handling, ocean freight, marine insurance, and U.S. brokerage and handling in accordance with section 772(c)(2)(A) of the Act.

We deducted direct selling expenses and indirect selling expenses associated with commercial activity in the United States in accordance with section 772(d)(1) of the Act. We deducted a percentage for profit attributable to direct, indirect, and imputed selling expenses incurred in the United States in accordance with section 772(d)(3) of the Act. For a further discussion of the calculation of this profit amount, see the Analysis Memorandum to the File dated June 30, 1997.

ISL requested that we disregard certain U.S. sales from our analysis that it claims, based on a first-in, first-out accounting methodology, entered prior to the suspension of liquidation. We preliminarily determine that the description provided by ISL of the methodology used to tie pre-order entries to post-order sales, as described at pages 80–81 of ISL's April 10, 1997, response, does not sufficiently link POR sales to specific pre-suspension entries. We therefore have not excluded these sales. See Final Results of Antidumping Duty Administrative Review: Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Italy, 57 FR 8295 (March 9, 1992).

No other adjustments to CEP were claimed or allowed.

Normal Value

We determined that the quantity of foreign like product ISL sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a) of the Act. ISL had sales in its home market that were greater than five percent of the U.S. market. Further, based on the information on the record, we did not find the existence, as alleged by Petitioner, of a fictitious home market or of a particular market situation within the meaning of sections 773(a)(2) or 773(a)(1)(C)(iii) of the Act, respectively. *See* Memorandum from Michelle Frederick and Scott Oudkirk to Acting Deputy Assistant Secretary: Petitioner's contention that the Department should not determine normal value using home market sales due to a fictitious home market or a particular market situation, June 30, 1997. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the price at which the foreign like product was first sold for consumption in South Africa.

Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual transactions to the monthly weighted-average price of sales of the foreign like product. We compared CEP sales to sales in the home market of identical merchandise. We used the purchase order date as the home market date of sale because, except in an extremely limited number of sales primarily involving events beyond the parties' control (e.g., railway strikes), that was the date on which the essential terms, price and quantity, were set. See 19 CFR 351.401(i) of the Department's revised regulations (62 FR 27296, 27411 (May 19, 1997)) for a concise description of our practice regarding date of sale.

We based NV on the price at which the foreign like product is first sold for consumption in the exporting country, in the usual commercial quantities, in the ordinary course of trade and at the same level of trade (LOT) as the CEP, in accordance with section 773(a)(1)(B)(i) of the Act. We made adjustments, where appropriate, for rebates. We adjusted for home market packing and movement expenses in accordance with section 773(a)(6)(B) (i) and (ii) of the Act. Pursuant to section 773(a)(6)(C)(iii) of the Act, we made a circumstance-of-sale (COS) adjustment to NV by deducting home market credit expenses. Prices were reported net of value-added taxes (VAT) and, therefore, no adjustment for VAT was necessary.

ISL stated that it granted quantity discounts based on its home market price list and requested that we either apply the quantity discount granted on home market sales above eight metric tons to all undiscounted home market sales below eight metric tons or, alternatively, that we match home market sales to U.S. sales based on the quantity bands as shown on the price list. We have not adopted either suggestion because we have determined that ISL did not adhere sufficiently to its home market price list, which is the basis for the discount, during the POR. See the Analysis Memorandum to the File, dated June 30, 1997, for our analysis regarding ISL's adherence to its price list.

No other adjustments to NV were claimed or allowed.

Level of Trade (LOT)/CEP Offset

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action (SAA) accompanying the URAA at 829–831, to the extent practicable, the Department will calculate NV based on sales at the same LOT as the U.S. sales. When the Department is unable to find sales of the foreign like product in the comparison market at the same LOT as the U.S. sale, the Department may compare the U.S. sale to sales at a different LOT in the comparison market.

When CEP is applicable, as is the situation in this case, section 773(a)(7)(B) of the Act establishes that a CEP ''offset'' may be made when two conditions exist: (1) NV is established at a LOT which constitutes a more advanced stage of distribution than the LOT of the CEP; and (2) the data available do not provide an appropriate basis for a level-of-trade adjustment.

Our practice is to determine that sales are made at different levels of trade if they are made at different marketing stages (or their equivalent). Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stage of marketing. See Notice of Final Results: Antidumping Duty Administrative Review of Antifriction Bearings from France et al., 62 FR 2081, 2105 (January 15, 1997). *See also* 19 CFR 351.412 of the Department's revised regulations (62 FR 27296, 27414–27415 (May 19, 1997)) for a concise description of this practice.

In implementing these principles in this review, we obtained information about the marketing stage involved in the reported home market and U.S. sales, including a description of the selling activities performed by ISL for each channel of distribution. ISL claimed that the LOT of the CEP was different than the LOT of its home market sales. ISL claimed one LOT and one channel of distribution with regard to its sales to its U.S. affiliate, Harborchem. For its home market, ISL claimed only one channel of distribution, from ISL to end users, which it claimed to be at a more advanced stage of distribution than the LOT of the CEP (*i.e.*, the sales from ISL to Harborchem) based on the selling functions performed for the particular markets.

In order to determine whether the selling activities involved in the CEP

and the home market sales differed substantially, we reviewed the selling activities associated with the CEP and those associated with home market sales. For CEP sales, we considered only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Act.

In this review, we preliminarily determine that the selling functions performed by ISL for the home market did not differ substantially from those performed by ISL for CEP sales, and that ISL's home market LOT therefore does not constitute a more advanced stage of distribution than the LOT of the CEP. ISL's assertion that the selling functions it performs for its home market LOT differ from the selling functions it performs for the LOT of the CEP rests on claims that: (1) ISL's visits to the U.S. agent to help market the merchandise to U.S. customers are fundamentally different from marketing calls in the home market; (2) ISL does not perform ''multiple delivery inventory tracking'' for its U.S. agent but does so for home market customers; (3) ISL's prices to the U.S. agent are based on expected sales to unaffiliated customers whereas prices to home market customers are based on price lists; and (4) ISL provides quality control reports to the U.S. agent, while it provides technical services to home market customers in the form of reports and technical advice in the use of furfuryl alcohol. We do not deem the above four claims to constitute substantially different selling activities that meet the necessary condition for determining that there is a difference in the stage of marketing.

In view of the fact that we preliminarily determine that ISL's sales to the home market were at a LOT that does not constitute a more advanced stage of distribution than the LOT of the CEP, we did not make a CEP ''offset'' pursuant to section 773(a)(7)(B) of the Act.

Reimbursement of Antidumping Duties

19 CFR 353.26 requires the deduction from U.S. price (now the export price or constructed export price) of antidumping duties that a producer or reseller pays directly on behalf of the importer or reimburses to the importer. This regulation applies when the importer is an affiliated party and when the importer is unaffiliated. See Final Results of Antidumping Duty Administrative Review: Color Television Receivers from the Republic of Korea, 61 FR 4408, 4410–11 (Feb. 6, 1996). That interpretation is consistent with both the plain language of the regulation and the regulatory history. *See, e.g.,* 19 CFR 353.41 (defining United States price as the purchase price or the exporter's sales price). *See also* 19 CFR 351.402(f) of the Department's revised regulations (62 FR 27296, 27411 (May 19, 1997)) for a concise description of our practice of applying the reimbursement regulation to both affiliated and unaffiliated parties. Further, the reimbursement provision can apply to a first review even though assessment has not yet occurred. See Final Results of Administrative Review: Certain Cold-Rolled Carbon Steel Flat Products from the Netherlands, 61 FR 48465, 48470 (September 13, 1996).

Applying these principles to this proceeding, we preliminarily determine that ISL has reimbursed Harborchem for antidumping duties in this review period. Accordingly, in determining the duties to be assessed for this period, we have made a downward adjustment to CEP to reflect the reimbursement. Due to the proprietary nature of the information relating to this issue, we have discussed our findings in more detail in the proprietary Analysis Memorandum to the File, dated June 30, 1997.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following margin exists for the period December 16, 1994, through May 31, 1996:

Manufacturer/exporter	Margin (percent)
Illovo Sugar Ltd	2.34

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within ten days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issues, and (2) a brief summary of the arguments. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will issue a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such briefs, within 120 days from the publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. For duty assessment purposes, we calculated an assessment rate by aggregating the dumping margins calculated for all U.S. sales and dividing this amount by the total entered value subject merchandise sold. This rate will be used for the assessment of antidumping duties on the relevant entries of subject merchandise during the POR. Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of furfuryl alcohol from the Republic of South Africa entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for ISL will be the rate established in the final results of administrative review; (2) if the exporter is not a firm covered in this review or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 11.55 percent, the ''all others'' rate established in the LTFV investigation (60 FR 32302, June 21, 1995).

This notice serves as a preliminary reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 751(d) of the Act (19 U.S.C. 1675(a)(1)), 19 CFR 353.22, and 19 CFR 353.25.

Dated: June 30, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–17776 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of amended final results of antidumping duty administrative review; Certain cased pencils from the People's Republic of China.

SUMMARY: On January 13, 1997, the Department of Commerce (the Department) published the preliminary results and partial rescission of an administrative review of the antidumping duty order on certain cased pencils (pencils) from the People's Republic of China (PRC) covering the period of December 21, 1994, through November 30, 1995 (62 FR 1734). We gave interested parties an opportunity to comment on our preliminary results. On May 6, 1997, we published final results in this review and erroneously stated therein that we had received no comments (62 FR 24636). Subsequent to issuance of the final results, it was discovered that, in fact, a timely case brief had been submitted by the petitioner, the Pencil Section of the Writing Instrument Manufacturers Association and the domestic producers of pencils. No comments were filed by respondents or other interested parties. Therefore, we are amending the final results of this review to address these comments. This amendment to the final results changes the PRC-wide dumping margin from 44.66 percent to 53.65 percent for this period.

EFFECTIVE DATE: July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Thomas Futtner, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–4474/3814.

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 the regulations set forth at 19 CFR 353.1, *et seq.*, as amended by the interim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130).

SUPPLEMENTARY INFORMATION:

Scope of the Review

The products covered by this review are certain cased pencils of any shape or dimension which are writing and/or drawing instruments that feature cores of graphite or other materials encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (*e.g.*, with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to this review are classified under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Specifically excluded from the scope of this investigation are mechanical pencils, cosmetic pencils, pens, non-case crayons (wax), pastels, charcoals, and chalks. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Background

The antidumping duty order on pencils from the PRC was published in the **Federal Register** on December 28, 1994 (59 FR 66909). On January 13, 1997, the Department published in the **Federal Register** the preliminary results and partial rescission of its review of this order for the December 21, 1994 through November 30, 1995 period of review (POR) (62 FR 1734). On April 30, 1997 the Department issued final results for this review (62 FR 24636). On May 1, 1997, it was discovered that the petitioner had submitted comments on the preliminary results which were not considered by the Department in arriving at its final results. Therefore, pursuant to section 735(e) of the Act and 19 CFR 353.28(c) the Department is amending the final results of this review to correct for this ministerial error by addressing the petitioner's comments.

Analysis of Comments Received

Comment 1: Petitioner argues that the recalculated petition rate of 44.66 percent (the PRC-wide rate from the less-than-fair value (LTFV) investigation) used in the preliminary results lacks probative value and should not be used as facts available to set the PRC-wide rate in the instant review. Petitioner argues that, although the Department properly resorted to facts available to set the PRC country-wide rate in this review, the Department has repudiated the recalculated petition rate of 44.66 percent pursuant to a voluntary remand determination in a pending action in the United States Court of International Trade (CIT), *Writing Instrument Manufacturers Association et al.* v. *United States*, Court No. 95–01–00081 (Writing Instruments). Petitioner argues that because the Department itself repudiated the 44.66 percent rate, this rate lacks probative value. Petitioner argues that the Department should rely instead on the rate of 53.65 percent, submitted as the recalculated petition rate to the court under the voluntary remand, as facts available. Petitioner argues that the Department itself views this rate, although as yet unaffirmed by the court, to be more accurate, *i.e.*, affording proof or evidence of the issue, and thus having probative value.

Department Position: We agree with the petitioner that the 53.65 percent rate submitted to the CIT pursuant to the voluntary remand has more probative value for use as facts available than the recalculated petition rate of 44.66 percent.

Section 776(a)(1) of the Act mandates that the Department use the facts available if necessary information is not available on the record of an antidumping proceeding. In addition, section 776(a)(2) of the Act mandates that the Department use the facts available where an interested party or any other person: (A) Withholds information requested by the Department; (B) fails to provide requested information by the requested date or in the form and manner requested; (C) significantly impedes an antidumping proceeding; or (D) provides information that cannot be verified. In this case, certain named respondents failed to respond to the Department's questionnaire. Where the Department must rely on the facts otherwise available because a respondent failed to cooperate to the best of its ability in responding to a request for information, section 776(b) authorizes the Department to make an inference adverse to the interests of that respondent in choosing the facts available. Section 776(b) also authorizes the Department to use as adverse facts available information derived from the petition, the final determination in the investigation, a previous administrative review, or other information placed on the record. Because information from prior proceedings constitutes secondary information, section 776(c) provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. *See also*, Statement of Administrative Action (SAA) (H. Doc. 316, 103d Cong., 2nd

Sess. 870), providing that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. The SAA, at page 870, clarifies that the petition is ''secondary information.''

In August 1995, we requested that the CIT remand to us the two issues of : (1) Basswood prices; and (2) valuation of slats and logs. In performing the remand, the recalculated petition rate of 44.66 percent was changed to 53.65 percent. Consistent with a recent ruling by the U.S. Court of Appeals for the Federal Circuit (CAFC) in an unrelated action, we consider it inappropriate to use as facts available a rate that we have determined is indefensible. In reviewing the Department's selection of the best information available, *i.e.*, the predecessor provision in the Act to the facts available provision, the CAFC held in *D&L Supply* v. *the United States,* 1997 WL230117, at 2 (May 8, 1997 Fed. Cir.) (D&L Supply) that ''(i)nformation that has conclusively been determined to be inaccurate does not qualify as the 'best information' under any test and certainly cannot be said to serve the 'basic purpose' of promoting accuracy.''

While there is no conclusive court action on the amended petition rate, we have found it to be indefensible and, therefore, not probative. Petitioner is correct that the Department itself requested a remand in the Writing Instruments action in order to correct for a procedural error at the LTFV investigation. Further, to conduct the remand proceeding, the Department re-opened the administrative record to accept the submission of new factual information from the parties. After analyzing this new factual information, and on the basis of this fuller administrative record, the Department determined on remand that the appropriate PRC-wide rate is 53.65 percent.

Under these circumstances, and pursuant to the Department's charge under section 776(c) of the Act to corroborate secondary information from independent sources reasonably at the Department's disposal, we determine that the unaffirmed remand determination rate of 53.65 percent is the rate with more probative value. In performing the remand, the Department relied on new factual information from the very types of independent sources, including published price lists and official import statistics and customs data, that are discussed in the SAA at 870. All of the new factual information on the re-opened administrative record was publicly-available information on which the Department principally relies in non-market economy cases. Because the analysis performed on remand was based on a much fuller factual record, the Department believes that the remand results provide the more appropriate facts available rate.

Therefore, the Department is relying on the 53.65 percent rate as facts available to establish the PRC country-wide rate in this review.

Comment 2: Petitioner asserts that the recalculated petition rate reflects underlying legal errors pertaining to the LTFV investigation. Petitioner argues that these alleged errors are found both in the LTFV investigation as well as in the results of the remand determination, and requests that the Department correct these alleged errors in the final results of this review.

Department Position: The bases of the petitioner's various assertions of underlying legal errors relating to the LTFV investigation are contained in the administrative record of the LTFV investigation, and not in the administrative record of this administrative review. These claims are properly before the CIT in the pending Writing Instruments action, which action pertains to the LTFV investigation and for which a decision is now pending.

Amended Final Results of the Review

Based on our analysis of the issues outlined above, we have determined that a margin of 53.65 percent is appropriate for the PRC entity for the POR December 21, 1994 through November 30, 1995. (Separate rates and exclusions determinations previously noted in the final results of this review are unaffected by these amended final results.)

The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted average margin percentage
PRC-wide Rate	53.65

The U.S. Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between United States price and normal value may vary from the percentage stated above. The Department will issue appraisement instructions concerning the respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Act: Merchandise exported by all PRC exporters other than those previously assigned separate rates and/or excluded from this antidumping duty order will be the PRC-wide rate of 53.65 percent.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review. This notice serves as the final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), section 777(i) of the Act (19 U.S.C. 1677f(i)), and 19 CFR 353.28(c).

Dated: July 1, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration

[FR Doc. 97–17778 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–429–601]

Preliminary Results of Antidumping Duty Administrative Review of Solid Urea From the Former German Democratic Republic

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on solid urea

from the former German Democratic Republic. The review covers exports of subject merchandise to the United States during the period July 1, 1995 through June 30, 1996, and one firm SKW Stickstoffwerke Piesteritz GmbH (SKWP). The results of this review indicate the existence of no dumping margins for the period.

We invite interested parties to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan or Steven Presing, Office VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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 indicated, all citations to the Department regulations are to the current regulations, as amended by the interim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130).

Background

On July 8, 1996, the Department of Commerce (the Department) published in the **Federal Register** (61 FR 35712) a notice of ''Opportunity to Request Administrative Review'' for the July 1, 1995 through June 30, 1996, period of review (POR) of the antidumping duty order on solid urea from the former German Democratic Republic (GDR). In accordance with 19 CFR 353.22, petitioners requested a review for the aforementioned period. On August 15, 1996, the Department published a notice of initiation of antidumping review (61 FR 42416, 42417). The Department is now conducting a review of this respondent pursuant to section 751 of the Act.

Scope of Review

Imports covered by this review are those of solid urea. At the time of the publication of the antidumping duty order, such merchandise was classifiable under item 480.30 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classified under the Harmonized Tariff Schedule of the United States (HTS) item number 3102.10.00. These TSUSA and HTS item numbers are provided for convenience and Customs purposes only. The Department's written description of the scope remains dispositive for purposes of the order.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced and sold by the respondent in the home market during the POR (and covered by the Scope of the Review) to be foreign like products for purposes of product comparisons to U.S. sales.

Fair Value Comparisons

To determine whether sales of solid urea by respondent to the United States were made at less than fair value, we compared the EP to the NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2), we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions, during the same month at the same level of trade.

Export Price

We used EP, in accordance with subsections 772(a) and (c) of the Act, where the subject merchandise was sold directly or indirectly to the first unaffiliated purchaser in the United States prior to importation.

We made adjustments as follows:

We calculated EP based on delivered prices to unaffiliated customers in the United States. Where appropriate, we made adjustments from the starting price for early payment discounts, foreign inland freight, foreign brokerage and handling, international freight, U.S. inland freight, U.S. brokerage and handling, and U.S. Customs duties. We also adjusted the starting price for billing adjustments to the invoice price.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise in accordance with section 773(a)(1)(C) of the Act. Since respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable. Therefore, we have based NV on home market sales.

Where appropriate, we adjusted for discounts, inland freight, and inland insurance, and made circumstances of sale adjustments for credit expenses and warranty expenses. We also adjusted the starting price for billing adjustments to the invoice price. In addition, we deducted home market packing costs and added U.S. packing costs.

Levels of Trade (LOT)

In accordance with section 773(a)(1)(B)(i) of the Act and the Statement of Administrative Action accompanying the URAA, to the extent practicable, the Department will calculate NV based on sales at the same LOT as the U.S. sale. When the Department is unable to find sale(s) in the comparison market at the same LOT as the U.S. sale(s), the Department may compare sales in the United States to foreign market sales at a different LOT. *Final Determination of Sales at Less-Than-Fair-Value of Certain Pasta from Italy*, 61 FR 30330–31 (1996). The LOT of NV is that of the starting price sales in the home market.

For EP, the relevant transaction for LOT is the sale from the exporter to the importer. In order to determine whether foreign market sales are at a different LOT than U.S. sales, the Department examines whether the foreign market sales have been made at different stages in the marketing process, or the equivalent, than the U.S. sales. The marketing process in both markets begins with goods being sold by the producer and extends to the sale to the final user, regardless of whether the final user is an individual consumer or an industrial user. The chain of distribution between the producer and the final user may have many or few links, and the respondent's sales occur somewhere along this chain. In the United States this is generally to an importer, whether independent or affiliated. We review and compare the distribution systems in the foreign market and the United States, including selling functions, class of customer, and the extent and level of selling expenses for each claimed LOT. Customer categories or descriptions (such as trading company or end-user) are useful in identifying different LOTs, but are insufficient to establish that there is a difference in the LOT without substantiation. An analysis of the chain of distribution and of the selling functions substantiates or invalidates claimed levels of trade. If the claimed levels are different, the selling functions performed in selling to each level should also be different. Conversely, if

levels of trade are nominally the same, the selling functions performed should also be the same. Different levels of trade necessarily involve differences in selling functions, but differences in selling functions (even substantial ones) are not alone sufficient to establish a difference in the LOT. Different levels of trade are characterized by purchasers at different places in the chain of distribution and sellers performing qualitatively or quantitatively different functions in selling to them.

When sales in the U.S. and foreign market cannot be compared at the same LOT, an adjustment to NV may be appropriate. Section 773(a)(7)(A) provides that, after making all appropriate adjustments to EP or constructed export price (CEP) and NV, the Department will adjust NV to account for differences in these prices that are demonstrated to be attributable to differences in the LOT of the comparison sales in the foreign market.

As noted in the Department's verification report, SKWP sold urea to an unrelated trading company in the United States and to end-users, distributors, and retailers in the home market. However, in applying the principles, stated above, to the facts in this case, we sought to compare the distribution systems used by SKWP for its U.S. and home market sales, including selling functions, class of customer, and the extent and level of selling expenses for each LOT. In reviewing the selling functions performed by SKWP for both the U.S. and home market sales transactions, we considered all types of selling activities, both claimed and unclaimed, that had been performed. As noted above, it is the Department's preference to examine selling functions on both a qualitative and quantitative basis. While SKWP has not claimed sales to different levels of trade in the home market and the U.S. market, the company provided information on the nature of the various selling functions performed for the sales transactions in both the U.S. and home markets.

Our analysis of the record evidence regarding the distribution systems in the foreign market and the United States (including selling functions, class of customer, and the extent and level of selling expenses for each claimed LOT) does not reveal sufficient differences to justify a LOT adjustment. While SKWP claims to sell to different classes of customers in its home market, our analysis of the chain of distribution and selling functions associated with these sales did not confirm the existence of two or more stages of marketing in the home market. Moreover, at verification, we confirmed that the selling functions associated with SKWP's home market sales were not materially different from the selling functions performed in connection with its U.S. sale.

Arm's-Length Sales

Sales to affiliated customers in the home market not made at arm's length were excluded from our analysis. To test whether these sales were made at arm's length, we compared the starting prices of sales to affiliated and unaffiliated customers, net of all movement charges, direct selling expenses, discounts and packing. Where the price to the affiliated party was on average 99.5 percent or more of the price to the unaffiliated party, we determined that the sales made to the affiliated party were at arm's length.

Cost of Production Analysis

Petitioners alleged on December 11, 1996, that SKWP sold solid urea in the home market at prices below the cost of production (COP). Based on these allegations, the Department determined, for the reasons stated in its initiation memo dated January 3, 1997, that it had reasonable grounds to believe or suspect that SKWP had sold the subject merchandise in the home market at prices below the COP. Therefore, pursuant to section 773(b)(1) of the Act, we initiated a COP investigation in order to determine whether SKWP made home market sales during the POR at prices below its COP.

In accordance with section 773(b)(3) of the Act, we calculated an average monthly COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product plus selling, general and administrative (SG&A) expenses and all costs and expenses incidental to placing the foreign like product in condition ready for shipment. In our COP analysis, we used the home market sales and COP information provided by the respondent in its questionnaire responses.

After calculating an average monthly COP, we tested whether home market sales of solid urea were made at prices below COP within an extended period of time in substantial quantities and whether such prices permit recovery of all costs within a reasonable period of time. We compared model-specific average COP to the reported home market prices less any applicable movement charges, discounts, and rebates. In determining whether to disregard home market sales made at prices below the average COP, we examined (1) whether, within an extended period of time, such sales were made in substantial quantities, and (2) whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade.

After conducting our analysis, the Department determined that less than one percent of all home market sales were sold below cost, therefore, pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were at prices less than COP, we did not disregard any below-cost sales of the product because the below-cost sales were not made in substantial quantities.

Currency Conversion

The Department's preferred source for daily exchange rates is the Federal Reserve Bank. For purposes of the preliminary results, we made currency conversions based on the official exchange rates in effect on the date of the U.S. sale as certified by the Federal Reserve Bank of New York pursuant to section 773A(a) of the Act.

Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, ignoring any ''fluctuations.'' We determine that a fluctuation exists when the daily exchange rate differs from a benchmark rate by 2.25 percent or more. The benchmark rate is defined as the rolling average of the rates for the past 40 business days as reported by the Federal Reserve Bank of New York. When we determined that a fluctuation existed, we substituted the benchmark rate for the daily rate. For a complete discussion of the Department's exchange rate methodology, see ''Change in Policy Regarding Currency Conversions'' (61 FR 9434, March 8, 1996).

Preliminary Results of Review

As a result of our review, we preliminarily determine the dumping margin for SKWP for the period July 1, 1995 through June 30, 1996 to be 0.00 percent.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter. Case briefs and/or other written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will issue its final results of

this administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 120 days after the date of publication of this notice.

Upon completion of this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be the rate determined in the final results of review; (2) for previously reviewed or investigated companies not mentioned above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 44.80 percent, as explained below.

On May 25, 1993, the CIT in *Floral Trade Council* v. *United States*, 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul* v. *United States*, 839 F. Supp. 864 (CIT 1993), determined that once an ''all others'' rate is established for a company, it can only be changed through an administrative review. Therefore, the ''all others'' rate for this order will be 44.80 percent, which was the ''all others'' rate established in the final notice of the LTFV investigation by the Department (52 FR 19549, 19552). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated June 25, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–17726 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–040]

Stainless Steel Plate From Sweden: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the petitioners, the Department of Commerce (the Department) is conducting an administrative review of the antidumping finding on stainless steel plate from Sweden. The review covers two manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1995 through May 31, 1996. Record evidence at this stage of the review indicates the existence of sales below normal value during the period of review.

If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes).

EFFECTIVE DATE: July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Linda Ludwig, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4475/3833.

APPLICABLE STATUTE: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to Part 353 of 19 C.F.R., (1997).

SUPPLEMENTARY INFORMATION:

Background

The Department of the Treasury published an antidumping finding on stainless steel plate from Sweden on June 8, 1973 (38 Fed. Reg. 15079). The Department of Commerce published a notice of ''Opportunity To Request Administrative Review'' of the antidumping finding for the 1995/1996 review period on June 6, 1996 (61 Fed. Reg. 28840). On June 28, 1996, the petitioners, Allegheny Ludlum Steel Corp., G.O. Carlson, Inc., and Washington Steel Corporation filed a request for review of Uddeholms AB (Uddeholm), and Avesta Sheffield AB (Avesta). We initiated the review on August 8, 1996 (61 Fed. Reg. 41374).

Scope of the Review

Imports covered by this review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Stainless steel plate is classified under Harmonized Tariff schedule of the United States (HTSUS) item numbers 7219.11.00.00, 7219.12.00.05, 7209.12.00.15, 7219.12.00.45, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.21.00.05, 7219.21.00.50, 7219.22.00.05, 7219.22.00.10, 7219.22.00.30, 7219.22.00.60, 7219.31.00.10, 7219.31.00.50, 7220.11.00.00, 7222.30.00.00, and 7228.40.00.00. Although the subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

On July 11, 1995, the Department determined that Stavax ESR (Stavax), UHB Ramax (Ramax), and UHB 904L (904L) when flat-rolled are within the scope of the antidumping finding.

On November 3, 1995, the Department determined that stainless steel plate products Stavax, Ramax, and 904L when forged, are within the scope of the antidumping finding.

The review covers the period June 1, 1995 through May 31, 1996. The Department is conducting this review in accordance with section 751 of the Act, as amended.

United States Price (USP)

In calculating USP, the Department treated respondent's sales as export price (EP) sales, as defined in section 772(a) of the Act, when the merchandise

was first sold to unaffiliated U.S. purchasers by an exporter or producer outside the U.S., prior to the date of importation. The Department treated respondent's sales as constructed export price (CEP) sales, as defined in section 772(b) of the Act, when the merchandise was first sold to unrelated U.S. purchasers before or after importation, by an affiliated seller in the United States.

EP was based on the delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for ocean freight, U.S. inland freight and insurance, U.S. customs duties, and early payment discounts in accordance with section 772(c) of the Act.

We based CEP on the delivered price to unrelated customers in the United States. We made adjustments, where applicable, for ocean freight, U.S. inland freight, U.S. brokerage and handling expenses. U.S. customs duties, early payment discounts, and rebates. In accordance with section 772(d)(1) of the Act, we made deductions for warranty expenses, royalties, slitting and cutting expenses, credit expenses and indirect selling expenses associated with economic activity in the United States.

With respect to merchandise to which value was added in the U.S. by Avesta prior to sale to unaffiliated customers, we deducted the cost of further manufacturing in accordance with section 772(d)(2) of the Act. Pursuant to section 772(d)(3) of the Act, the price was further reduced by an amount for profit to arrive at the CEP.

Normal Value

In order to determine whether there were sufficient sales of stainless steel plate in the home market (HM) to serve as a viable basis for calculating normal value (NV), we compared the volume of home market sales of subject merchandise to the volume of subject merchandise sold in the United States, in accordance with section 773(a)(1)(C) of the Act. Avesta's aggregate volume of HM sales of the foreign like product was greater than five percent of its respective aggregate volume of U.S. sales of the subject merchandise. Therefore, for Avesta, we have based NV on HM sales. Uddeholm's aggregate volume of HM sales was less than five percent of U.S. sales of the subject merchandise. Because Canada constituted Uddeholm's largest third-country market, we based NV for Uddeholm on sales to that market.

Avesta made sales to both affiliated and unaffiliated distributors during the period of review. We included sales to affiliated distributors when we determined those sales to be at arms-length (*i.e.*, at average prices that were 99.5 percent or more of prices to unaffiliated distributors). When the price to affiliated distributors was less than 99.5 percent of the price to unaffiliated distributors, we excluded those sales to affiliated distributors from our calculation of NV. *See, e.g., Rules and Regulations, Antidumping Duties; Countervailing Duties* 62 Fed. Reg. 27296, 27355 (May 19, 1997). (The Department's current policy is to consider transactions between affiliated parties as ''arm's length'' if the prices to affiliated purchasers are on average at least 99.5 percent of the prices charged to unaffiliated purchasers.)

For Avesta, we made deductions to NV for HM inland freight, quantity discounts, distributor discounts, credit expenses, warehousing expenses, and warranties.

For Uddeholm, we made deductions to NV for ocean freight, third-country inland freight, and early payment discounts. For comparisons to EP, we made an addition to NV for differences in credit expenses.

Level of Trade

In accordance with section 773(a)(1)(A) of the Act, and the Statement of Administrative Action (SAA) accompanying the URAA (at pages 829–831), to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale (either EP or CEP). When there are no sales in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at a different level of trade, and adjust NV if appropriate. The NV level of trade is that of the starting-price sales in the home market. (*See e.g.*, Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan; Preliminary Results of Antidumping Duty Administrative Review, 62 Fed. Reg. 31070 (June 6, 1997).

As the Department explained in Gray Portland Cement and Clinker from Mexico: Final Results of Antidumping Duty Administrative Review, (Cement from Mexico) 62 Fed. Reg. 17148, 17156 (April 9, 1997), for both EP and CEP, the relevant transaction for the level of trade analysis is the sale from the exporter to the importer. While the starting price for CEP is that of a subsequent resale to an unaffiliated buyer, the construction of the CEP results in a price that would have been charged if the importer had not been affiliated. We calculate the CEP by removing from the first resale to an independent U.S. customer the expenses under section 772(d) of the Act and the profit associated with these expenses. These expenses represent activities undertaken by the affiliated importer. Because the expenses deducted under section 772(d) represent selling activities in the United States, the deduction of these expenses normally yields a different level of trade for the CEP than for the later resale (which we use for the starting price). Movement charges, duties, and taxes deducted under section 772(c) do not represent activities of the affiliated importer, and we do not remove them to obtain the CEP level of trade.

To determine whether home market sales are at a different level of trade than U.S. sales, we examine whether the home market sales are at different stages in the marketing process than the U.S. sales. The marketing process in both markets begins with goods being sold by the producer and extends to the sale to the final user. The chain of distribution between the producer and the final user may have many or few links, and each respondent's sales occur somewhere along this chain. In the United States, the respondent's sales are generally to an importer, whether independent or affiliated. We review and compare the distribution systems in the home market and the United States, including selling functions, class of customer, and the extent and level of selling expenses for each claimed level of trade. Customer categories such as distributor, retailers or end-users are commonly used by respondents to describe levels of trade, but, without substantiation, they are insufficient to establish that a claimed level of trade is valid. An analysis of the chain of distribution and of the selling functions substantiates or invalidates the claimed levels of trade. If the claimed levels are different, the selling functions performed in selling to each level should also be different. Conversely, if levels of trade are nominally the same, the selling functions performed should also be the same. Different levels of trade necessarily involve differences in selling functions, but differences in selling functions, even substantial ones, are not alone sufficient to establish a difference in the levels of trade. Differences in levels of trade are characterized by purchasers at different stages of marketing or their equivalent which, in this case, are the different stages in the chain of distribution and sellers performing qualitatively different functions in selling to them.

When we compare U.S. sales to home market sales at a different level of trade, we make a level-of-trade adjustment if the difference in level of trade affects price comparability. We determine any

effect on price comparability by examining sales at different levels of trade in a single market, the home market; or the third-country market used to calculate NV when the aggregate volume of sales in the home market is less than five percent of the aggregate volume of U.S. sales. Any price effect must be manifested in a pattern of consistent price differences between home market (or third-country) sales used for comparison and sales at the equivalent level of trade of the export transaction. (*See, e.g.* Granular Polytetrafluorethylene Resin from Italy; Preliminary Results of Antidumping Duty Administrative Review, 62 Fed. Reg. 26283, 26285 (May 13, 1997); Cement from Mexico, at 17148.) To quantify the price differences, we calculate the difference in the average of the net prices of the same models sold at different levels of trade. We use the average percentage difference between these net prices to adjust NV when the level of trade of NV is different from that of the export sale. If there is a pattern of no price differences, then the difference in level of trade does not have a price effect and, therefore, no adjustment is necessary.

Section 773 of the statute also provides for an adjustment to NV when NV is based on a level of trade different from that of the CEP if the NV is more remote from the factory than the CEP and we are unable to determine whether the difference in levels of trade between CEP and NV affects the comparability of their prices. This latter situation might occur when there is no home market (or third-country) level of trade equivalent to the U.S. sales level or where there is an equivalent home market (or third-country) level but the data are insufficient to support a conclusion on price effect (*See e.g.,* Certain Corrosion Resistant Carbon Steel Flat Products and Cut-to-Length Carbon Steel Plate from Canada Final Results of Antidumping Duty Administrative Reviews Fed. Reg. 18448, 18466 (April 15, 1997)). This adjustment, the CEP offset, is identified in section 773(a)(7)(B) and is the lower of the following:

*The indirect selling expenses of the home market (or third-country) sale.

*The indirect selling expenses deducted from the starting price used to calculate CEP.

The CEP offset is not automatic each time we use CEP. (See Mechanical Transfer Presses from Japan, Final Results of Antidumping Administrative Review 62 Fed. Reg. 17148, 17156 (October 9, 1996). The CEP offset is made only when the home market (or third country) sale is more advanced than the level of trade of the U.S. CEP sale and there is not an appropriate basis for determining whether there is an effect on price comparability. (*See e.g.,* Cement from Mexico, at 17156.)

We requested information concerning the selling functions associated with each phase of marketing, or the equivalent, in each of Uddeholm's and Avesta's markets. For Avesta, we determined that one level of trade existed in the home market. Avesta offered the same selling terms and conditions, and provided the same level of marketing assistance, customer service, and technical service to each of its home market customers. We also determined that one level of trade exists for Uddeholm's third-country sales. Uddeholm offered the same level of inventory maintenance, technical advice, and after sale servicing to each of its Canadian customers.

On its EP sales, Uddeholm provided no inventory maintenance or advertising, and a lesser degree of technical advice than it did on its third-country sales. Uddeholm however, provided after-sales servicing, and freight and delivery assistance on both its EP and third-country sales. Accordingly, for purposes of this review, we determined that the differences in selling functions between Uddeholm's EP and third-country sales were not sufficiently large to constitute separate levels of trade.

To determine whether Avesta and Uddeholm's CEP and NV sales were at the same level of trade, we reviewed information submitted in their questionnaire responses regarding selling functions and marketing processes associated with both categories of sales.

The U.S. subsidiary's sales entailed selling functions such as inventory maintenance, after sales servicing, technical advice, advertising, freight and delivery arrangement, and warranties. Although Avesta's sales in the home market and Uddeholm's sales in Canada were made at a marketing stage similar to that in the U.S., and entailed essentially the same selling functions as described above, we are using the CEP methodology in making price comparisons. In determining the level of trade for the U.S. sales, we only considered the selling activities reflected in the price after making the appropriate adjustments under section 772(d) of the Act. (*See e.g.,* Certain Stainless Wire Rods from France: Final Results of Antidumping Administrative Review, (61 Fed. Reg. 47874, (September 11, 1996).

Based on a comparison of the home market (or third-country market) and this CEP level of trade, we find significantly different levels of selling functions. Further, based on the distribution phase at which the home market or third-country transaction takes place and the nature of the selling functions they entail, we find the home market sales of Avesta and the third-country sales of Uddeholm to be at a different level of trade from and more remote from the factory than the CEP sales.

As explained above, all of Uddeholm's third country sales, and Avesta's home market sales, were at a single level of trade which is different from the CEP level of trade. Section 773(a)(7)(A) of the Act directs us to make an adjustment for differences in levels of trade where such differences affect price comparability. However, we were unable to quantify such price differences from information on the record. As indicated above, in accordance with section 773(a)(7)(B) of the Act, a CEP offset is warranted where normal value is established at a level of trade which constitutes a more advanced stage of distribution (or the equivalent) than the level of trade of the CEP sale and the data available do not provide an appropriate basis to determine a level of trade adjustment. Because we have determined that the home market or third-country level of trade is more remote from the factory than the CEP level of trade but the data necessary to calculate the level of trade adjustment are unavailable, we made a CEP offset pursuant to section 773(a)(7)(B) of the Act.

Sales Comparisons

To determine whether sales of stainless steel plate in the United States were made at less than NV, we compared USP to the NV, as described in the ''United States Price'' and ''Normal Value'' sections of this notice. In accordance with section 777(A) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Preliminary Results of Review

We preliminarily determine that the following margins exist for the period June 1, 1995 through May 31, 1996:

Company	Margin (percent)
Avesta	33.91
Uddeholm	4.57

Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44

days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will publish the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at a hearing, within 120 days after the publication of this notice.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Because the inability to link sales with specific entries prevents calculation of duties on an entry-by-entry basis, we have calculated an importer specific *ad valorem* duty assessment rate for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate these duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between NV and U.S. Price, by the total U.S. value of the sales compared, and adjusting the result by the average difference between U.S. price and customs value for all merchandise examined during the POR.) The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of stainless steel plate from Sweden entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for reviewed firms will be the rate established in the final results of administrative review, except if the rate is less than 0.50 percent, and therefore, de minimis within the meaning of 19 CFR 353.6, in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original fair value investigation, the cash deposit rate will be 4.46%.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: June 30, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–17725 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Inventions, Government Owned; Availability for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of A Government Owned Invention Available for Licensing.

SUMMARY: The invention listed below is owned by the U.S. Government, as represented by the Department of Commerce, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Industrial Partnerships Program, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301-869-2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: NIST may enter into a Cooperative Research and Development Agreement (''CRADA'') with the licensee to perform further research on the invention for purposes of commercialization. The invention available for licensing is:

NIST Docket Number: 96–054PCT.

Title: New Non-Halogenated Fire Retardant For Commodity And Engineering Polymers.

Abstract: A fire retardant system using zirconia or zirconia combined with a boron compound significantly reduces the flammability of commodity and engineering polymers.

Dated: July 1, 1997.

Elaine Bunten-Mines,

Director, Program Office.

[FR Doc. 97–17758 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of Meeting of National Conference on Weights and Measures

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the 82nd Annual Meeting of the National Conference on Weights and Measures will be held July 20 through 24, 1997, at Swissôtel, Chicago, Illinois. The meeting is open to the public. The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the states, counties, and cities of the United States, and private sector representatives. The interim meeting of the conference, held in January, 1997, as well as the annual meeting, bring together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that relate to the field of weights and measures technology and administration.

Pursuant to (15 U.S.C. 272(B)(6)), the National Institute of Standards and Technology acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the

complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

DATE: The meeting will be held July 20–24, 1997.

LOCATION: Swissôtel, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Gilbert M. Ugiansky, Executive Secretary, National Conference on Weights and Measures, P.O. Box 4025, Gaithersburg, Maryland 20885. Telephone: (301) 975–4005.

Dated: July 1, 1997.

Elaine Bunten-Mines,

Director, Program Office.

[FR Doc. 97–17757 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Macau

July 1, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: July 9, 1997.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being increased by recrediting unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 61 FR 68244, published on December 27, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 1, 1997.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1997 and extends through December 31, 1997.

Effective on July 9, 1997, you are directed to increase the current limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
333/334/335/833/834/835.	264,356 dozen of which not more than 139,253 dozen shall be in Categories 333/335/833/835.
336/836	62,657 dozen.
338	340,316 dozen.
339	1,420,016 dozen.
340	322,109 dozen.
341	200,008 dozen.
342	93,192 dozen.
345	57,471 dozen.
347/348/847	772,516 dozen.
351/851	73,580 dozen.
359–C/659–C [2]	375,950 kilograms.
359–V [3]	125,317 kilograms.
638/639/838	1,743,216 dozen.
642/842	124,112 dozen.
647/648	586,102 dozen.
Group II	
400–469, as a group	1,503,005 square meters equivalent.
445/446	81,029 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1996.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 359–V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–17708 Filed 7–7–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION.

Chicago Board of Trade Futures Contract in Wheat; Request for Public Comment on Delivery Point Specifications

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for Public Comment on the Delivery Specifications of the Chicago Board of Trade's Wheat Futures Contract.

SUMMARY: The Commodity Futures Trading Commission (''Commission''), by letter dated December 19, 1996, issued a request to the Board of Trade of the City of Chicago (''CBT'') to undertake a study of the delivery specifications of its wheat futures contract and to submit its findings to the Commission by April 18, 1997, 120 days from the date of the Commission's request. By letter dated April 18, 1997, the CBT responded by providing a status report to the Commission of its actions. In that response, the CBT reported that the CBT would refrain from acting on the recommendations of the special task force which it had appointed and would instead conduct market research to determine whether a broader review of the contract not limited to its delivery terms should be undertaken.

The Commission is seeking public comment on various issues relating to the current delivery specifications of the wheat futures contract. The Commission has determined that it is in the public interest to do so, and that such publication will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comment must be received by August 22, 1997.

ADDRESSES: Comments should be mailed to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581, attention: Office of the Secretariat; transmitted by facsimile at (202) 418–5521; or transmitted electronically to [secretary@cftc.gov]. Reference should be made to ''Wheat Delivery Points.''

FOR FURTHER INFORMATION CONTACT: John Mielke, Acting Director, or Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581, (202) 418–5260, or electronically, Mr. Architzel at [PArchitzel@cftc.gov].

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission (''Commission''), by letter dated December 19, 1996, notified the Board of Trade of the City of Chicago (''CBT''), under Section 5a(a)(10) of the Act (''Act''), 7 U.S.C. § 7a(a)(10), that the delivery terms of the CBT corn and soybean futures contracts no longer accomplish the statutory objectives of ''permit[ting] the delivery of any commodity * * * at such point or points and at such quality and locational price differentials as will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce.'' (December notification). In addition, the Commission instructed the CBT to consider immediately the adequacy of the delivery specifications of its wheat futures contract.[1] The Commission directed the CBT to complete its consideration of, and to report to the Commission on its consideration of them, within 120 days of the notice—April 18, 1997.

The CBT responded by way of a status report. Letter dated April 18, 1997, to Chairperson Brooksley Born from Patrick H. Arbor. Specifically, it reported that although a Task Force appointed by the Board of Directors had recommended certain changes to the delivery terms of the wheat futures contract, the Board had decided to refrain from acting on those recommendations at this time. The CBT stated that instead it would conduct a market research effort to determine whether a broader review of the contract should be undertaken.

In a subsequent letter dated April 30, 1997, to Chairperson Born, Mr. Arbor maintained that, ''as the Commission is aware, the declining warehouse capacity in Chicago has not had a material impact on the CBOT's wheat contract given the active cash markets in Toledo and St. Louis, the contract's other delivery points.'' Moreover, the CBT noted that * * * ''the operation of the CBOT's wheat contract has not been the focus of any 'comprehensive studies' in recent years, nor has an even arguable consensus emerged as to the existence *or* identity of a problem. Finally, the CBT protested the Commission's plan to seek public comment on these issues, questioning whether the ''Commission plan[s] routinely to subject other contracts at the CBOT or other exchanges to a comment process or public poll without having substantiated any flaw in such contracts'' and maintaining that ''design and delivery issues are subject to potentially limitless debate * * *.''

The December notification relating to the delivery specifications of the corn and soybean futures contracts was based on: (1) The continuing diminution of the role of terminal markets in the cash market for grain; (2) the increasing shift of the locus of the main channels of commodity flows away from the delivery points on the contracts, particularly the par-delivery point of Chicago; (3) the continuing decline in cash market activity generally at the contracts' delivery points, particularly Chicago; and (4) the serious, precipitous drop in regular warehouse storage capacity at the Chicago delivery point over the past fourteen months. The delivery specifications for the CBT wheat futures contract are also subject to many of the same trends that have affected adversely the corn and soybean contracts. For example, the closure of terminal elevators at Chicago, the contract's par delivery point, affects delivery capacity for wheat as surely as for corn and soybean futures.[2]

Contrary to the CBT's contention that the wheat futures contract has not been focus of any comprehensive studies in recent years, the scope of several of the 1991 studies that were summarized in the December notification included the delivery terms of the CBT wheat contract, as well as the corn and soybean contracts. Indeed, the Commission's study specifically analyzed possible revisions to delivery specifications for the CBT's wheat contract, suggesting consideration of a number of possible alternatives to address the problems in deliverable supplies plainly evident by the time of the 1991 study. These included: (1) An expanded Toledo delivery area; (2) shipping certificate deliveries in an area focused near the confluence of the Ohio and Mississippi rivers; or (3) a shipping certificate contract deliverable to lower Mississippi River export elevators. In addition, an October 11, 1995, letter from Commission Chairwoman Mary Schapiro to the CBT expressing the Commission's concerns regarding the adequacy of the delivery provisions in light of the recent closure of Chicago elevators specifically included reference to the wheat contract and urged the CBT to take remedial action to correct the long-term problems in these contracts, including the wheat futures contract.

Although the Commission previously requested comment on the wheat contract in connection with its publication of the December notification and request for public comment, most commenters limited the focus of their comments to the corn and soybean futures contracts, the subject of the Section 5a(a)(10) notification. In view of the CBT's determination to continue its research and study of these matters, the Commission has concluded that public comment on these issues, including potential changes to the wheat contract's delivery specifications, may facilitate their consideration. It also will assist the Commission in its consideration of the concerns identified

[1] The CBT's wheat futures contract provides for the delivery of various grades and classes of wheat, but traditionally the futures contract has priced No. 2 soft red winter wheat. Delivery is made by the transfer of warehouse receipts representing wheat in store at regular warehouses. Delivery may be made in Chicago at par, in Toledo at a discount of 2 cents per bushel, and in St. Louis at a premium of 8 cents per bushel.

[2] In limiting the effect of the December notification under section 5a(a)(10) of the Act to the CBT corn and soybean futures contract, the Commission noted that ''the CBT wheat futures contract [specifications] are also subject to many of the same trends which have affected adversely the corn and soybean contracts.'' The Commission did not include the wheat contract in the section 5a(a)(10) December notification on the basis of any determination that its terms meet the Act's requirements, but rather to provide the CBT a fuller opportunity to consider the issues related to wheat before making any determination of the issue. The Commission believed this was appropriate in light of the CBT's full consideration of the issues relating to its corn and soybean contracts during the previous year. 61 FR 67999.

in the December notification relating to the CBT wheat futures contract. The Commission is of the view that the public has an important role to fulfill and a critical interest in a full airing of these issues. Accordingly, the Commission is hereby separately requesting written data and views from interested members of the public relating to the CBT wheat contract. The submission of data relating to cash market flows of No. 2 soft red winter wheat, relevant locational price differentials, and other relevant economic evidence would be especially useful. Commenters are specifically requested to address the following issues:

1. Does a problem exist with regard to the current delivery specifications of the CBT wheat contract? If so, to what extent is the problem a lack of adequate deliverable supplies at Chicago, Toledo, and St. Louis? With respect to Toledo and St. Louis, are the differentials on the contract set appropriately to reflect cash market price differentials? What is the economic deliverable capacity at St. Louis in light of the through-put nature of the facilities located there?

2. To what extent do the current CBT delivery specifications for wheat reflect flows of wheat in the cash market? To the extent that the delivery terms of the futures contract differ from the wheat flows in the cash market, does this have any detrimental impact on the trading of the wheat futures contract or on the cash market for wheat?

3. What is the likely effect of a failure to modify the current delivery terms of the contract?

4. What alternative delivery specifications are available to increase deliverable supplies on the contract?

In this respect, commenters are requested to address the following questions, supplying, to the extent available, economic data or studies in support of their conclusions:

a. Given the declining role of Chicago as a cash market for wheat, should it be retained as a delivery point on the futures contract?

b. What are the advantages and disadvantages of expanding the Toledo, Ohio delivery point to encompass off-water elevators in neighboring counties?

c. What are the advantages and disadvantages of expanding the St. Louis, Missouri delivery point to encompass river stations and off-water elevators in neighboring counties?

d. What are the advantages and disadvantages of permitting delivery at St. Louis via shipping certificates, rather than warehouse receipts? Should such shipping certificates be backed by warehouse receipts at or near that location or by financial guarantees of performance?

e. If delivery at St. Louis by shipping certificate is advisable, should other delivery points on the contract also provide for delivery by shipping certificate? Is consistency of delivery instrument among delivery points necessary or desirable? What is the likely effect of lack of consistency in the type of delivery instrument for different delivery points?

f. What are the advantages and disadvantages of providing for delivery via shipping certificates at elevators located: (i) On the Mississippi River located between St. Louis and Memphis or (ii) on the Mississippi River between St. Louis and Cairo and (iii) on the Ohio River between Cairo and Louisville, Kentucky?

g. What are the advantages and disadvantages of specifying delivery to lower Mississippi River export elevators?

5. Is there a single location, or a limited number of locations, that offer either sufficient stocks or receive sufficient flows of one class of wheat adequate to support futures trading and to tend to prevent or diminish price manipulation, market congestion or the abnormal movement of such commodity in interstate commerce?

Issued in Washington, D.C., this 1st day of July, 1997 by the Commodity Futures Trading Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 97–17721 Filed 7–7–97; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and Associated Form: Direct Deposit Authorization, DD Form X311, OMB Number 0730—[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 252,000.

Responses per Respondent: 1.

Annual Responses: 252,000.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 126,000.

Needs and Uses: This collection of information is necessary to meet the Department of Defense and the Department of Treasury's requirements to process civilian and military personnel requests to authorize direct deposits of net payments, travel payments, and savings allotments to financial institutions to which payment is to be directed. The information is required by the Treasury Financial Manual, Bulletin No. 95–07, dated December 16, 1994, and DoD Financial Management Regulation, Volume 5. The Direct Deposit Authorization form will be used for all DoD personnel including civilians, active and retired military, and annuitants. The form will be completed and signed by the payee and forwarded to their paying office. The information can be obtained from the payee's banking documents. The paying office will enter the Direct Deposit enrollment information into the payroll system, and at the same time assure proper identification of the payee. The data will be forwarded to the payee's financial institution by the servicing Federal Reserve Bank.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: July 1, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–17711 Filed 7–7–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Underground Facilities

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Underground Facilities

will meet in closed session on August 26–28, 1997 at Strategic Analysis, Inc., 4001 N. Fairfax Drive, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will address the threat to U.S. interests posed by the growth of underground facilities in unfriendly nations. The Task Force should investigate technologies and techniques to meet the international security and military strategy challenges posed by these facilities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly this meeting will be closed to the public.

Dated: July 1, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–17710 Filed 7–7–97; 8:45 am]

BILLING CODE 5000–04–M

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 7, 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, SW., 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: July 1, 1997.

Gloria Parker,

Director, Information Resources Management Group.

Office of Postsecondary Education

Title: Student Assistance General Provisions—Subpart E (Verification of Student Aid Application Information).

Frequency: Annually.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit institutions.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 2,099,000.

Burden Hours: 365,833.

Abstract: Verification of Application Information for Title IV Student Financial Assistance Programs. Applicants, and in some cases, the applicant's parents must provide documentation to support data listed on the Application for assistance.

[FR Doc. 97–17687 Filed 7–7–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–601–000]

Northern Natural Gas Company; Notice of Application for Abandonment

July 1, 1997.

Take notice that on June 23, 1997, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP97–601–000, an application pursuant to Section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations for permission and approval to abandon a total of fourteen compressor units and stations, with appurtenances, located in Kansas, Oklahoma, Texas, and Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that the compressor units and stations proposed to be abandoned in the instant application, identified in Exhibit T, are not being utilized due to changes in operating conditions which have eliminated the need for these facilities. Northern asserts that the abandonment of these facilities will not result in the abandonment of service to any of Northern's existing shippers, nor will the proposed abandonment adversely affect capacity since the compression is no longer needed to meet current firm service obligations.

Northern proposes to abandon these units and stations in-place. However, Northern indicates that it may utilize the units or parts from these units in the future at other locations on its system as the need may arise or they might be salvaged. At the time these units are utilized, Northern says it will seek any required Commission authority in order to install and operate these compressor facilities at a new location.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1997, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the

Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17692 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP97–6–000]

Plains Petroleum Company and Plains Petroleum Operating Company; Notice of Request for Summary Ruling

July 1, 1997.

Take notice that on June 11, 1997, Plains Petroleum Company and Plains Petroleum Operating Company, 1515 Arapahoe Street, Tower 3, Suite 1000, Denver, Colorado 80202 (hereafter ''Plains''), filed a motion to intervene and request for summary ruling in Docket No. RP97–379–000. Plains' request for summary ruling, as filed in that motion, is hereby assigned Docket No. GP97–6–000. Plains requests that the Commission summarily rule that KN Energy, Inc. (KN) should be required to make any Kansas ad valorem tax refunds that Plains might otherwise be required to make, for the period from October 1, 1984 through September 13, 1985.

In the associated proceeding, in Docket No. RP97–369–000, Public Service Company of Colorado and Cheyenne Light, Fuel and Power Company filed a request that the Commission issue an order establishing procedures for the payment of refunds of overcharges related to Kansas ad valorem taxes, for the period from October 1983 through June 1988, as required by the decision of the United States Court of Appeals for the District of Columbia Circuit issued on August 2, 1996, in Public Service Co. of Colorado v. FERC, 91 F.3d 1478 (D.C. Cir. 1996), cert. denied, (May 12, 1997).

In support of the request for summary ruling, Plains explains: (1) That Plains Petroleum Company was a wholly-owned subsidiary of KN until September 30, 1985; (2) that Plains Petroleum Company was the lessee with respect to certain leases within the State of Kansas, from October 1, 1984 through November 30 1986; and (3) that the Kansas leases were transferred to Plains Petroleum Operating Company, effective December 1, 1986. According to Plains, it either did not receive Kansas ad valorem tax reimbursements from KN during the period from October 1, 1984 through September 13, 1985, or returned any ad valorem tax reimbursements it did receive to KN, by means of a $1,050,000 dividend that was paid to KN on June 30, 1985, and by which KN withdrew virtually all cash from Plains Petroleum Company, leaving Plains Petroleum Company with only $18,211 in cash as of June 30, 1985. In view of this, Plains asserts that KN was the entity enriched by the reimbursement of Kansas ad valorem taxes, and that it was KN (not Plains) that has had the use of those funds since that time.

In view of this, Plains requests that the Commission summarily rule that any Kansas ad valorem tax refunds that Plains might otherwise be required to make, for the period from October 1, 1984 through September 13, 1985, should be made by KN. In the alternative, Plains requests the Commission to require KN to show that KN did not receive value from Plains—in the form of dividends, or otherwise—for any Kansas ad valorem tax reimbursement payments that KN made to Plains and, therefore, that KN should not be required to bear the burden of any refunds to its customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before July 11, 1997.[1] 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 in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17694 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1847–000]

Valero Power Services Company; Notice of Clarification of Amendment to Notification of Change in Status

July 1, 1997.

Take notice that on June 23, 1997, Valero Power Services Company (Valero Power) filed a clarification of amendment to the notification of a change in its status which was previously filed on February 26, 1997. The Amendment adopts the Standards of Conduct applicable to the relationship between Valero Power and Pacific Gas and Electric Company, a wholly-owned subsidiary of PG&E Corporation, pending and after approval of the proposed merger between PG&E Corporation and Valero Energy Corporation.

Any person desiring to be heard or 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. 20436, in accordance with Rules 211 and 214 of the Commission's Rules Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests must be filed on or before July 8, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

[1] KN Interstate Gas Transmission Company (KN Interstate) filed an answer, in opposition to Plains' request for summary ruling on June 26, 1997, in Docket No. RP97–369–000. Accordingly, KN Interstate's June 26 answer will be treated as having been filed in Docket No. GP97–6–000, but does not foreclose KN Interstate from filing further pleadings in that docket.

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. 97–17693 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3317–000, et al.]

Central Illinois Public Service Company, et al.; Electric Rate and Corporate Regulation Filings

July 1, 1997.

Take notice that the following filings have been made with the Commission:

1. Central Illinois Public Service Company

[Docket No. ER97–3317–000]

Take notice that on June 13, 1997, Central Illinois Public Service Company (CIPS) submitted two umbrella short-term firm transmission service agreements, dated April 19, 1997 and June 1, 1997, establishing the following as customers under the terms of CIPS' Open Access Transmission Tariff: Rainbow Energy Marketing Corporation and QST Energy Trading, Inc.

CIPS requests an effective date of June 1, 1997, for the service agreements. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served on the two customers and the Illinois Commerce Commission.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Company of Colorado

[Docket No. ER97–3318–000]

Take notice that on June 13, 1997, Public Service Company of Colorado, tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Public Service Company of Colorado and E Prime, Inc. Public Service states that the purpose of this filing is to provide Non-Firm Point-to-Point Transmission Service in accordance with its Open Access Transmission Service Tariff.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Colorado

[Docket No. ER97–3319–000]

Take notice that on June 13, 1997, Public Service Company of Colorado tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service between Public Service Company of Colorado and Public Service Company of Colorado—Wholesale Merchant Function. Public Service states that the purpose of this filing is to provide Firm Point-to-Point Transmission Service in accordance with its Open Access Transmission Service Tariff.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Ohio Edison Company, Pennsylvania Power Company

[Docket No. ER97–3320–000]

Take notice that on June 13, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, a Service Agreement with Eastern Power Distribution, Inc. under Ohio Edison's Power Sales Tariff. This filing is made pursuant to Section 205 of the Federal Power Act.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Northern States Power Company (Minnesota Company)

[Docket No. ER97–3321–000]

Take notice that on June 13, 1997, Northern States Power Company (Minnesota) (NSP) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement between NSP and PECO Energy Company—Power Team.

NSP requests that the Commission accept the agreement effective May 15, 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 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER97–3322–000]

Take notice that on June 13, 1997, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed a Service Agreement by and among itself, as agent for Southern Companies and the City of Seneca, South Carolina pursuant to which Southern Companies will make wholesale power sales to the City of Seneca, South Carolina for a term in excess of one (1) year.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. MP Energy, Inc.

[Docket No. ER97–3323–000]

Take notice that on June 13, 1997, MP Energy, Inc. (MP Energy), tendered for filing (1) a letter approving the participation of MP Energy in the Western States Power Pool and (2) MP Energy's letter confirming its intent to participate in the Western States Power Pool. MP Energy has asked to have the documents evidencing its participation in the Western States Power Pool made effective as a rate schedule as of April 25, 1997 (the date on which its participation in the Western States Power Pool was authorized).

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Southern Company Services, Inc.

[Docket No. ER97–3324–000]

Take notice that on June 13, 1997, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed a transmission service agreement for network integration transmission service between SCS, as agent for Southern Companies, and Southern Wholesale Energy, a Department of Southern Company Services, Inc. as agent for Southern Companies under Part III of the Open Access Transmission Tariff of Southern Companies.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Central Hudson Gas and Electric Corporation

[Docket No. ER97–3325–000]

Take notice that on June 13, 1997, Central Hudson Gas and Electric Corporation (CHG&E), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Regulations in 18 CFR a Service Agreement between CHG&E and American Energy Solutions, Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume No. 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER97–890–000. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Central Hudson Gas and Electric Corporation

[Docket No. ER97–3326–000]

Take notice that on June 13, 1997, Central Hudson Gas and Electric Corporation (CHG&E), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Regulations in 18 CFR a Service Agreement between CHG&E and Valero Power Services Company. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER97–890–000. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Electric Power Company

[Docket No. ER97–3327–000]

Take notice that on June 13, 1997, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a Non-Firm Transmission Service Agreement between itself and PECO Energy Company. The Transmission Service Agreement allows PECO Energy Company to receive non-firm transmission service under Wisconsin Electric's FERC Electric Tariff, Volume No. 7.

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served on PECO Energy Company, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Illinois Power Company

[Docket No. ER97–3328–000]

Take notice that on June 16, 1997, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Western Resources, Inc. will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of June 1, 1997.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Interstate Power Company

[Docket No. ER97–3330–000]

Take notice that on June 16, 1997, Interstate Power Company (IPW), tendered for filing a Transmission Service Agreement between IPW and Williams Energy Services Company (Williams). Under the Transmission Service Agreement, IPW will provide non-firm point-to-point transmission service to Williams.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Interstate Power Company

[Docket No. ER97–3331–000]

Take notice that on June 16, 1997, Interstate Power Company (IPW), tendered for filing a Transmission Service Agreement between IPW and PECO Energy Company-Power Team (PECO). Under the Transmission Service Agreement, IPW will provide non-firm point-to-point transmission service to PECO.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Peco Energy Company

[Docket No. ER97–3332–000]

Take notice that on June 16, 1997, PECO Energy Company (PECO) filed a Service Agreement dated June 2, 1997 with North American Energy Conservation, Inc. (NAEC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds NAEC as a customer under the Tariff.

PECO requests an effective date of June 2, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to NAEC and to the Pennsylvania Public Utility Commission.

Comment date: July 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. San Diego Gas & Electric Company

[Docket No. ER97–3333–000]

Take notice that on June 13, 1997, San Diego Gas & Electric Company (SDG&E), tendered for filing a Notice of Cancellation of a Service Agreement with Electric Clearinghouse for Firm Point-To-Point Service under SDG&E's Open Access Transmission Tariff (Tariff).

SDG&E requests that this cancellation become effective May 1, 1997.

Comment date: July 15, 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. 97–17696 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3303–000, et al.]

Cinergy Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

June 30, 1997.

Take notice that the following filings have been made with the Commission:

1. Cinergy Services, Inc.

[Docket No. ER97–3303–000]

Take notice that on June 13, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and New York State Electric and Gas (New York).

Cinergy and New York are requesting an effective date of June 15, 1997.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Allegheny Power Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER97–3304–000]

Take notice that on June 13, 1997, Allegheny Power Service Corporation

on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 24 to add four (4) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of May 19, 1997, to Eastern Power Distribution, Inc., GPU Energy, Public Service Electric and Gas Company, and Southern Company Services, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Cinergy Services, Inc.

[Docket No. ER97–3305–000]

Take notice that on June 6, 1997, Cinergy Services, Inc., on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (collectively referred to as Cinergy), tendered for filing a power Sales Agreement between Cinergy and the Commissioners of Public Works of Greenwood, South Carolina (Greenwood) as an original rate schedule. Cinergy has requested an effective date of June 6, 1997 for the Power Sales Agreement. The Power Sales Agreement is a stand-alone contract for market-based rates.

Copies of the filing have been served on the Commissioners of Public Works of Greenwood, South Carolina, the Public Service Commission of South Carolina and Duke Power Company.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Orange and Rockland Utilities, Inc.

[Docket No. ER97–3307–000]

Take notice that on June 13, 1997, Orange and Rockland Utilities, Inc. (Orange and Rockland), filed Service Agreements between Orange and Rockland and PECO Energy Co.—Power Team and Public Service Electric & Gas Corp. (Customers). These Service Agreements specify that the Customers have agreed to the rates, terms and conditions of Orange and Rockland Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of May 15, 1997 for the Service Agreements. Orange and Rockland has served copies of the filing on The New York State Public Service Commission and on the Customers.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Duquesne Light Company

[Docket No. ER97–3308–000]

Take notice that on June 13, 1997, Duquesne Light Company (DLC) filed a Service Agreement dated June 5, 1997 with Detroit Edison under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Detroit Edison as a customer under the Tariff. DLC requests an effective date of June 5, 1997 for the Service Agreement.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Duquesne Light Company

[Docket No. ER97–3309–000]

Take notice that on June 13, 1997, Duquesne Light Company (DLC) filed a Service Agreement dated April 30, 1997 with Northern Indiana Public Service Company under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Northern Indiana Public Service Company as a customer under the Tariff. DLC requests an effective date of June 3, 1997 for the Service Agreement.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Central Louisiana Electric Company, Inc.

[Docket No. ER97–3310–000]

Take notice that on June 13, 1997, Central Louisiana Electric Company, Inc., (CLECO), tendered for filing a service agreement under which CLECO will provide non-firm point-to-point transmission service to PECO Energy Company under its point-to-point transmission tariff.

CLECO states that a copy of the filing has been served on PECO Energy Company.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Sierra Pacific Power Company

[Docket No. ER97–3311–000]

Take notice that on June 12, 1997, Sierra Pacific Power Company (Sierra), tendered for filing pursuant to § 205 of the Federal Power Act (the Act) and 18 CFR Part 35 *et seq.* a revision to the General Transfer Agreement (GTA) between Sierra and Bonneville Power Administration (BPA).

Sierra states that the revision would reduce the total monthly local facilities charge from $133,289 to $132,656 to reflect a change in the percentage of initial capital investment used to calculate the Estimated O&M Charge. Sierra requests that the reduced charge be made effective retroactively back to October 31, 1996 and requests waiver of the 60-day notice requirement.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Vermont Electric Power Company, Inc.

[Docket No. ER97–3312–000]

Take notice that on June 13, 1997, Vermont Electric Power Company, Inc. (VELCO), tendered for filing revisions to tariff sheets in VELCO's Open Access Transmission Tariff (Tariff). The revised tariff sheets consist of a form of service agreement for network integration transmission service and a form of network operating agreement.

VELCO states that it has served a copy of its filing on each of the Vermont distribution utilities served by VELCO, the Vermont Department of Public Service and the Vermont Public Utility Board.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. The Dayton Power and Light Co.

[Docket No. ER97–3313–000]

Take notice that on June 13, 1997, The Dayton Power and Light Company (Dayton), submitted service agreements establishing New York State Electric & Gas Corporation as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon New York State Electric & Gas Corporation and the Public Utilities Commission of Ohio.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. The Dayton Power and Light Co.

[Docket No. ER97–3314–000]

Take notice that on June 13, 1997, The Dayton Power and Light Company

(Dayton), submitted service agreements establishing MidCon Power Services Corp., as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon MidCon Power Services Corp. and the Public Utilities Commission of Ohio.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Northeast Utilities Service Company

[Docket No. ER97–3315–000]

Take notice that on June 13, 1997, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light & Power Company, tendered for filing pursuant to § 205 of the Federal Power Act and 35.13 of the Commission's Regulations, a rate schedule change for sales of electric energy to The Connecticut Municipal Electric Energy Cooperative (CMEEC).

NUSCO states that a copy of this filing has been mailed to CMEEC.

NUSCO requests that the rate schedule become effective on July 1, 1997.

Comment date: July 14, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Power Service Corporation, on behalf of Monongahela Power Company The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER97–3316–000]

Take notice that on June 13, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 19 to add GPU Energy and Southern Company Services, Inc. to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–18–000. The proposed effective date under the Service Agreements is May 19, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: July 14, 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. 97–17697 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 1933–011 & 2198–007]

Southern California Edison Company; Notice of Availability of Draft Environmental Assessment

July 1, 1997.

A draft environmental assessment (DEA) is available for public review. The DEA analyzes the environmental impacts of an application by Southern California Edison Company (licensee) to reconstruct project facilities. The licensee proposes constructing a new penstock to replace part of the existing flowline for the Santa Ana River (SAR) 1 and 2 Project No. 1933–011 and all of the flowline for the SAR 3 Project, No. 2198–007. The licensee proposes to construct a new powerhouse to replace both the SAR 2 and SAR 3 powerhouses. The U.S. Army Corps of Engineers is building a new flood control dam in the Santa Ana River Canyon below the SAR 1 and 2 Project. The Seven Oaks Dam will inundate and destroy the SAR 2 powerhouse and SAR 3 flowline rendering both projects inoperable. The licensee's proposed construction would allow it to continue to operate the projects. Both projects are on the Santa Ana River and its tributaries in San Bernardino, California.

The DEA finds that the application to reconstruct project facilities would not constitute a major federal action significantly affecting the quality of the human environment. The DEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission in cooperation with the U.S. Department of Agriculture—Forest Service, San Bernardino National Forest, Big Bear Ranger District. Copies of the DEA can be obtained by calling the Commission's Public Reference Room at (202) 208–1371.

Please submit any comments on the DEA within 30 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to: Ms. Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426. Please affix Project No. 1933–011 and/or 2198–007 to all comments. For further information, please contact the project manager, Steve Hocking, at (202) 219–2656.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17695 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–526–000]

Southern Natural Gas Company; Notice of Intent to Prepare an Environmental Assessment for the Proposed East Tennessee Expansion Project and Request for Comments on Environmental Issues

July 1, 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 by the Southern Natural Gas Company (Southern) for its East Tennessee 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

Southern proposes to expand the capacity of certain of its facilities in

[1] Southern's application was filed with the Commission on May 15, 1997 under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

Tennessee, Georgia, and Alabama to meet requests from 15 shippers for firm transportation service totaling about 65,000 thousand cubic feet per day of natural gas. Southern seeks authority to construct and operate the following facilities:

- East Tennessee Lateral—2.9 miles of 8-inch-diameter pipeline, in Catoosa County, Georgia and Hamilton County, Tennessee.
- Ocmulgee-Atlanta Loop [2]—8.0 miles of 30-inch-diameter pipeline, in Spalding and Henry Counties, Georgia.
- 2nd North Main Loop—2.8 miles of 24-inch-diameter pipeline, in Pickens County, Alabama.
- South Main 3rd Loop—4.6 miles of 30-inch-diameter pipeline, in Perry County, Alabama.
- Macon Branch Loop Line—replace 10.0 miles of existing 12-inch-diameter pipeline with 16-inch-diameter pipeline, in Fulton and Clayton Counties, Georgia.
- Cartersville Gate Regulator Station—new regulator station at milepost (MP) 41.6 on Southerns Chattanooga Line in Floyd County, Georgia.
- East Tennessee Meter Station—new meter station at the terminus of Southerns proposed East Tennessee Lateral, in Hamilton County, Tennessee.
- Cleveland Branch Meter Station—expand an existing mater station at MP 21.1 on Southerns Cleveland Branch Line, in Bradley County, Tennessee.
- Rome Compressor Station—new 4,700 horsepower (hp) compressor station at MP 51.2 on Southerns Chattanooga Line in Floyd County, Georgia.
- York Compressor Station—uprate two existing compressor units from 6,500 hp each to 9,160 hp, in Sumter County, Alabama.
- Auburn Compressor Station—uprate two existing compressor units from 6,500 hp each to 9,160 hp, in Lee County, Alabama.
- Bell Mills Compressor Station—add a new 1,600 hp compressor unit to an existing compressor station, in Cleburne County, Alabama.
- Chattanooga Line—increase the maximum allowable operating pressure from the existing 1,114 pounds per square inch gage (psig) to 1,200 psig in two segments, from about MP 0.8 to MP 41.6 and MP 51.2 to MP 114.9.

The general location of the proposed project facilities are shown in appendix 1.[3] Southern indicated the project would cost $52,179,005, and seeks an in-service date of November 1998.

Land Requirements for Construction

Construction of the proposed facilities would disturb a total of about 353 acres. Of this, about 181 acres is currently existing permanent right-of-way, and about 27 acres would be added as new permanent right-of-way. The other 145 acres of temporary construction right-of-way would be restored and allowed to revert to its former use.

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
- Air quality and noise
- Endangered and threatened species
- Cultural resources
- Land use
- Public safety

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 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 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 environmental information provided by Southern. These issues include:

- Karst features, sinkholes, caves, and limestone deposits in the vicinity of the East Tennessee Lateral and South Main 3rd Loop.
- Potential for landslides or ground failure in the vicinity of the East Tennessee Lateral and Rome Compressor Station.
- Potential for paleontological resources in the vicinity of the South Main 3rd Loop.
- Prime farmland in the vicinity of the East Tennessee Lateral, Ocmulgee-Atlanta Loop, 2nd North Main Loop, South Main 3rd Loop, Rome Compressor Station, and East Tennessee Meter Station.
- Crossing 32 perennial waterbodies, all classified as warmwater fisheries, of which two streams (Cahaba River and a tributary to the Cahaba) are over 100 feet wide.
- Crossing 36 wetlands totaling 9.5 acres.
- Crossing three streams with the potential for sensitive mussel species.
- Eleven archaeological sites identified along proposed project components.
- Eighteen residences within 50 feet of the construction right-of-way.

This preliminary list of issues may be changed based on your comments and our analysis.

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 and 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

[2] A loop is a segment of pipeline installed adjacent to an existing pipeline and connected to the existing line on both ends. The loop allows more gas to be moved through the pipeline system.

[3] 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, NE., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

comments are received and properly recorded:

- Send *two* copies of your comments to:

Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, D.C. 20426;

- Reference Docket No. CP97–526–000; and
- Mail your comments so that they will be received in Washington, D.C. on or before August 4, 1997.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, known as 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 on the Commission's service list for this proceeding. 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).

The date for filing timely motions to intervene in this proceeding has passed, having ended June 23, 1997. Therefore, parties now seeking to file late interventions must show good cause, as required by Section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Lois D. Cashell,

Secretary.

[FR Doc. 97–17691 Filed 7–7–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5854–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Information Requirements for Importation of Nonconforming Vehicles; Information Requirements for Importation of Nonconforming Nonroad Small SI Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Requests (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Information Requirements for Importation of Nonconforming Vehicles, OMB Control Number 2060–0095; Information Requirements for Importation of Nonconforming Nonroad Small SI Engines, OMB Control Number 2060–0294. The ICRs describe the nature of the information collections and expected burden and cost; where appropriate, they include the actual data collection instrument.

DATES: Comments must be submitted on or before August 7, 1997.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 10.08 or 1673.02.

SUPPLEMENTARY INFORMATION:

Title: Information Requirements for Importation of Nonconforming Vehicles, OMB #2060–0095, expiration date 7/31/97; Information Requirements for Importation of Nonconforming Nonroad Small SI Engines, OMB #2060–0294, expiration date 7/31/97. This is a request for extension of currently approved collections.

Abstract: Individuals and businesses importing on and off-road motor vehicles, motor vehicle engines, or nonroad engines, including nonroad engines incorporated into nonroad equipment or nonroad vehicles report and keep records of vehicle importations, request prior approval for vehicle importations, or request final admission for vehicles conditionally imported into the U.S. The collection of this information is mandatory in order to ensure compliance of nonconforming vehicles with Federal emissions requirements. Joint EPA and Customs regulations at 40 CFR 85.1501 *et seq.* and 89.601 *et seq.* and 19 CFR 12.73 and 12.74 promulgated under the authority of Clean Air Act sections 203 and 208 give authority for the collection of information. This authority was extended to nonroad engines under section 213(d). The information is used by program personnel to ensure that all Federal emission requirements concerning imported nonconforming motor vehicles are met. Any information submitted to the Agency for which a claim of confidentiality is made is safeguarded according to policies set forth in Title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see CFR 2), and the public is not permitted access to information containing personal or organizational identifiers. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 3/21/97 (62 FR 13611); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.8 hours per response (OMB #2060–0095), and 0.5 hours per response (OMB #2060–0294) respectively. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

OMB #2060–0095

Respondents/Affected entities: Individuals and businesses importing motor vehicles, motor vehicle engines, or large compression-ignition nonroad engines, including those incorporated into nonroad equipment or vehicles.

Estimated Number of Respondents: 11,000.

Frequency of Response: 1.1 responses/year.

Estimated Total Annual Hour Burden: 9,705.

Estimated Total Annualized Costs Burden: $961,130.

OMB #2060–0294

Respondents/Affected entities: Individuals and businesses importing small spark-ignition nonroad engines, including those incorporated into nonroad equipment or vehicles.

Estimated Number of Respondents: 500.

Frequency of Response: 100.4 responses/year.

Estimated Total Annual Hour Burden: 25,100.

Estimated Total Annualized Costs Burden: $1,255,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 10 and OMB Control No. 2060–0095 or ICR No. 1673 and OMB Control No. 2060–0294 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: July 1, 1997.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 97–17745 Filed 7–7–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5851–2]

Title V Clean Air Act Non-Substantial Program Revision to Operating Permits Program; West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intended Title V program revision.

SUMMARY: EPA is intending to approve a revision to West Virginia's Title V operating permits program. The revision consists of changes to the list of activities West Virginia would like to consider as ''insignificant activities'' for purposes of preparing Title V permit applications.

DATES: Comments must be received in writing by August 7, 1997.

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

Comments should be mailed to Kathleen Henry, Chief, Permit Programs Section, Mailcode 3AT23, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Jennifer M. Abramson at (215) 566–2066, or by e-mail at Abramson.Jennifer@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: As required under Title V of the Clean Air Act (CAA) as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program. These rules are codified at 40 CFR part 70 and include the corresponding standards and procedures by which EPA shall approve both initial state programs submittals, and subsequent program revisions. EPA intends to approve West Virginia's program revision pursuant to the procedures described in 40 CFR part 70, section 70.4(i), applicable to non-substantial program revisions.

West Virginia's Title V operating permits program was granted final interim approval on November 15, 1995 (see 60 FR 57352). Under this program, the State is authorized to add new activities to its insignificant activity list without having to undergo rulemaking. On February 11, 1997, in accordance with the conditions set forth in EPA's final rulemaking action granting interim approval, West Virginia submitted for EPA approval a program revision consisting of changes to the list of activities the State would like to consider as ''insignificant activities.'' [1] The changes include: (1) The addition of several new insignificant activities which have been designated as ''trivial'' in EPA's July 10, 1995, guidance memorandum entitled ''White Paper for Streamlined Development of Part 70 Permit Applications'; (2) a new provision allowing emissions units which are not subject to any applicable requirements, and which emit less than 1(one) pound per hour of criteria pollutants and less than 10,000 pounds per year aggregate per criteria pollutant to be considered ''insignificant'; and (3) a new provision allowing emissions units which are not subject to any applicable requirements, which do not emit either dioxin/furans or ''toxic air pollutants'' pursuant to West Virginia's state air toxics rule, and which emit less than 0.1 (one-tenth) pounds per hour of hazardous air pollutants (HAPs) and less than 1,000 pounds per year aggregate for all HAPs to be considered ''insignificant.''

West Virginia's February 11, 1997 submittal consisted of a comprehensive list of the activities the State would like to consider as ''insignificant activities.'' EPA intends to approve only the activities described above, which represent changes to West Virginia's insignificant activity list. EPA previously reviewed all remaining activities as part of West Virginia's initial Title V operating permits program submittal. Approval of the changes to West Virginia's insignificant activity list shall not impact the approval status of the activities which were submitted as part of West Virginia's initial Title V operating permits program (see 60 FR 57352).

Dated: June 18, 1997.

Stanley Laskowski,

Acting Regional Administrator

[FR Doc. 97–17188 Filed 7–7–97; 8:45 am]

BILLING CODE 6560–50–P

[1] This program revision was not submitted to serve as a ''corrective program'' to satisfy the interim approval issues set forth in EPA's final rulemaking notice published on November 15, 1995, or to meet the anticipated changes to the part 70 rule.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5853–9]

National Advisory Council for Environmental Policy and Technology Reinvention Criteria Committee; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, Pub. L. 92463, EPA gives notice of a two-day meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT) Reinvention Criteria Committee (RCC). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The RCC has been asked to identify criteria the Agency can use to measure the progress and success of specific reinvention projects and its overall reinvention efforts. This meeting is being held to provide the EPA with perspectives from representatives of state and local government, environmental organizations, academia, industry, and NGOs.

DATES: The two-day public meeting will be held Wednesday, July 16, 1997 from 8:30 a.m. to 5 p.m. and Thursday, July 17, 1997 from 8:30 a.m. to 4 p.m. The meeting will be held at the Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC.

ADDRESSES: Materials, or written comments, may be transmitted to the Committee through Gwendolyn Whitt, Designated Federal Officer, NACEPT/RCC, U.S. EPA, Office of Cooperative Environmental Management (1601–F),

401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Whitt, Designated Federal Officer for the NACEPT Reinvention Criteria Committee at 202–260–9484.

Dated: June 26, 1997.

Gwendolyn C.L. Whitt,

Designated Federal Officer.

[FR Doc. 97–17734 Filed 7–7–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5854–2]

Governmental Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the U.S. Environmental Protection Agency (EPA) gives notice of a meeting of the Governmental Advisory Committee (GAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (CEC).

The Committee is established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the CEC. The Committee is authorized under Article 18 of the North American Agreement on Environmental Cooperation, North America Free Trade Implementation Act, P.L. 103–182 and is directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation''. The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of a group of 10 representatives drawn from state, local and tribal governments.

DATES: The Committee will meet on July 24, 1997 from 8:30 a.m. to 5:00 p.m. and July 25, 1997 from 8:00 a.m. to 4:30 p.m.

ADDRESSES: The Radisson Hotel, 60 Battery Street, Burlington, VT 05401. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hardaker, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202–260–2477.

Dated: June 24, 1997.

Robert Hardaker,

Designated Federal Officer, Governmental Advisory Committee.

[FR Doc. 97–17735 Filed 7–7–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5854–]

National Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the U.S. Environmental Protection Agency (EPA) gives notice of a meeting of the National Advisory Committee (NAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (CEC).

The Committee is established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the CEC. The Committee is authorized under Article 17 of the North American Agreement on Environmental Cooperation, North America Free Trade Implementation Act, P.L. 103–182 and is directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation''. The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of 12 independent representatives drawn from among environmental groups, business and industry, public policy organizations and educational institutions.

DATES: The Committee will meet on July 24, 1997 from 8:30 a.m. to 5:00 p.m. and July 25, 1997 from 8:00 a.m. to 4:30 p.m.

ADDRESSES: The Radisson Hotel, 60 Battery Street, Burlington, VT 05401. The meeting is open to the public, with limited seating on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Ross, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202–260–9752.

Dated: June 24, 1997.

Deborah Ross,

Acting Designated Federal Officer, National Advisory Committee.

[FR Doc. 97–17736 Filed 7–7–97; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting Wednesday, July 9, 1997

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, July 9, 1997, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, N.W., Washington, D.C.

Item No., Bureau, and Subject

1—Office of Engineering and Technology—Title: Reallocation of Television Channels 60–69, the 746–806 MHz Band. Summary: The Commission will consider action to reallocate the 746–806 MHz band, currently television (TV) channels 60–69, to the fixed and mobile services.

2—Mass Media—Title: Broadcast Advertisement of Distilled Spirits. Summary: The Commission will consider action regarding the recent initiation of broadcast advertising by the distilled spirits industry, particularly with regard to liquor consumption by minors, and seeks comment on what governmental response, if any is appropriate.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Public Affairs, telephone number (202) 418–0500.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800 or fax (202) 857–3805 and 857–3184. These copies are available in paper format and alternative media which includes, large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its—inc@ix.netcom.com. Their Internet address is http://www.itsi.com.

This meeting can be viewed over George Mason University's Capitol Connection. For information on this service call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http:/

/www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770; and from Conference Call USA (available only outside the Washington, D.C. metropolitan area), telephone 1–800–962–0044. Audio and video tapes of this meeting can be obtained from the Office of Public Affairs, Television Staff, telephone (202) 418–0460, or TTY (202) 418–1398; fax numbers (202) 418–2809 or (202) 418–7286.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17875 Filed 7–3–97; 12:12 p.m.]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

July 2, 1997.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0770.

Expiration Date: 06/30/2000.

Title: Price Cap Performance Review for Local Exchange Carriers—CC Docket No. 94–1.

Form No.: N/A.

Estimated Annual Burden: 13 respondents; 10 hours per response (avg.); 130 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In the *Third Report and Order* in CC Docket 94–1, the Commission is modifying its filing requirement for incumbent price cap Local Exchange Carriers (LECs) who propose to offer new switched access services. We no longer require an incumbent LEC to introduce a new service by filing a waiver under Part 69 of the Commission's rules. Instead, incumbent LECs will be able to file a petition for the new service based on a public interest standard. After the first incumbent LEC has satisfied the public interest requirement for establishing new rate elements for a new switched access service, other incumbent price cap LECs can file petitions seeking authority to introduce identical rate elements for identical new services, and their petitions will be reviewed within ten days. The Commission also eliminates the lower service band indices. By doing so, an incumbent price cap LEC no longer has to file a waiver to set its rates below the lower service band indices, but may instead simply adjust its rates downward. The information collected would be submitted to the Commission by an incumbent LEC for use in determining whether it is in the public interest for the incumbent LEC to offer a proposed new switched access service. Your response is required to obtain or retain benefits.

OMB Control No.: 3060–0756.

Expiration Date: 06/30/2000.

Title: Procedural Requirements and Policies for Commission Processing Bell Operating Company Applications for the Provision of In-Region, interLATA Services Under Section 271 of the Communications Act.

Form No.: N/A.

Estimated Annual Burden: 75 respondents; 242 hours per response (avg.); 18,160 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In a Public Notice (FCC 96–469), the Commission establishes various procedural requirements and policies relating to the Commission's policies of Bell Operating Company (BOC) applications to provide in-region, interLATA services pursuant to section 271 of the Communications Act of 1934, as amended. Section 271 provides for applications on a state by state basis. BOCs must file applications which provide information on which the applicant intends to rely in order to satisfy the requirements of section 271. The applications will contain two parts, which include: (1) a stand-alone document entitled Brief in Support of Application by [Bell company name] for Provision of In-region, InterLATA Services in [State name] and (2) any supporting documentation. The Brief in Support will contain a concise summary of substantive arguments presented in the Brief, a statement identifying all of the agreements that the applicant has entered into pursuant to negotiations and/or arbitration under section 252, a statement identifying how the applicant meets the requirements of section 271(c)(1), a statement summarizing the status and findings of the relevant State proceedings (if any) examining the applicant's compliance with section 271, a statement describing the efforts the applicant has made to meet with likely objectors to narrow the issues in dispute, and all factual and legal arguments that the three requirements of section 271(d)(3) have been met. The supporting documentation will contain, at a minimum, the complete public record of the relevant State proceedings (if any) examining the applicant's compliance with section 271, records of interconnection agreements, affidavits, etc. The requirements of section 272(c)(2) will be met with this supporting documentation. (Number of respondents: 7; annual hour burden per respondent: 120 hours per application (approximately 7 applications per respondent); total annual burden: 5880 hours). State regulatory commission will file written consultations relating to the applications not later than approximately 20 days after the issuance of an Initial Public Notice establishing specific due dates for various filings. (Number of respondents: 49 annual hour burden per respondent: 120 hours; total annual burden: 5880). Interested third parties may file comments on the applications not later than approximately 20 days after the issuance of the Initial Public Notice. (Number of respondents: 75; annual hour burden per respondent: 20 total annual burden: 1500). The Department of Justice will file written consultations relating to the applications not later than approximately 35 days after the issuance of the Initial Public Notice. (Number of respondents: 1; annual hour burden per respondent 100 hours per state; total annual burden is 4900). All of the requirements would be used to ensure that BOCs have complied with their obligations under the Communications Act of 1934, as amended, before being authorized to provide in-region, interLATA services pursuant to section 271. Your response is mandatory.

OMB Control No.: 3060–0774.

Expiration Date: 09/30/97.

Title: Federal-State Joint Board on Universal Service—CC Docket No. 96–45, 47 CFR Sections 36.611–36.612 and 47 CFR Part 54.

Form No.: N/A.

Estimated Annual Burden: 5,565,451 respondents; 3.1 hours per response (avg.); 1,784,220 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion, annually, one-time requirements.

Description: Congress directed the Commission to implement a new set of universal service support mechanisms that are explicit and sufficient to advance the universal service principles enumerated in Section 254 of the Telecommunications Act of 1996 and such other principles as the Commission believes are necessary and appropriate for the protection of the public interest, convenience and necessity, and are consistent with the Act. In the Report and Order issued in CC Docket No. 96–45, the Commission adopts rules that are designed to implement the universal service provisions of section 254. Specifically, the Order addresses: (1) universal service principles; (2) services eligible for support; (3) affordability; (4) carriers eligible for universal service support; (5) support mechanisms for rural, insular, and high cost areas; (6) support for low-income consumers; (7) support for schools, libraries, and health care providers; (8) interstate subscriber line charge and common line cost recovery; and (9) administration of support mechanisms. The reporting and recordkeeping requirements contained in CC Docket No. 96–45 are designed to implement Section 254 and are listed below. The reporting and recordkeeping requirements are necessary to ensure the integrity of the program. All the collections are necessary to implement the congressional mandate for universal service. The reporting and recordkeeping requirements are necessary to verify that the carriers and other respondents are eligible to receive universal service support. Your response is mandatory.

Rule Section/Title (47 CFR Section)	Hours per response	Total annual burden
a. 36.611(a) and 36.612—Submission and Updating information to NECA	20	26,800
b. 54.101(c)—Demonstration of exceptional circumstances for toll-limitation grace period	50	100
c. 54.201(b)(c)—Submission of eligibility criteria	1	3,400
d. 54.201(d)(2)—Advertisement of services and charges	50	65,000
e. 54.205(a)—Advance notice of relinquishment of universal service	.5	50
f. 54.207(c)(1)—Submission of proposal for redefining a rural service area	125	6,250
g. 54.307(b)—Reporting of expenses and number of lines served.	[1] 2.5	4,100
h. 54.401(b) (1)–(2)—Submission of disconnection waiver request	2	100
i. 54.401(d)—Lifeline certification to the Administrator	1	1,300
j. 54.407(c)—Lifeline recordkeeping	80	104,000
k. 54.409 (a)–(b)—Consumer qualification for Lifeline	[2] 5	440,000
l. 54.409(b)—Consumer notification of Lifeline discontinuance	[2] 5	44,000
m. 54.413(b)—Link Up recordkeeping	80	104,000
n. 54.501(d)(4) and 54.516—Schools & Libraries recordkeeping	[1] 41	372,000
o. 54.504 (b)–(c), 54.507(d) and 54.509(a)—Description of services requested & certification	2	100,000
p. 54.601(b)(4) and 54.609(b)—Calculating support for health care providers	100	340,000
q. 54.601(b)(3) and 54.619—Shared facility record-keeping	[1] 21	160,000
r. 54.607(b) (1)–(2)—Submission of proposed rural rate	3	150
s. 54.603(b)(1), 54.615 (c)–(d) and 54.623(d)—Description of services requested and certification	1	12,000
t. 54.619(d)—Submission of rural health care report	40	40
u. 54.701(f)(1) and (f)(2)—Submission of annual report and CAM	40	40
v. 54.701(g)—Submission of quarterly report	10	40
w. 54.707—Submission of state commission designation	.25	850

[1] Average. [2] Minutes.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–17889 Filed 7–7–97; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL HOUSING FINANCE BOARD MEETING

Sunshine Act Meeting

ANNOUNCING AN OPEN MEETING OF THE BOARD

TIME AND DATE: 10:00 a.m. Wednesday, July 9, 1997.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTER TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Designation of Elective Directorships for the 1997 Election of Federal Home Loan Bank Directors.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

William W. Ginsberg,

Managing Director.

[FR Doc. 97–17827 Filed 7–2–97; 4:40 pm]

BILLING CODE 6725–01–P

FEDERAL TRADE COMMISSION

[Dkt. C–3740]

American Home Products Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, American Home Products Corporation (''AHP''), a New Jersey-based manufacturer of animal vaccines, to divest Solvay's U.S. and Canada rights to three types of vaccines to the Schering-Plough Corporation; assist Schering-Plough in obtaining U.S. Department of Agriculture (''USDA'') certifications; and manufacture and supply the three vaccines to Schering-

Plough for 24 to 36 months or until Schering-Plough obtains USDA approvals. The consent order also prohibits AHP from suing Schering-Plough for patent infringements relating to the vaccines.

DATES: Complaint and Order issued May 16, 1997.[1]

FOR FURTHER INFORMATION CONTACT: Casey Triggs, FTC/S–2308, Washington, D.C. 20580. (202) 326–2804

SUPPLEMENTARY INFORMATION: On Wednesday, March 5, 1997, there was published in the **Federal Register,** 62 FR 10058, a proposed consent agreement with analysis In the Matter of American Home Products Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 97–17755 Filed 7–7–97; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FEDERAL TRADE COMMISSION

[Dkt. C–3741]

Schering-Plough Healthcare Products, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, the Tennessee-based manufacturer of health care products from making certain claims about the effectiveness or length of protection provided by any children's sun protection product unless they possess scientific evidence to substantiate the claims, and from misrepresenting the existence, contents, validity, results or conclusions of any test or study concerning sun protection products. The consent order requires the respondent to produce and distribute 150,000 consumer education brochures regarding sunscreen protection for children.

DATES: Complaint and Order issued May 16, 1997.[1]

FOR FURTHER INFORMATION CONTACT: Mamie Kresses, FTC/S–4002, Washington, D.C. 20580. (202) 326–2070.

SUPPLEMENTARY INFORMATION: On Wednesday, March 5, 1997, there was published in the **Federal Register**, 62 FR 10059, a proposed consent agreement with analysis In the Matter of Schering-Plough Healthcare Products, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and to desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 97–17756 Filed 7–7–97; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint, the Decision and Order and statements by Commissioners Azcuenaga and Starek are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 735]

FY 1997 Epidemiologic Research Studies of Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Infection

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1997 funds for a cooperative agreement program for epidemiologic and behavioral research studies of AIDS and HIV infection. These include studies to examine factors related to: (I) manifestations and medical management of HIV infection in children and (II) acceptability of new prevention methods currently being tested that offer alternatives to male condoms for HIV/STD protection. The study of these research areas as they pertain to racial and ethnic minority populations (defined as Alaskan Native, African-American, Hispanic, Asian/Pacific Islander, and American Indian) is encouraged because minorities constitute more than 53 percent of all reported cases of AIDS and approximately 77 percent of all women and children with AIDS.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of HIV Infection. (To order a copy of ''Healthy People 2000,'' see the section Where to Obtain Additional Information.)

Authority

This program is authorized under Sections 301(a) and 317(k)(2) of the Public Health Service Act [42 U.S.C. 241(a) and 247b(k)(2)], as amended. Applicable program regulations are set forth in 42 CFR Part 52, entitled ''Grants for Research Projects.''

Smoke-Free Workplace

CDC strongly encourages all cooperative agreement recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants include all public and private nonprofit organizations and governments and their agencies. Thus, universities; colleges; research institutions; hospitals and other public and private organizations; territories, District of Columbia, and State and local governments or their bona fide agents; federally recognized Indian tribal governments; Indian tribes or Indian tribal organizations; and small minority- or women-owned nonprofit businesses are eligible to apply.

Note: Organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engage in lobbying are not eligible to receive Federal grant/cooperative agreement funds.

Availability of Funds

Approximately $1 million is available in FY 1997 to fund approximately two new awards and approximately $2 million is available to fund six competing continuation projects. It is expected that the average new awards will be range from $300,000 to $700,000 and continuation awards will be approximately $300,000. It is expected that awards will begin on or about September 30, 1997. Successful grantees will be funded for a 12-month budget period within a project period of up to three years. Continuation awards within the project period will be made on the basis of satisfactory programmatic progress and the availability of funds. Funding estimates may vary and are subject to change.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996), provides as follows:

Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

The AIDS epidemic continues in the United States with 581,429 cases of AIDS, including 7,629 cases in children, 85,500 cases in women and 324,728 cases in men who have sex with men reported to the CDC as of December 1996. Approximately 62 percent of persons with AIDS have died.

Current estimates reflect that approximately 700,000 Americans have been infected with HIV, the etiologic agent of AIDS. More difficult to estimate is the number of incident HIV infections occurring yearly. Heterosexual transmission is now the leading cause of AIDS cases among U.S. women and is the fastest growing mode of transmission in newly infected persons. However, male-to-male exposure continues as the single greatest risk category among men. Fifty percent of cumulative AIDS cases and 40 percent of annual AIDS cases in 1996 were attributed exclusively to male-to-male sexual exposure. African-Americans, Hispanics, women, and adolescents are increasingly represented in both AIDS cases and new HIV infections.

Although it now may be possible to prevent most HIV transmission to children, there are approximately 15,000 children living with HIV infection in the U.S. and infected children will continue to be born despite prevention efforts. Timely prophylaxis and treatment are improving survival of these children but advances in diagnostics, prophylactic and treatment options, as well as ongoing changes in health care delivery (e.g., managed care) may add complexity to their medical management. Information is needed to monitor trends in medical management and progression of disease to evaluate implementation of treatment recommendations and their impact. Information is also needed to characterize HIV disease and social impact in children with long-term survival (into adolescence).

Additional studies of the epidemic of HIV are needed to guide prevention and control efforts. In particular, information that will guide development of new prevention technologies, including microbicides to prevent sexual transmission in women and men, is needed.

Purpose

The purpose of these awards is to help support researchers in the conduct of HIV-related epidemiologic and behavioral research studies that foster prevention of HIV infection or HIV-related disease. These include studies to monitor medical care, social circumstances, and clinical course of HIV-infected children and adolescents infected in childhood; and studies to examine behavioral and biomedical factors related to the acceptability of new products to prevent sexual transmission of HIV infection such as vaginal and rectal microbicides. The study of these research areas as they pertain to minority populations are of special interest.

Research Issues

Three research issues of programmatic interest to the health care community and to CDC for FY 1997 are listed below and are considered of significant importance in gaining a greater understanding of the epidemiology of AIDS and HIV infection. However, applications submitted by organizations that examine additional important HIV-related epidemiologic research issues will also be accepted and considered for funding.

Applicants addressing the same research issue should be willing to participate in collaborative studies with other CDC-sponsored researchers, including the use of common data collection instruments, specimen collection protocols, and data management procedures, as determined in post-award grantee planning conferences. Applicants are required to identify their proposed research issue on line one of the face page of the application form. (For more information on which form to use, see the section Application Submission and Deadline)

1. Pediatric HIV Infection: Spectrum of Disease, Medical Management, Secondary Prevention, and Social Impact

Applications are solicited for participation in an ongoing multi-site longitudinal medical record review study, the Pediatric Spectrum of HIV Disease (PSD) Project. Applications must address both Parts A and B below.

A. Prospective Studies Monitoring HIV-Infected Children

Applications are solicited for continued prospective monitoring, through repeated medical record review,

of: (i) trends in medical management of pediatric HIV infection (including treatment, prophylaxis for opportunistic infections, diagnostic testing and immunologic and virologic monitoring); (ii) clinical course of HIV infection,(e.g., occurrence of AIDS-defining conditions, other manifestations, and death); (iii) long-term outcomes, (i.e. clinical course in perinatally infected children who survive to adolescence); and (iv) social circumstances, (i.e. changes in caretakers and living arrangements, school attendance and knowledge/disclosure of HIV status).

Preference will be given to currently funded applicants with studies in which HIV-infected children have already been identified and are being systematically monitored, and with the capacity to begin monitoring newly identified HIV-infected children. Applicants must demonstrate adequate rates of follow-up of HIV-infected children, the capacity for timely completion of biannual medical record review, and must be willing to collaborate with other CDC PSD grantees in the study of HIV-infected children, including use of common data collection instruments and protocols and data management.

B. Monitoring HIV-Exposed Infants in the First Year of Life

Applicants must be able to identify infants born to HIV-infected mothers after December 1995, and to monitor their HIV-specific medical management in the first year of life through retrospective medical record review initiated after a child's first birthday, including (i) antiretroviral prophylaxis and treatment, (ii) prophylaxis to prevent opportunistic infections, (iii) diagnostic testing, and (iv) immunologic and virologic monitoring.

Applicants must have a plan for reporting (where required by law) HIV exposure, HIV infection status, or AIDS in children, including completion of CDC HIV/AIDS report forms, and entry and complete and timely transfer of case reports/updates to the State or local health department.

Acceptability of HIV/STD Prevention Methods Among Women and Men Who Have Sex With Men

Studies are underway to determine the safety and efficacy of prevention methods that may offer options for HIV/STD protection other than the male condom (e.g., female condom, vaginal and rectal products that might be used as microbicides). As new methods for HIV/STD prevention become available, information is needed on the acceptability of the methods to different populations and effective communication strategies for informing persons of multiple options for protection from HIV and other STDs. Applications are solicited that address: (1) acceptability of various HIV/STD prevention methods, characteristics of persons choosing different methods, and the conditions under which different methods are preferred; (2) comprehension and interpretation of prevention messages offering multiple HIV/STD prevention options and the impact of these messages on sexual behaviors and intentions; and (3) strategies for integrating multiple-option HIV/STD prevention messages into more conventional interventions that exclusively promote male condom use.

2. Acceptability of Prevention Methods Among Women at Risk for HIV/STD

Applications are sought that: (1) implement an HIV/STD prevention intervention that has previously been shown to be effective at increasing male condom use; (2) examine barriers to consistent condom use among women who have participated in the intervention; (3) describe characteristics of women who are unable to negotiate consistent condom use with male partners; and (4) determine if new HIV/STD prevention methods under development (e.g., female condom, products that might be used as vaginal microbicides) would be acceptable to these women. Applicants are sought who can enroll at least 750 women at risk for HIV or other STDs in a short-term longitudinal study to: (1) examine barriers to male condom use among women participating in a short-term intervention promoting male condom use; (2) determine acceptability of new HIV/STD prevention methods to women whose male partners are not using condoms after the intervention; (3) determine the conditions under which new methods would be acceptable and the characteristics of women and their partners who prefer the different methods; and (4) develop and test methods for presenting multiple HIV/STD options to women and for integrating these complex prevention messages into interventions promoting only male condom use.

3. Acceptability of HIV/STD Prevention Methods Among Men Who Have Sex With Men

To better understand the acceptability of alternative methods to condoms currently being tested for HIV/STD prevention among men who have sex with men, applications are solicited that propose examination of (1) features that are important in a prevention method for men who have sex with men, (2) the extent to which alternative prevention methods being tested would be used and the conditions under which these methods would be preferred over condom use, (3) the characteristics of men and their partners who are likely to use alternative methods, (4) effective messages for presenting risks and benefits of various prevention methods and (5) effect of message content and format on behavioral intentions.

Applicants are sought who can enroll at least 400 men who have sex with men in a cross-sectional study. Proposal should include study designs to collect: (1) survey data on current HIV/STD prevention practices among men who have sex with men, features that are desired in a prevention method, extent to which prevention methods being tested (e.g., products that could be used as rectal microbicide) are desirable, and the conditions under which these methods would be chosen; and (2) data on the influence of HIV/STD prevention message content, structure, and complexity on comprehension of the message, interpretation of effectiveness and potential risks associated with each HIV/STD prevention method contained in the message, and acceptability of the different methods.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities listed under subparagraph 1., below, and CDC will be responsible for conducting activities listed under subparagraph 2., below:

1. Recipient Activities

A. Develop the research study protocol and data collection forms.

B. Identify, recruit, obtain informed consent from, and enroll an adequate number of study participants as determined by the study protocol and the program requirements.

C. Continue to follow study participants as determined by the study protocol.

D. Establish procedures to maintain the rights and confidentiality of all study participants.

E. Perform laboratory tests (when appropriate) and data analysis as determined in the study protocol.

F. Collaborate and share data and specimens (when appropriate) with other collaborators to answer specific research questions.

G. Conduct data analysis with all collaborators as well as present and publish research findings.

2. CDC Activities

A. Provide technical assistance in the design and conduct of the research.

B. Provide technical guidance in the development of study protocols, consent forms, and data collection forms.

C. Assist in designing a data management system.

D. Assist in performance of selected laboratory tests.

E. Coordinate research activities among the different sites.

F. Assist in the analysis of research information and the presentation and publication of research findings.

Technical Reporting Requirements

An original and two copies of the following reports are required to be submitted to the Grants Management Branch (GMB), CDC in accordance with the following guidelines. See the section Where to Obtain Additional Information for the address of the GMB.

1. Annual Progress Report

An annual progress report is required to be included in continuation applications for each year of the project. Continuation applications will be solicited each year by the Grants Management Branch, CDC. The progress reports must include the following for each program, function, or activity involved: (1) a comparison of actual accomplishments to the goals established for the period, including estimated performance for any time remaining in the budget period after submission of the application; (2) reasons for slippage if established goals are not likely to be met by the end of the budget period; and (3) other pertinent information including, when appropriate, analysis and explanation of any actual costs that significantly exceed budgeted levels.

2. Financial Status Reports (Standard Forms 269)

Financial Status Reports (FSRs) are required to be submitted annually within 90 days after the end of each budget period. The purpose of the FSR is to report actual costs incurred as opposed to budgeted and to establish any unobligated balances of prior-year funds. A final progress report summarizing the progress for the entire project is required within 90 days after the end of the project period.

Application Content

Applications must be developed in accordance with PHS Form 398, information contained in the program announcement and the instructions and format provided below.

Applicants are required to submit an original and five copies of the application. The application may not exceed 25 double-spaced pages in length, excluding appendices. Applicants should provide a one-page abstract of the proposal. Number all pages clearly and sequentially and include a complete index to the application and its appendices. The original and each copy of the application must be submitted UNSTAPLED and UNBOUND. Print all material, double spaced, in a 12-point or larger font on 8½″ by 11″ paper, with at least 1″ margins and printed on one side only.

The application should include a general introduction, followed by one narrative subsection per application content element in the order in which the elements appear below. Each narrative subsection should be labeled with the element title and contain all of the information needed to evaluate that element of the application (except for curriculum vita, references, and letters of support, which are appropriate for the appendices). The application content elements are outlined below for all research issues:

1. Pediatric HIV Infection: Spectrum of Disease, Medical Management, Secondary Prevention, and Social Impact

A. Familiarity With and Access to Study Population

(1) Describe the population to be prospectively monitored, including number, age distribution, and other relevant demographic characteristics for Part A; note procedures for identifying HIV-infected children (including, for example, death certificate review).

(2) Describe procedures for identifying children born to HIV-exposed mothers for Part B.

(3) Describe prior research with or service provision to the study populations for Part A and Part B.

(4) Demonstrate familiarity with issues regarding medical care for HIV exposure and infection in children, and progression of disease among and social circumstances of HIV-infected children.

(5) Describe linkages and collaboration with organizations providing medical and psychosocial services to the study population including plans to improve PSD's case finding and follow up of exposed and infected children.

(6) Document ability to monitor the study population prospectively for Part A and for the first year of life for Part B. As appropriate, include memoranda of agreement to document collaboration with organizations providing services to the study population; document ability to complete biannual review of medical records, and describe ability to track children who change care providers.

(7) Describe procedures for involving the service providers in the design and implementation of research activities under Part B and for reporting results of the research to collaborating service providers (Parts A and B).

B. Description and Justification of a Research Plan

(1) Based on review of the scientific literature, describe understanding of the overall research issues to be addressed by PSD and any specific research focus of interest to the applicant (Parts A and B). Research issues/topics may include participant characteristics (e.g., ethnicity, year of birth, clinical, immunologic, or social status), disease progression, survival, medical management, and developing and evaluating recommendations for medical care, including recommendations for preventing opportunistic infections.

(2) Specify the number of HIV-infected enrollees to be prospectively monitored, and expected attrition from deaths and losses to follow-up over the study period based on prior experience (Part A).

(3) Describe methods and procedures for data abstraction and assuring adequate follow-up and timely completion of data forms (Parts A and B).

(4) Describe proposed quality assurance measures including methods; protocols; supervision of data abstraction, entry, and cleaning; maintaining consistency of data abstraction; accuracy and completeness of record keeping; monitoring of study progress; and forming and maintaining collaborative relationships (Parts A and B).

(5) Describe plans to analyze local data using quantitative methods and statistical techniques and submit results and all data to CDC (Parts A and B).

(6) Describe procedures for tracking follow-up of HIV-infected children.

(7) Describe previous experience conducting data collection and management for PSD and PSD supplemental research projects.

(8) Describe procedures for obtaining Institutional Review Board (IRB) approval and maintaining participant confidentiality (Parts A and B).

(9) Identify and discuss any potential ethical issues associated with the proposed research and describe how these issues will be resolved (Parts A and B).

(10) Describe plans to disseminate research findings (Parts A and B).

C. Provision of HIV/AIDS Report Data to and Collaboration With Local Pediatric HIV/AIDS Surveillance Activities

(1) Describe procedures for collaborating with local health department pediatric HIV/AIDS surveillance staff to report children with HIV exposure, infection, and AIDS (depending on State law), including specific responsibilities and schedules for completion and computer entry of HIV/AIDS report forms, schedule for transfer of HIV/AIDS report data to State/local health department surveillance unit, and measures to protect confidentiality of HIV/AIDS report data. (For applicants in States without HIV reporting laws, describe intentions for use of HIV infection data.) Include a signed memorandum of agreement detailing the outlined division of responsibilities, joint activities to evaluate completeness, timeliness, validity of the HIV/AIDS report data, methods to ensure security and confidentiality of HIV/AIDS report data, and use of data.

(2) Describe measures to assure completeness of HIV/AIDS report forms, and quality and timeliness of data.

D. Demonstration of Staff's Capability to Conduct Research

(1) Summarize briefly the professional training and relevant research experience of the staff as it relates to their main responsibilities.

(2) Provide brief descriptions and major findings of HIV-related research studies conducted by members of the research staff.

(3) Include a table of current and previous relevant research projects, their status, sources and levels of funding, and principal investigators.

(4) Include in the appendix the curriculum vitae for key staff members as well as memoranda of agreement that clearly and specifically document activities to be performed by any external experts, consultants, or collaborating agencies under the cooperative agreement.

(5) Include copies of any publications on related research by study staff.

E. Staffing, Facilities, and Time Line

(1) Explain the proposed staffing, percentage of time each staff member commits to this and other projects, and division of duties and responsibilities for the project; include brief position descriptions for existing and proposed personnel.

(2) Identify and describe key roles of all study staff.

(3) Provide justification that base staffing is adequate to keep pace with biannual medical record review for the number of children to be monitored prospectively for Part A, and to complete abstraction of records for all children studied in Part B by 15 months of age.

(4) Describe support activities such as project oversight or data management that will contribute to the completion of all research activities.

(5) Provide a statement of willingness of project staff to work collaboratively with other study sites to develop final research protocols and to disseminate findings.

(6) Describe existing facilities, equipment, computer software, and data processing capacity.

(7) Describe the procedures to ensure the security of research data.

(8) Describe equipment and facilities to be used for data abstraction and follow-up tracking, data entry and analysis, and project management.

(9) Justify the need for any proposed consultants.

(10) Describe plans to communicate, ensure quality control and consistency, identify and resolve problems, and analyze data in collaboration with other sites.

(11) Provide a time line showing plan for completion of research activities and goals.

F. Budget

Provide a detailed, line-item budget for the project; justify each line-item with a budget narrative. Plan for at least one trip per year to Atlanta to meet with CDC representatives.

2. Acceptability of Prevention Methods Among Women At Risk for HIV/STD; 3. Acceptability of HIV/STD Prevention Methods Among Men Who Have Sex With Men; and 4. Other HIV/AIDS Epidemiology Research Studies

A. Familiarity With and Access to Study Population

(1) Describe prior research with or service provision to this population.

(2) Demonstrate familiarity with issues faced by the study population regarding prevention of sexually transmitted infections, sexual behaviors, and reproductive decisions and contraception through experience or review of the scientific literature.

(3) Describe how study participants will be referred to medical and psychosocial services that are requested by participants during study participation.

(4) Document ability to recruit the study population for the proposed research study. As appropriate, include memoranda of agreement to document collaboration with organizations providing services to the study population.

(5) Describe the characteristics of the study population and define the specific subgroup(s) that will be the primary focus of the proposed research. Using available data, provide a rationale for focusing on the proposed subgroup(s).

(6) Describe procedures for involving the target population, their advocates, or service providers in the design and implementation of research activities.

(7) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits will be documented.

(8) The proposed plan for the inclusion of racial and ethnic minority populations for appropriate representation.

(9) The proposed justification when representation is limited or absent.

B. Description and Justification of Research Plans

(1) Based on review of the scientific literature, if relevant, describe the theoretical framework or previous research on which your plan is based and how this framework has been applied to the study design.

(2) Describe factors to be examined, including specific research questions and hypotheses to be tested.

(3) Define and describe type of study design.

(4) Describe methods for collecting qualitative and quantitative data, including outcome measures, types and content of data collection instruments, and data collection schedules.

(5) Specify the number research participants required, the recruitment and sampling plan, sample size estimates and power calculations based on justifiable assumptions about distributions of participant characteristics, and randomizations procedures, if appropriate.

(6) Describe proposed quality assurance measures including methods, protocols, supervision, quality assurance, consistency, confidentiality of participant information, accuracy and completeness of record keeping, documentation of study visits, monitoring of study progress, field safety, and forming and maintaining collaborative relationships.

(7) Describe procedures for obtaining informed consent and maintaining participant confidentiality.

(8) Identify and discuss potential ethical issues associated with the

proposed research and describe how these issues will be resolved.

(9) Discuss if design of the study is adequate to measure racial and ethnic differences, when warranted.

(10) Describe plans to analyze data using qualitative or quantitative methods and statistical techniques.

(11) Describe a plan to disseminate research findings.

C. Demonstrate Staff's Capability to Conduct Research

(1) Describe the professional training and relevant research experience of the staff.

(2) Provide descriptions and major findings of HIV-related research, behavioral and epidemiologic research studies conducted by members of the research staff.

(3) Include a table of current and previous relevant research projects, their status, sources and levels of funding, and principal investigators.

(4) Include in the appendix, the curriculum vitae for key staff members as well as memoranda of agreement that clearly and specifically document activities to be performed by any external experts, consultants, or collaborating agencies under the cooperative agreement.

(5) Include copies of any publications on related research by study staff.

D. Staffing, Facilities, and Time Line

(1) Explain the proposed staffing, percentage of time each staff member commits to this and other projects, and division of duties and responsibilities for the project; include brief position descriptions for existing and proposed personnel.

(2) Identify and describe key roles of all study staff.

(3) Describe support activities such as project oversight or data management that will contribute to the completion of all research activities.

(4) Provide a statement of willingness of project staff to work collaboratively with other study sites.

(5) Describe facilities, equipment, computer software, and data processing capacity.

(6) Describe the procedures to ensure the security of research data.

(7) Provide a time line for developing, implementing, and completing the research study, including data analysis and dissemination.

(8) Describe equipment and facilities to be used for participant recruitment and interviews, clinical and laboratory assessment, data entry and analysis, and project management.

(9) Justify the need for any proposed consultants.

(10) If project is multisite, describe experience with multisite research projects. Describe plans to communicate, ensure quality control and consistency, identify and resolve problems, and analyze data in collaboration with other sites.

E. Budget

Provide a detailed, line-item budget for the project; justify each line-item with a budget narrative. Plan for at least one trip to Atlanta to meet with CDC representatives.

Evaluation Criteria

All applications will be reviewed according to the criteria listed below for each research issue. Applicants will be ranked on a scale of 100 maximum points according to the three research issues listed above and a fourth category for all other HIV-related epidemiologic studies. All applicants must state which research category they are addressing. Applications should demonstrate the applicant's ability to address the research problem in a collaborative manner with other collaborators. Applications will be reviewed and evaluated based on the evidence submitted, which specifically describes the applicant's abilities to meet the following criteria:

1. Pediatric HIV Infection: Spectrum of Disease, Medical Management, Secondary Prevention, and Social Impact

A. Familiarity With and Access to Study Population (25 points)

(1) Extent of applicant's knowledge of issues faced by study population and experience in working with medical records of this population (Parts A and B).

(2) Existence of linkages to facilitate monitoring the study population (Parts A and B), including memoranda of agreement from the clinical facilities to permit record review.

(3) Ability to identify and follow for one year all HIV-exposed children in the catchment area.

(4) Feasibility of plans to improve linkages for PSD's follow-up of HIV-infected children (Part B).

(5) Feasibility of plans to involve service providers in the development and implementation of research activities and to inform them of research results (Parts A and B).

(6) Ability to monitor newly identified HIV-exposed children.

(7) Demonstrated collaboration with local health departments and pediatric HIV/AIDS surveillance staff.

B. Description and Justification of Research Plans (15 Points)

(1) Quality of the review of the scientific literature pertinent to the proposed activities, including justification for and relevance of research questions (Parts A and B).

(2) The applicant's understanding of the research objectives as evidenced by high quality of the proposed research plan (Parts A and B).

(3) Feasibility of plans to monitor study participants as evidenced by the experience of the investigator in enrolling and monitoring such children, and the comprehensiveness of the plan to protect the confidentiality of all participants (Parts A and B).

(4) Creativity and thoroughness of analysis plans and reasonableness for data collected (Parts A and B).

(5) Extent to which the study proposal demonstrates assurance of compliance with multisite research requirements (common protocol, data collection, and computer and data management systems) (Parts A and B).

(6) The degree to which the applicant has met the requirements regarding plans for the inclusion of ethnic and racial groups in the proposed research, and comprehensiveness of the plan to protect the rights and confidentiality of all participants.

C. Provision of HIV/AIDS Report Data To and Collaboration With Local Pediatric HIV/AIDS Surveillance Activities (20 Points)

(1) Feasibility of plans for completion and computer entry of HIV/AIDS report forms and complete and timely transfer of HIV/AIDS case reports to local HIV/AIDS surveillance unit.

(2) Adequacy of measures to assure completeness of HIV/AIDS report forms, data quality and timeliness, and protection of confidentiality.

D. Demonstration of Staff's Capability to Conduct Research (20 Points)

(1) Capacity to conduct the proposed activities as evidenced by previous experience with PSD and PSD supplemental studies (Parts A and B).

(2) Adequacy of base staff to keep pace with anticipated workload (Part A).

E. Staffing, Facilities, and Time Line (20 points)

(1) Availability of qualified personnel with realistic and sufficient percentage-time commitments; clarity of the described duties and responsibilities of project personnel with epidemiologic, administrative, clinical, laboratory, data management (including HIV/AIDS case reporting to local surveillance unit), and statistical responsibilities; adequacy of

clinical oversight of the project, especially supervision of data abstraction and entry.

(2) Adequacy of the facilities, equipment, data processing and analysis capacity, and systems for management of data security and participant confidentiality.

(3) Ability, willingness, and need to collaborate with researchers from other study sites in study design and analysis, including use of common forms, and sharing of data (Parts A and B).

F. Other (Not Scored)

(1) *Budget:* Will be reviewed to determine the extent to which it is reasonable, clearly justified, consistent with the intended use of funds, and allowable. All budget categories should be itemized.

(2) *Human Subjects:* Whether or not exempt from the DHHS regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include the following: (a) protections appear adequate and there are no comments to make or concerns to raise, (b) protections appear adequate, but there are comments regarding the protocol, (c) protections appear inadequate and the Objective Review Group (ORG) has concerns related to human subjects; or (d) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

2. Acceptability of Prevention Methods Among Women at Risk for HIV/STD; 3. Acceptability of HIV/STD Prevention Methods Among Men Who Have Sex With Men; and 4. Other HIV/AIDS Epidemiology Research Studies Evaluation Criteria Include

A. Familiarity With and Access to Study Population (25 Points)

(1) Extent of applicant's knowledge of issues faced by study population and experience in working with this population.

(2) Existence of linkages to facilitate recruitment from and referral to programs providing services for the study population and letters of support.

(3) Feasibility of plans to involve the study population, their advocates, or service providers in the development of research and intervention activities and to inform them of research results.

(4) Evidence that plans for recruitment and outreach for study participants will include establishing partnerships with communities.

B. Description and Justification of a Research Plan (40 points)

(1) Quality of the review of the scientific literature pertinent to the proposed study, including theoretical basis for research, and relevance of research questions.

(2) The originality of research, the extent to which it does not replicate past or present research efforts (including ongoing efforts not yet described in publications), and relevance to guiding current HIV prevention efforts.

(3) Applicant's understanding of the research objectives as evidence by high quality of the proposed research plan with a study design that is appropriate to answer research questions.

(4) Quality of the study design, including appropriateness for answering the proposed research questions.

(5) Feasibility of plans to sample, recruit, enroll, test, interview and follow study participants, adequacy of sample size to address research questions. This includes demonstration of the availability of HIV-infected potential study participants and persons at risk for HIV infection and the experience of the investigator in enrolling and following such persons in a culturally and linguistically appropriate manner; the degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research, and comprehensiveness of the plan to protect the rights and confidentiality of all participants; and proposed justification when representation is limited or absent.

(6) Thoroughness of analysis plans, reasonableness for data collected, statistical rigor and complexity.

(7) Extent to which study proposal demonstrates assurance of compliance with multisite research requirements (e.g., common protocol, data collection, and computer and data management systems), if appropriate.

C. Demonstrate Staff's Capability To Conduct Research (20 points)

(1) Capacity to conduct study as evidenced by experience with similar or related research as evidenced by their previous related research.

(2) Extent of the team's productive working relations with proposed collaborators.

(3) Ability, willingness, and need to collaborate with researchers from other study sites in study design and analysis, including use of common forms, and sharing of specimens (when appropriate) and data.

D. Staffing, Facilities, and Time Line (15 points)

(1) Availability of qualified personnel with realistic and sufficient percentage-time commitments; clarity of the described duties and responsibilities of project personnel, with behavioral, epidemiologic, administrative, clinical, laboratory, data management, and statistical responsibilities.

(2) Adequacy of the facilities, equipment, data processing and analysis capacity, and systems for management of data security and participant confidentiality.

(3) Adequacy of time line.

E. Other (not scored)

(1) *Budget:* Will be reviewed to determine the extent to which it is reasonable, clearly justified, consistent with the intended use of funds, and allowable. All budget categories should be itemized.

(2) *Human Subjects:* Whether or not exempt from the DHHS regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include the following: (a) protections appear adequate and there are no comments to make or concerns to raise, (b) protections appear adequate, but there are comments regarding the protocol, (c) protections appear inadequate and the Objective Review (OR) Group has concerns related to human subjects; or (d) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Funding Preferences

Preference will be given to competing continuation applications from satisfactorily performing projects over applications for projects not already receiving support under the program. Projects will be awarded so that the composite of projects represents the geographic and demographic characteristics of the HIV-infected population.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than Federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive

any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Mr. Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), Room 300, Mail Stop E–15, 255 East Paces Ferry Road, NE, Atlanta, GA 30305. Correspondence should arrive at CDC no later than 45 days after the application deadline date. The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to accommodate or explain State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to the CDC, they should forward them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305. This should be done no later than 30 days after the application deadline date. The granting agency does not guarantee to accommodate or explain for tribal process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(ies) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following in information must be provided:

1. A copy of the face page of the application.

2. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not to exceed one page, and include the following:

A. A description of the population to be served;

B. A summary of the services to be provided; and

C. A description of the coordination plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.943, Epidemiologic Research Studies of Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Infection in Selected Population Groups.

Other Requirements

1. Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

2. Human Subjects

This program involves research on human subjects. Therefore, all applicants must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project or activity will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved with or support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it.

3. HIV Program Review Panel

Recipients must comply with the document entitled Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions (June 1992) (a copy is in the application kit). To meet the requirements for a program review panel, recipients are encouraged to use an existing program review panel, such as the one created by the State health department's HIV/AIDS prevention program. If the recipient forms its own program review panel, at least one member must be an employee (or a designated representative) of a State or local health department. The names of the review panel members must be listed on the Assurance of Compliance form CDC 0.1113, which is also included in the application kit. The recipient must submit the program review panel's report that indicates all materials have been reviewed and approved.

4. Patient Care

Applicants must provide assurance that all HIV-infected patients enrolled in their studies will be linked to an appropriate local HIV care system that can address their specific needs such as medical care, counseling, social services, and therapy. Details of the HIV care system should be provided, describing how patients will be linked to the system. Funds will not be made available to support the provision of direct care for study participants.

5. Women, Racial and Ethnic Minorities

It is the policy of the CDC to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian/ Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity or sex of subjects. Further guidance to this policy is contained in the **Federal Register**, Vol. 60, No. 179, Friday, September 15, 1995, pages 47947–47951 (a copy is included in the application kit).

Application Submission and Deadline

The original and five copies of the application packet PHS–398 (Revised 5/95, OMB No. 0925–0001) must be submitted to Van Malone, Grants Management Officer (ATTN: Kevin Moore, PA #735), Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry

Road, NE., Room 320, Mail Stop E–15, Atlanta, Georgia 30305, on or before August 8, 1997.

1. *Deadline:* Applications will be considered as meeting the deadline if they are either:

A. Received on or before the stated deadline date; or

B. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be accepted as proof of timely mailing.

2. *Late Applications:* Applications that do not meet the criteria in 1.A. or 1.B. are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Kevin Moore, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 320, Mail Stop E–15, Atlanta, Georgia 30305, telephone (404) 842–6550, E-mail address kgm1@cdc.gov. The announcement will be available on one of two Internet sites on the publication date: CDC's home page at http://www.cdc.gov, or at the Government Printing Office home page (including free access to the **Federal Register**) at http://www.access.gpo.gov.

Programmatic technical assistance may be obtained from Jeff Efird, Division of HIV/AIDS Prevention, National Center for HIV, STD, TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mail Stop E–45, Atlanta, Georgia 30333, telephone (404) 639–6130, E-mail address jle1@cdc.gov. Eligible applicants are encouraged to call before developing and submitting their application. Please refer to Announcement Number 735 when requesting information.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report: Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report: Stock No. 017–001–00473–1) referenced in the Introduction from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17702 Filed 7–7–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 761]

Replication and Dissemination of Effective Breast and Cervical Cancer Health Education Interventions

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds in fiscal year (FY) 1997 for cooperative agreements to replicate and disseminate effective interventions for the early detection of breast and cervical cancer. These efforts should address health education for priority populations or professional education for health service providers. Activities under this Program Announcement are to be conducted in conjunction with the National Breast and Cervical Cancer Early Detection Program (NBCCEDP).

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and to improve the quality of life. This announcement is related to the priority area of Cancer. (To order a copy of Healthy People 2000, see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized by Sections 317(k)(2) and 1507 [42 U.S.C. 247b(k)(2) and 42 U.S.C. 300n–3] of the Public Health Service Act, as amended.

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Assistance will be provided to nonprofit public or private organizations. Applicants must have affiliate/local offices or organizations in more than, or with access to, two or more States, U.S. territories, or Indian tribes or Indian tribal organizations. In addition, applicants must have a primary relationship to one or more of the priority populations or the health care providers who serve them. A primary relationship is one in which the organization's service to the priority population or to the health care providers who serve them is viewed as the most important component of its mission.

National organizations; professional associations of health care providers and their regional, State, and local constituents and affiliates; are eligible to apply. These organizations provide a unique opportunity to replicate and disseminate interventions that address barriers to screening, enhance the quality of care, and improve the priority population's access to and utilization of early detection programs.

* * Applicants must complete the enclosed Eligibility Assurance included in the application package and must attach documentation to support compliance with these eligibility criteria.

Note: Effective January 1, 1996, Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant (cooperative agreement), contract, loan, or any other form.

Glossary

Priority populations include uninsured or underinsured women, women who are aged 50 years and older; women who are racial, ethnic, and cultural minorities, such as American Indians, Alaskan Natives, African-Americans, Hispanics, Asian/Pacific Islanders, Lesbians, women with disabilities, and women who live in hard-to-reach communities in urban and rural areas. Priority populations, as defined above, will be used throughout this document.

Replication can include applying a proven, researched, and theoretically-based intervention proven to be effective:

(a) With one disease and one priority population and then adapted to breast and/or cervical cancer for another population or in a new geographic area;

(b) For increased screening for breast and cervical cancer and adapted for

another population or geographic area; or

(c) In increasing breast and cervical cancer screening in a limited population and then expanded to reach more members of the same population.

Intended partners are agencies working with priority populations and health care providers for whom an intervention is appropriate. These agencies will work with the cooperative agreement recipient to implement the replication package.

Additional program definitions and information are included in the application kit.

Availability of Funds

Approximately $3.5 million will be available in FY 1997 to fund approximately 10 awards. It is expected that the average award will be approximately $350,000, ranging from $250,000 to $400,000. It is the intent of CDC to fund a balanced distribution of organizations that propose a health education intervention for priority populations and those that propose a professional education intervention, e.g. award approximately five programs in each category.

It is expected that these awards will begin on September 29, 1997, and will be made for 12-month budget periods within a project period of up to 4 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds. Funds may not be expended for the purchase or lease of land or buildings, construction of facilities, renovation of existing space, or the delivery of clinical and therapeutic services. The purchase of equipment is discouraged but will be considered for approval if justified on the basis of being essential to the program and documented that equipment is not available from any other source.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996), provides as follows:

Sec. 503: (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

Breast Cancer

In the United States, approximately 500,000 women will die of breast cancer this decade. Among women, breast cancer accounts for 29 percent of all new cancer cases and is the second leading cause of cancer-related deaths. In 1996, the American Cancer Society estimated that 184,300 women were diagnosed with invasive breast cancer and that 44,300 women died of this disease. Death rates from the disease are highest among women aged 40 years or more, and among black women compared with white women for those aged less than 70 years.

It is not currently known how to prevent breast cancer. Thus, detecting carcinoma of the breast in its early stages is the key to more treatment options, improved survival, and decreased mortality. Research has shown that the use of mammography can reduce the mortality attributable to breast cancer among women aged 50 years and older by 30 percent.

The percent of women who are regularly screened for breast cancer decreases with age. The baseline data on mammography use from the 1992 National Health Interview Survey show that only 49 percent of women aged 50 years and older reported having had a mammogram within the past three years. This proportion was lower for racial and ethnic minority women, for women who had less than a high school education, for women who were over age 75 years, and for women who were living below the poverty level. In Healthy People 2000, the CDC established that by the year 2000, sixty (60) percent of women aged 50 years and older should receive a mammogram annually.

Cervical Cancer

The overall incidence of invasive cervical cancer has decreased steadily over the last several decades, but in recent years, this rate has increased among women who are less than 50 years old. In 1996, invasive cervical cancer was diagnosed among approximately 15,700 women, and carcinoma in situ was diagnosed among about 65,000 women, and about 4,900 women died of cervical cancer.

The primary goal for cervical cancer screening is to increase detection and treatment of precancerous cervical lesions and thus prevent the occurrence of cervical cancer. Although no clinical trials have studied the efficacy of Papanicolaou (Pap) test in reducing cervical cancer mortality, experts agree that it is an effective technology. Since the introduction of the Pap test in the 1940s, cervical cancer mortality rates have decreased by 75 percent in the United States.

In 1991, the PHS established that by the year 2000, 75 percent of women should be receiving a Pap test within the preceding one to three years. Baseline data on the use of the Pap test from the 1992 National Health Interview Survey (NHIS) show that only 65 percent of women aged 18 years and older reported having had a Pap test within the past three years. As with mammography screening, this proportion was lower for racial and ethnic minority women, for women who had less than a high school education, for women who were over 75 years of age, and for women who had low incomes.

National Breast And Cervical Cancer Early Detection Program

In 1990, the U.S. Congress passed The Breast and Cervical Cancer Mortality Prevention Act, Pub. L. 101–354 to reduce the morbidity and mortality from breast and cervical cancer. This legislation enables CDC, in partnership with State health departments, U.S. Territories, and Indian tribes or Indian tribal organizations to make breast and cervical cancer screening, referral, tracking, and follow-up services available and accessible to women, with priority for services given to low-income, and uninsured and underinsured women. Many women do not have access to a well-coordinated and integrated approach to screening, follow-up, and treatment services because of social, financial, and geographic barriers.

In accordance with Pub. L. 101–354, a comprehensive program includes the following program components: (1) breast and cervical cancer screening, (2) referral and follow-up, (3) public health education, (4) professional education, (5) quality assurance, and (6) surveillance and program evaluation. Additionally, the success in carrying out these programs requires appropriate partnership development and community involvement. The importance of these program components and a systematic, coordinated approach is necessary to ensure maintenance of quality and comprehensive services. In FY 1997, with a Congressional appropriation of $140 million, CDC funded 50 States, five U.S. territories, the District of Columbia, and 13 Indian tribes or Indian tribal organizations.

Program success is enhanced when State, territorial, and tribal resources and efforts are combined with those of other State, territorial, and tribal programs, voluntary organizations, private sector organizations, and community-based organizations through partnership development. Statewide, territorial and tribal comprehensive breast and cervical cancer control programs can make a vital contribution to the nationwide effort to reduce morbidity and mortality and to improve quality of life.

Purpose

The purpose of this program is to improve and change the knowledge, attitudes, and behaviors of priority populations and/or the health care providers that serve them related to breast and cervical cancer early detection.

Ultimately the goal is to increase the number of women from the priority populations served by the NBCCEDP through the development of effective interventions and health care provider education. Examples of interventions can include:

Public Health Education—

- Interventions that reach priority populations and address cultural differences between individual providers and their clients.
- Interventions that have been effective with select priority populations for other health concerns or chronic diseases that have the potential to increase breast and cervical cancer screening for priority populations.

Professional Education—

- Training for health care providers that focus on breast and cervical cancer skills building and application in a culturally sensitive manner.
- Interventions that incorporate culturally sensitive breast and cervical cancers prevention education in medical, nursing, and other health service provider curricula.
- Interventions that change institutional polices and health provider practices to improve access to screening services for priority populations.

Program Requirements

CDC's intent is to support programs that will result in increased screening and rescreening at CDC supported National Breast and Cervical Cancer Early Detection Program (NBCCEDP) sites for priority populations. Applicants:

A. Should focus on affecting the priority population with whom they have the greatest likelihood of impacting or a professional organization that can influence health provider behavior.

B. Are encouraged to collaborate with other agencies in the replication and dissemination of an intervention that would target both the women to be screened and the health care providers that serve them.

C. Must have a currently existing or develop a collaborative relationship with recipients of the NBCCEDP in conducting these projects.

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting the activities under *A. Recipient Activities*, and CDC shall be responsible for conducting activities under *B. CDC Activities*.

A. Recipient Activities

Activities under this Cooperative Agreement are divided into five phases. It is anticipated that recipients will complete and move from one phase to the next at different times, depending on the expertise and capabilities possessed by each. However, funding for each successive phase will depend on the availability of funds and documentation to CDC by the recipient that the previous phase has been successfully completed.

1. Phase 1: Recipients will develop the replication package.
2. Phase 2: Recipients will develop plans to implement and evaluate the replication package.
3. Phase 3: The replication package will be piloted.
4. Phase 4: The package will be refined based on the pilot experience and then implemented to others.
5. Phase 5: Recipients will analyze the replication package and prepare summary reports that address the effectiveness of the replication. Good replication of interventions should include proper process and outcome evaluation conducted throughout the span of the cooperative agreement.

The program requirements for the first phase of activity are:

Develop the replication package in collaboration with grantees of the NBCCEDP. The package will be written in language understandable to nonresearchers and contain:

1. A full description of the intervention on which the replication is based.
2. A list of the priority populations or the health care providers for whom the replication would target.
3. A time line of specific steps and costs for setting up the replication.
4. A list of the types of agencies needed for collaboration on the replication and approaches to establishing linkages with them.
5. A list of all necessary materials, other resources, staff commitment (numbers and time) and skills, and cost breakdowns for conducting the replication.
6. Protocols for implementing the replication and ensuring its quality and consistency.
7. If appropriate, plans for formative research with new or expanded target audiences, with an explanation of how the original intervention will be adapted or changed.
8. Specific strategies for overcoming barriers to implementation.
9. The replication package should include practical examples, strategies, and suggestions from the original intervention and should contain copies of all relevant materials.

The program requirements for the second phase of activity are:

Create a strategy to implement and evaluate the replication package. The recipient will:

1. Compile a list of intended partners.
2. Select ways to inform intended partners about the availability of the package. This strategy will be used to identify intended partners who are interested in carrying out the intervention package with the technical assistance of the recipient.
3. Create a timeline of specific steps and costs for marketing the intervention.
4. Develop methods and procedures for evaluating process, outcome, and cost-implications of the replication.

The program requirements for the third phase of activity are:

Pilot the replication package. The recipient will pilot test the replication package with at least two selected sites. This should include:

1. Develop procedures for collecting process data, e.g., on unforeseen barriers to implementation, solutions to barriers, and cost containment.
2. Implement the replication package with the partners at the pilot sites.
3. Provide on-going technical assistance and consultation.
4. Provide a timeline of specific steps and costs for implementing the intervention.

The program requirements for the fourth phase of activity are:

Implement the replication package. Based on the results of the pilot test, the recipient will:

1. Refine the package and select at least four intended partners to participate in the implementation of the replication package.
2. Provide the intended partners with the replication package and with specific instructions for implementation.
3. Provide ongoing technical assistance and consultation.
4. Provide a timeline of specific steps and costs for conducting the intervention.

The program requirements for the fifth phase of activity are:

Analyze and Evaluate the replication package. Such evaluation should:

1. Use appropriate qualitative or quantitative methods.
2. Include an assessment of the fidelity of the implementation of the intervention to the methods and protocols presented in the replication package.
3. Provide a timeline of specific steps and costs for evaluating the replication package.
4. Describe results of the replication package on priority populations' or health care providers' behaviors.

Any materials developed in whole or in part with CDC funds shall be subject to a nonexclusive, irrevocable, royalty-free license to the Federal government to reproduce, translate, publish, or otherwise use and authorize others to use for government purposes.

B. CDC Activities

1. Provide consultation and technical assistance regarding the adaptation, implementation, and evaluation of the replication package.
2. Collaborate with recipients in developing, implementing, evaluating and disseminating the replication packages designed to improve and change the knowledge, attitude, and screening behaviors of priority populations and/or the health care providers who serve them.
3. Monitor the recipient's performance of project activities and attainment of project objectives through the provisions of technical assistance and progress reporting.
4. Provide periodic updates about public knowledge, attitudes, and practices regarding the early detection and control of breast and cervical cancer and up-to-date scientific information.
5. Assist with the evaluation of project activities including the analysis of ongoing process measures and the redirection of activities as necessary.
6. CDC will cooperate with the preparation and publication of study findings.

Technical Reporting Requirements

Progress Reports

An original and two copies of a progress report must be submitted on a semiannual basis, no later than 30 days after the end of each 6-month period. The semiannual progress reports should include:

A. A brief program description.

B. A comparison of the actual accomplishments to the goals and objectives established for the period.

C. If established goals and objectives were not accomplished or were delayed, describe both the reason for the deviation and anticipated corrective action or deletion of the activity from the project.

D. Other pertinent information including, when appropriate, analysis and explanation of unexpectedly high costs for performance.

Financial Status Reports

An original and two copies of the financial status reports (FSR) must be submitted no later than 90 days after the end of each budget period. Final financial status and performance reports are required no later than 90 days after the end of the project period. All reports are submitted to the Grants Management Branch, Procurement and Grants Office, CDC.

Application Content

Applicants may elect to submit proposals that address one of the following types of activities: (1) health education interventions designed to increase the participation of priority populations in screening services; or (2) health care provider interventions designed to build skills of health service providers to better encourage client participation in screening services.

Applicants must develop their applications in accordance with PHS Form 5161–1 (Rev. 7–92), information contained in the program announcement, and the instructions below. *The application, excluding appendixes, should not exceed 50 pages.*

A. Health Education and Professional Education Intervention(s)

1. Description and justification.

(a) Supply permission from the original developers of the proposed intervention to replicate the intervention, including use of appropriate materials, etc.

(b) Describe the intervention(s) to include:

(1) priority population for whom the replication package was designed (including behavioral risks), (2) theoretical basis, (3) intervention design and components, (4) programmatic objectives, (5) behavior change goal, (6) methods of delivery, and (7) outcome evaluation method. Identify the agency(ies) that originally developed, conducted, and evaluated the intervention that will be the object of the replication and dissemination.

(c) Substantiate the need for replication in terms of (1) size of priority population, (2) appropriateness to selected population groups (on the basis of analysis of the current data), (3) program objectives of the intended partners, (4) and address the inclusion of women and members of minority groups and their sub-populations.

2. Demonstrated effectiveness.

(a) Provide appropriate documentation of the original intervention's effectiveness. This includes professional publications, technical reports, or other appropriate documents. These documents should address a description of the original intervention including the population served, intervention components, and the time period in which the intervention was conducted.

(b) Describe the research methods used that include what variables were measured.

(c) Describe results of the evaluation.

B. Replication Package Plans for Implementation and Evaluation

1. Discuss the (1) purpose, (2) intended users, (3) programmatic objectives, (4) format, and (5) message concepts of each component of the package, and (6) how these features are appropriate for the intended partners' needs and capabilities.

2. Explain how recipients of CDC's National Breast and Cervical Cancer Early Detection Programs will be involved in the development of the package.

3. Describe the proposed package (materials, protocols, and guidelines). Examples: (1) priority populations for whom the replication would be appropriate; (2) specific steps for setting up the replication; (3) necessary collaborators; (4) necessary materials, other resources, and staff commitment (numbers and time) and skills for conducting the intervention; (5) protocols for carrying out the replication and ensuring quality and consistency; (6) barriers to implementation and how they were overcome; and (7) evaluation methods.

4. Outline the planned procedures for reviewing and piloting materials developed as part of the package.

5. Present a timeline for developing the replication package.

C. Piloting the Replication Package

1. Discuss a plan to identify intended partners and indicate any that have already shown interest in or may be interested in implementing the replication package.

2. Describe how the participation of partners will be solicited.

3. Elaborate on the criteria and mechanism for selecting the partners who will pilot the replication package.

D. Implementing the Replication Package

1. Describe the strategy to facilitate implementation of the package, including direct technical assistance from the recipient to the partners selected.

2. Discuss procedures to involve selected partners in implementing the package to include use of the selected partner's existing staff and resources, and barriers to implementation and how to overcome them. Feasibility and ability to sustain the replication with existing resources are important for the successful adoption of the package.

E. Evaluation Activities

Describe the plan for evaluating the replication package. Address: (1) methods, (2) research protocols that should include ongoing process and outcome measures, (3) supervision, (4) quality assurance, (5) consistency, (6) confidentiality of participant information, (7) employee recruitment and retention, (8) participant recruitment and follow-up, (9) accuracy and completeness of record keeping, (10) documentation of intervention episodes, (11) monitoring of intervention delivery, and (12) forming and maintaining collaborative relationships.

F. Capacity

1. Demonstrate capacity to conduct the proposed activities.

2. Explain the proposed staffing, show percentages of each staff member's commitment to this and other projects, division of duties and responsibilities for this project; include brief position descriptions for existing and proposed personnel.

3. Demonstrate that the staff have the expertise to complete this project.

4. Discuss any partnership between the applicant and recipients of CDC's National Breast and Cervical Cancer Early Detection Programs and also general activities, such as project oversight that will contribute to the completion of activities.

5. Name the staff members that are key to the completion of the project. Include: (a) their curriculum vitae; (b) a description of their experience with interventions, particularly those involving breast and cervical cancer control, or the development, implementation, and evaluation of other health interventions, (c) a description of their work in developing partnerships with others, (d) and their experience in providing technical assistance.

6. Describe equipment and facilities that will be used for the proposed activities.

G. Budget

Provide a detailed budget and justification of all operating expenses consistent with the stated objectives and planned activities of the project. Be precise about the program purpose of each budget item and itemize calculations when appropriate.

Typing and Mailing

Applicants are required to submit an original and two copies of the application. Appendixes should be of a reasonable length; only include documents necessary to support the application. Pages should be clearly numbered and a complete index to the application and any appendixes included. The original and each copy of the application must be submitted unstapled and unbound. All materials must be typewritten, single-spaced, with unreduced type on 8 1/2″ by 11″ paper, with at least 1'' margins, headers and footers, and printed on one side only.

Evaluation Criteria (100 Points)

Applications will be reviewed and evaluated according to the following criteria:

A. Health Education and Professional Education Intervention (17 Points Total)

1. Description and justification (7 points) Thoroughness of the description and quality of the original intervention design, components, and methods. Appropriateness of the intervention methods for the proposed priority population. Convincing need for the intervention's replication. Feasibility of implementation by organizations with limited resources. Documented permission from the developers of the intervention proposed for replication to publicize and market replication materials and protocols. As appropriate, information is provided on the extent to which the proposed work addresses the inclusion of women, racial and other ethnic minorities.

2. Documented effectiveness (10 points) Thoroughness of the description of the documented effect of the intervention to be replicated including evaluation and research findings. Extent of the intervention's effectiveness, as defined in the **APPLICATION CONTENT** section. Inclusion of publications.

B. Description of the Replication Package (18 Points)

Level of detail in the description or outline of the proposed package, including materials, protocols, and guidelines. Clarity of described intended audiences, objectives, format, and concepts. Justification of the appropriateness of the package's objectives, format, and concepts to the intended users' (e.g. health care providers or community-based organizations) needs and capabilities. Level of involvement from recipients of CDC's National Breast and Cervical Cancer Early Detection Programs in development of the package. Adequacy of method or strategy to review and pretest proposed materials. Time scheduled for completing the proposed steps of the package's development is realistic.

C. Description of Plan to Pilot the Package (15 Points)

Quality of plan identifying proactive methods to identify and solicit intended partnerships. Adequacy of criteria and mechanism for selecting the partnerships for carrying out the package.

D. Description of Replication Implementation (15 Points)

Clarity of the strategy to coordinate with selected partners in adopting and implementing the replication package. Understanding of barriers to implementation and demonstration of how to identify and overcome them. Adequacy and feasibility of plan to assist selected partners in implementing the replication package using their existing resources and staff.

E. Description of Plan to Evaluate Implementation (15 Points)

Feasibility and appropriateness of the plan to evaluate the selected partner's implementation of the replication package. Intervention components to be evaluated are thorough and realistic.

F. Demonstrated Capacity (20 Points)

Overall ability of the applicant to perform the proposed activities as reflected in their staff's and consultant's qualifications, experience with intervention development, evaluation, dissemination, and demonstrated familiarity with breast and cervical cancer screening interventions. The ability to publicize the replication. Adequacy of existing support staff, equipment, and facilities.

G. Budget (Not Weighted)

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of the funds.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal Governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, mail Stop E–18, Atlanta, Georgia 30305, no later than 30 days after the application deadline. The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to CDC, they should forward them to Sharron P. Orum, Grants Management Office, Grants Management Branch, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, Georgia 30305. This should be done no later than 30 days after the application deadline. The granting agency does not guarantee to ''accommodate or explain'' for tribal process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

A. A copy of the face page of the application (SF 424).

B. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not to exceed one page, and include the following:

1. A description of the population to be served;

2. A summary of the services to be provided; and

3. A description of the coordination plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 individuals or more and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR Part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit, including those surrounding the issues of human subjects.

Women, Racial, and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indians, Alaskan Natives, Asian/Pacific Islanders, Blacks and Hispanics. Applicants shall ensure that racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity, or sex of participants. Further guidance to this policy is contained in the **Federal Register**, Vol. 60, No. 179, pages 47947–47951, and dated Friday, September 15, 1995.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (Revised 7–92, OMB #0937–0189) must be submitted to Sharron P. Orum, Grants Management Officer, Procurement and Grants Office, Centers for Disease Control and Prevention, 255 East Paces Ferry Road, NE., Room 314, MS E–18, Atlanta, GA 30305, on or before August 15, 1997.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be accepted as proof of timely mailing.)

2. *Late Applications:* Applications that do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

To receive additional written information, call (404) 332–4561. You will be asked to leave your name, address, and telephone number. Please refer to Program Announcement 761. You will receive a complete program description, information on application procedures, and application forms. If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Albertha Carey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mail Stop E–18, Atlanta, Georgia 30305, telephone (404) 842–6591; electronic mail at ayc1@cdc.gov.

Programmatic technical assistance may be obtained from Corinne Graffunder or Patti Poindexter, Program Services Branch, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway NE., Mailstop K–57, Atlanta, GA 30341–3724; telephone (770) 488–4880; electronic mail at com5@cdc.gov and pxt1@cdc.gov, respectively.

You may obtain this announcement from one of two Internet sites on the actual publication date: CDC's homepage at http://www.cdc.gov or the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Please refer to Announcement Number 761 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325; telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17698 Filed 7–7–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 773]

National Organizational Strategies for the Prevention, Early Detection, and Control of Cancers

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds for fiscal year (FY)1997 for competing cooperative agreements to conduct nationwide educational activities related to the delivery of prevention, early detection, and control of cancers, especially cancers of the breast, cervix, colon, rectum, and skin for priority populations (including, but not limited to Hispanics, African-Americans, American Indian/Alaska Natives, older Americans, urban Americans, youths, etc.).

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and to improve the quality of life. This announcement is related to the priority areas of Cancer. (To order a copy of Healthy People 2000, see the section ''Where To Obtain Additional Information'.)

Authority

This program is authorized by Sections 317(k)(2) [42 U.S.C. 247b(k)(2)] of the Public Health Service Act, as amended.

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, or early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are private and public nonprofit national organizations that have established and conducted nationwide programs and activities related to health promotion and disease prevention.

National organizations and their regional, State, and local constituents provide a unique opportunity to develop and conduct interventions to address barriers to prevention and screening, improve the quality of care, and improve the priority population's access to cancer prevention and early detection programs. National organizations that have established credible working relationships with priority populations or which can impact these populations through policy or resource allocation can identify appropriate recruitment strategies, interpersonal channels, education messages, resources and organizational linkages, learning modules, and instructional tools that will assist increasing participation in cancer prevention and early detection programs nationwide.

All private, nonprofit organizations must include evidence of its nonprofit status with the application. Any of the following is acceptable evidence.

(a) A reference to the organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS Code.

(b) A copy of a currently valid Internal Revenue Service Tax exemption certificate.

(c) A statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a nonprofit status and that none of the net earnings accrue to any private shareholders or individuals.

(d) A certified copy of the organization's certificate of

incorporation or similar document if it clearly establishes the nonprofit status of the organization.

Note: Effective January 1, 1996, Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

Availability of Funds

Approximately $1 million is available in FY 1997 for approximately 6 awards. It is expected that the average award will be $150,000, ranging from $100,000 to $200,000. It is expected that the awards will begin on or about September 30, 1997, and will be made for a 12-month budget period within a project period of up to 5 years. It is expected that CDC will fund approximately 3 projects for breast and cervical cancer; approximately 1 project for colorectal cancer; approximately 1 project for skin cancer and approximately 1 project for a cross-cutting activity which may impact more than one priority cancer. Funding estimates may vary and are subject to change.

Continuation awards within the approved project period will be made on the basis of satisfactory progress and the availability of funds.

Funds may not be expended for the purchase or lease of land or buildings, construction of facilities, renovation of existing space, or the delivery of clinical and therapeutic services. The purchase of equipment is discouraged but will be considered for approval if justified on the basis of being essential to the program and not available from any other source.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996 expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996), provides as follows:

Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

One of every five deaths in the United States is of cancer. The American Cancer Society (ACS) estimates that approximately 7.4 million Americans alive today have a history of cancer. In the last half-century, the cancer mortality rate in the United States has risen steadily. The age-adjusted rate in 1930 was 143 per 100,000 population. It rose to 158 in 1950, to 163 in 1970, and to 174 in 1990. In 1997, about 560,000 people will die of cancer—over 1,500 people a day.

In 1997, about 1,382,400 new cancer cases will be diagnosed. This estimate does not include carcinoma in situ and basal and squamous cell skin cancers. The incidence of these skin cancers is estimated to be more than 900,000 cases annually.

The financial costs of the disease are significant. Cancer accounts for about 10 percent of the total cost of disease in the United States. The National Cancer Institute (NCI) estimates overall costs for cancer at $104 billion; $35 billion for direct medical costs, $12 billion for morbidity costs (cost of lost productivity), and $57 billion for mortality costs.

CDC's Division of Cancer Prevention and Control (DCPC), within the National Center for Chronic Disease Prevention and Health Promotion, provides technical consultation, assistance, and training to State and local public health departments and other health care provider organizations to improve education, training, and skills in the prevention, detection, and control of selected cancers, including breast, cervical, colorectal, and skin cancers. In its commitment to reach the targeted populations at risk for developing cancer, the division encourages States to build local coalitions and to implement relevant grassroots and community activities.

Breast Cancer

Among women, breast cancer is the second leading cause of cancer-related deaths. An estimated one of every eight women in the United States will develop breast cancer in her lifetime. In 1997, the American Cancer Society estimates that 180,200 women will be diagnosed with invasive breast cancer and 43,900 women will die of this disease. According to the most recent data, mortality rates are decreasing among white women, but not among African-American women.

The percent of women screened for breast cancer decreases with age. Approximately 70 percent of women aged 50 years and older reported in the 1995 Behavioral Risk Factor Surveillance System (BRFSS) having had a mammogram within the last two years. This proportion was much lower for racial and ethnic minority women, for women who had less than a high school education, for women who were over age 75 years, and for women who were living below the poverty level. In Healthy People 2000, the Public Health Service (PHS) established that by the year 2000, 60 percent of all women aged 50 years and older should receive a mammogram every 2 years.

Cervical Cancer

The overall incidence of invasive cervical cancer has decreased steadily over the last several decades, but in recent years, this rate has increased among women who are younger than 50 years. In 1997, invasive cervical cancer will be diagnosed in approximately 14,500 women. In this same year, about 4,800 women will die of cervical cancer. The mortality rate from cervical cancer is more than twice as high for black women as for white women.

The primary goal of cervical cancer screening is to increase detection and treatment of precancerous cervical lesions and thus prevent the occurrence

of cervical cancer. Although no clinical trials have studied the efficacy of Papanicolaou (Pap) test in reducing cervical cancer mortality, experts agree that it is an effective technology. Since the introduction of the Pap test in the 1940s, cervical cancer mortality rates have decreased by 75 percent. The rate of invasive cervical cancer has decreased steadily over the last several decades and has decreased approximately 2 percent each year since 1988. This decrease is attributed to widespread use of the Pap test. Cervical carcinoma in situ, a precancerous condition, is now more frequent than invasive cancer, particularly among women younger than 50 years.

In 1991, the PHS established that by the year 2000, 85 percent of women aged 18 years and older should be receiving a Pap test within the preceding one to three years. Baseline data on the use of the Pap test from the 1987 National Health Interview Survey (NHIS) show that only 75 percent of women aged 18 years and older reported having had a Pap test within the past three years. Women who are minorities, are beyond their reproductive years, have less education, and have a low income are less likely to have had a recent Pap test.

Colorectal Cancer

Colorectal cancer is a major cause of morbidity and mortality. The ACS estimates that in 1997, 131,200 people will be diagnosed with colorectal cancer and that an estimated 54,900 people will die of this cancer in the United States. When colorectal cancers are detected early, the 5-year survival rate is 91 percent. For individuals who are diagnosed with cancer that has spread regionally to involve adjacent organs or lymph nodes, the rate drops to 63 percent.

The natural history of colorectal cancer makes it a disease suitable for screening. Most colorectal cancers are thought to develop over a period of many years from premalignant polyps, or adenomas. Screening tests are available that can detect both preclinical adenomas and early stage cancers. Thus, like cervical cancer, colorectal cancer can, optimally, be prevented by the removal of premalignant lesions, and survival is greatly enhanced when colorectal cancer is treated at an early stage. Although the U.S. Preventive Services Task Force currently recommends that clinicians screen for colorectal cancer with periodic flexible sigmoidoscopy and annual fecal occult blood testing (FOBT) for all persons aged 50 years and older, actual usage rates of these screening tests are quite low. An estimated one-third of the deaths from colorectal cancer could be prevented through screening.

Skin Cancer

Skin cancer is the most common and most rapidly increasing form of cancer in the United States. Almost one million cases of skin cancer are estimated to occur each year. The two major types of skin cancers are nonmelanoma, which includes basal cell and squamous cell carcinoma, and melanoma. Every decade, the incidence of melanoma doubles. Mortality rates are also increasing. In the United States, the lifetime risk of developing cutaneous malignant melanoma is currently 1 in 87. If current trends continue, by the year 2000, the lifetime risk will climb to 1 in 75. It is estimated that about 40,300 new cases of melanoma will be diagnosed in 1997. Although nonmelanoma skin cancers occur more frequently, about three quarters of skin cancer deaths are attributed to malignant melanoma. In 1997, skin cancers of all kinds will claim the lives of approximately 9,490 people'7,300 of malignant melanoma and 2,190 of other skin cancers.

If detected and treated early, basal cell carcinoma has a cure rate greater than 95 percent. Squamous cell carcinoma is also highly curable if detected and treated early. Non-melanoma skin cancers can lead to substantial morbidity, but mortality rates are low. Melanoma can be treated successfully if detected early but can result in death if left untreated. A person who has had one type of melanoma is at increased risk of getting another type by five to nine times.

Since 1994, CDC has continued to develop partnerships and conduct activities that have supported the growth of CDC's National Skin Cancer Prevention Education Program. The program's aim is to increase public awareness about skin cancer and to help the nation achieve skin cancer prevention objectives established by Healthy People 2000. Currently there is no scientific evidence to support mass screening for skin cancer. Skin self examination, although not scientifically proven as effective, is prudent for persons at high risk. The incidence and mortality of skin cancer can be reduced by changing risk factors associated with sun exposure. Educational programs for both adults and children are important.

Purpose

These awards will assist private and public nonprofit national organizations to educate their constituents about cancer prevention and early detection issues; increase access to cancer screening programs; to identify priority populations; and develop strategies for reaching identified priority populations nationwide. Program options may include generating publications; collaborating with State and local health departments to implement model educational interventions; developing technical assistance and training tools; developing, testing, and evaluating cancer control efforts; and adopting cancer early detection and control objectives as part of the national organization's priorities.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for conducting activities under B. (CDC Activities).

A. Recipient Activities

1. Develop, evaluate, and disseminate programs or strategies designed to improve cancer prevention, early detection, and control among the priority population.
2. Develop and carry out educational strategies to improve knowledge, attitudes, skills and behaviors regarding cancer prevention, early detection, and control practices among the priority populations.
3. Establish specific, measurable, and realistic program objectives at national, State, and local levels for the accomplishment of program activities.
4. Identify and select appropriate staff.
5. Establish partnerships with CDC-funded State health departments, American Indian/Alaska Native organizations, U.S. territories, and the District of Columbia in implementing outreach programs and or professional education.
6. Participate in a minimum of two meetings per year to facilitate the accomplishment of program objectives.
7. Evaluate achievement through a well-designed evaluation plan that assesses each objective component of the program.
8. Disseminate intervention information at the national, State, and local levels regarding program achievements and activities.
9. Participate in the dissemination and sharing of pertinent program information with other CDC funded grantees, appropriate agencies and partners.

B. CDC Activities

1. Provide technical assistance.
2. Collaborate with recipients in the development, implementation,

evaluation, and dissemination of programs designed to improve the knowledge, attitude, prevention, and screening behaviors of priority populations and or the health care providers who serve them.

3. Provide periodic updates about public knowledge, attitudes, and practices regarding prevention, early detection and control of cancer, and up-to-date scientific information.

4. Collaborate with recipients to develop meeting agendas and convene personnel from all recipient organizations and funded State and territorial health departments, American Indian/Alaska Native tribes and tribal organizations, and the District of Columbia for regular meetings to review program activities.

5. Collaborate with recipients in the development of publications, manuals, modules, etc. that relate to this award.

6. Facilitate the exchange of program information and technical assistance and the development of partnerships between recipients funded under this announcement, community organizations, health departments, and other partners.

Technical Reporting Requirements

An original and two copies of a semiannual progress report are due 30 days after the end of the first six months and 30 days after the end of the budget period. The progress reports must include the following for each program, function, or activity involved: (1) a comparison of actual accomplishments to the goals established for the period; (2) the reasons for slippage if established goals were not met; and (3) other pertinent information including, when appropriate, analysis and explanation of unexpectedly high costs for performance.

An original and two copies of the financial status reports (FSR) must be submitted no later than 90 days after the end of each budget period. A final financial status and performance report are required no later than 90 days after the end of the project period. All reports are submitted to the Grants Management Branch, Procurement and Grants Office, CDC.

Application Content

Applicants should focus on affecting the priority population that they have the greatest likelihood of impacting. Interventions may be targeted toward the priority population, health care providers, or others who may impact cancer prevention and control services in the priority populations. Priority populations are defined as uninsured, underinsured, children and youths, older persons, racial and ethnic minorities, those who live in hard-to-reach rural or urban communities, and organizations that can impact the health of these populations.

Program definitions and information that can be helpful in completing this application are attached.

Applicants must develop their applications in accordance with PHS Form 5161–1 (Rev. 7–92, OMB Number 0937–0189), information contained in the program announcement, and the instructions below. The application including appendixes should be limited to no more than 50 single-spaced pages, including PHS forms, budget information, and appendixes.

A. Background and Need

1. Describe the priority population as it relates to the purpose of this program announcement, magnitude and scope of the problem within the priority population, barriers to or gaps in cancer prevention and control efforts, and proposed solutions to barriers or gaps.

2. Describe the organization's past and present program activities in the prevention, early detection and control of cancers, especially cancers of the breast, cervix, colon, rectum, and skin.

3. Describe the applicant's history and experience with and any services provided to the priority population, and the rationale for use of previously conducted or newly developed innovative strategies to enhance the delivery of health messages, services, and or programs regarding the prevention, early detection, and control of cancers, especially cancers of the breast, cervix, colon, rectum, and skin.

B. Goals and Objectives

1. Objectives: Identify specific and time-related, measurable objectives consistent with the purpose of the cooperative agreement.

2. Activities: Clearly identify the specific activities and outreach strategies that will be undertaken to achieve each of the program's objectives during the budget period.

3. Milestone Chart: Submit a milestone-to-completion chart consistent with the time frame of the project period.

C. Capabilities

1. Describe nature and extent of constituent support for past and present organizational activities related to screening and follow-up for cancers, especially cancers of the breast, cervix, colon, rectum, and skin.

2. Describe the nature and extent of health education activities, especially those related to cancer screening and follow-up.

3. Provide a comprehensive plan for national dissemination of program activities.

D. Project Management

1. Submit a copy of the organization's mission statement.

2. Describe the organization's structure and function, size, national membership, substructure, activities on a regional, State, or local level, and methods of routine communication with members (newsletters journals, meetings, etc.).

3. Describe each current or proposed position for this program by job title, function, general duties, and activities with which that position will be involved. Include the level of effort and allocation of time for each project activity by staff position. Minimal staffing should include a full-time project coordinator.

E. Collaborative Activities

Describe past and proposed collaborative working partnerships with providers, community groups who serve the priority population and or have established linkages in the priority population. Include evidence of collaborations with partners such as memorandums of agreement.

F. Program Evaluation Plan

Identify methods for measuring progress toward attaining program objectives and monitoring activities. The evaluation plan should include qualitative and quantitative data collection and assessment mechanisms. This plan should include baseline data or the mechanism that will be used to establish the baseline data; the outcomes to be expected; the minimum data to be collected; the systems for collecting and analyzing the data. Minimum data to be reported include, but are not limited to the following:

1. Describe the number of persons in the priority population, the number you expect to reach, and the plan for evaluating the number actually reached.

2. Demographic information such as race, ethnicity, residence, insurance status, annual income, etc.

3. Information about the health providers reached, such as profession, worksite description, and populations served.

4. When, where, and how often activities are conducted.

G. Budget and Narrative Justification

Provide a detailed line-item budget and narrative justification of all operating expenses consistent with the

proposed objectives and planned activities. Be precise about the program purpose of each budget item and itemize calculations when appropriate.

Applicants should budget for the following costs:

Out-of-State Travel: Participation in CDC-sponsored training workshops and meetings is essential to the effective implementation of cancer control programs. Travel funds should be budgeted for the following meetings:

- Three persons to Atlanta, Georgia to attend the Annual National Cancer Prevention and Control Conference (3 days).
- Three to five persons to Atlanta, Georgia to report program implementation progress (reverse site visit) and for consultation and technical assistance (2 days) (1 trip per year).
- Up to 2 additional 2-person trips to Atlanta, or other specified destination to attend or assist with national training center educational programs on national work groups, task forces or committees (1–3 days).

H. Attachments

Provide these attachments:

1. An organizational chart and résumés of current and proposed staff.
2. A list of applicant's constituents by regional, State, and local organization(s).
3. Evidence of collaboration with other organizations that serve the same priority populations. Include Memorandums of Agreement and letters of support.
4. A description of funding from other sources to conduct similar activities:

(a) Describe how funds requested under this announcement will be used differently or in ways that will expand on the funds already received, applied for, or being received.

(b) Identify proposed personnel devoted to this project who are supported by other funding sources and the activities they are supporting.

(c) Ensure that the funds being requested will not duplicate or supplant funds received from any other sources.

Typing and Mailing

Applicants are required to submit an original and two copies of the application. Number all pages clearly and sequentially and include a complete index to the application and its appendixes. The original and each copy of the application must be submitted unstapled and unbound. Print all material, single-spaced, in a 12-point or larger font on 8 ½″ by 11″ paper, with at least 1″ margins and printed on one side only.

Evaluation Criteria (100 Points)

The application will be reviewed and evaluated according to the following criteria:

A. Background and Need (25 Points)

1. The extent to which the applicant demonstrates an understanding of the program purpose and objectives (13 points).
2. The extent to which the applicant identifies the priority population(s) and evidenced need for the proposed activities (12 points).

B. Goals and Objectives (20 Points)

The degree to which specific, time-related, and measurable objectives and process and outcome measures are consistent with the stated purposes of the cooperative agreement.

C. Capabilities (20 Points)

The quality and feasibility of the proposed program activities for achieving the objectives. The extent to which applicants demonstrate the ability to impact a segment of the priority populations (e.g., uninsured, underinsured, children and youths, older persons, racial and ethnic minorities, and persons who live in hard-to-reach communities in rural and urban America, etc.) for the cancer(s) they propose to address. This ability may be demonstrated by providing documentation of populations currently served, services provided, and linkages with other health agencies and organizations, as well as by outlining a cancer prevention and control plan consistent with generally accepted theories and practices of public health.

D. Project Management (10 Points)

The adequacy of proposed personnel time allocations and the extent to which proposed staff exhibit appropriate qualifications and experience to accomplish the program activities.

E. Collaborative Activities (15 Points)

The appropriateness and relevance of collaborative linkages, and the extent to which the applicant demonstrates the ability to access the priority population(s) on a national basis and to disseminate programs nationally.

F. Program Evaluation Plan (10 Points)

The quality of the evaluation plan for monitoring progress that relates to intervention activities and objectives.

G. Budget and Justification (Not Weighted)

The extent to which the budget is reasonable and consistent with the purpose and objectives of the cooperative agreement.

H. Human Subjects (Not Weighted)

Whether or not exempt from the DHHS regulations, procedures must be adequate for the protection of human subjects. Recommendations on the adequacy of protections include: (1) protections appear adequate and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the Objective Review Group has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Content of Noncompeting Continuation Applications

In compliance with 45 CFR 74.51(d), non-competing continuation applications submitted within the project period need only include:

A. A brief progress report that describes the accomplishments of the previous budget period.

B. Any new or significantly revised items or information (objectives, scope of activities, operational methods, evaluation, etc.) not included in the year 01 application.

C. An annual budget and justification. Existing budget items that are unchanged from the previous budget period do not need rejustification. Simply list the items in the budget and indicate that they are continuation items. Supporting justification should be provided where appropriate.

Executive Order 12372 Review

Applications are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 individuals or more and funded by the cooperative agreement will be subject to review by

the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (Revised 7–92, OMB Number 0937–0189) must be submitted to Sharron P. Orum, Grants Management Officer, Procurement and Grants Office, Centers for Disease Control and Prevention, 255 East Paces Ferry Road, NE., Room 300, Mail Stop E–15, Atlanta, GA 30305, on or before August 8, 1997.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be accepted as proof of timely mailing.)

2. *Late Applications:* Applications that do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description and information on application procedures may be obtained in an application package. Business management technical assistance may be obtained from Nealean K. Austin, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mail Stop E–18, Atlanta, GA 30305; telephone (404) 842–6508 or the Internet at, nea1@cdc.gov. Programmatic technical assistance may be obtained from Heidi Holt, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway NE., Mail Stop K–64, Atlanta, GA 30341–3724; (770) 488–3085, or the Internet at: hym3@cdc.gov.

You may also obtain this announcement, and other CDC announcements, from one of two Internet sites on the actual publication date: CDC's homepage at http://www.cdc.gov or the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Please refer to Announcement number 773 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325; telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17699 Filed 7–7–97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 778]

Extraumural Applied Research Program in Emerging Infections; Novel Methods for Identification of Emerging Infections

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1997 funds for competitive cooperative agreements and/or grants to support applied research on emerging infections.

The CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under Sections 301 and 317 of the Public Health Service Act, as amended (42 U.S.C. 241 and 247b).

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children's Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private non-profit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, including State and local governments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

Note: An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible to receive Federal funds constituting an award, grant, contract, loan, or any other form.

Availability of Funds

Approximately $1,205,000 is available in FY 1997 to fund 7 to 11 awards in six specific focus areas as follows:

Focus Area #1

Evaluating Algorithms to Diagnose Emerging Causes of Infectious Diarrhea: Approximately $480,000 is available to make 2–3 awards with a maximum project period of 3 years.

Focus Area #2

Rapid Identification of Emerging and Unusual Pathogenic Bacteria by Partial 16S rRNA Sequencing: Approximately $60,000 is available to make one award with a maximum project period of 3 years.

Focus Area #3

Development and Evaluation of Improved Tests for Malaria Diagnosis in the United States: Approximately $100,000 is available to make 1–2 awards with a maximum project period of 2 years.

Focus Area #4

Development of Improved Diagnostic Tests for Leishmaniasis: Approximately $150,000 is available to make 1–2 awards with a maximum project period of 2 years.

Focus Area #5

Identification of Unrecognized Etiologic Agents in Idiopathic Sexually Transmitted Disease Syndromes: Approximately $300,000 is available to make one to two awards with a maximum project period of 2 years.

Focus Area #6

Development of Non-culture Molecular Epidemiologic Detection/Typing Methods for *Treponema pallidum* or *Haemophilus ducreyi*: Approximately $115,000 is available to make one award for a maximum project period of 2 years.

For Focus Areas 2 and 3, only cooperative agreement applications will be accepted. For Focus Areas 1, 4, 5, and 6, either grant or cooperative agreement applications will be accepted.

Applicants must specify the type of award for which they are applying, either grant or cooperative agreement. CDC will review all applications in accordance with the Evaluation Criteria section of this announcement. Before issuing awards, CDC will determine whether a grant or cooperative agreement is the appropriate instrument based upon the need for substantial CDC involvement in the project.

It is expected that awards will begin on or about August 30, 1997, and will be made for a 12-month budget period within a project period of up to three years (maximum project period varies by Focus Area—see above). Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208, (September 30, 1996), provides as follows:

Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

Once expected to be eliminated as a public health problem, infectious diseases remain the leading cause of death worldwide. In the United States and elsewhere, infectious diseases increasingly threaten public health and contribute significantly to the escalating costs of health care.

In 1992, the Institute of Medicine of the National Academy of Sciences published a report entitled *Emerging Infections, Microbial Threats to Health in the United States* highlighting the threat of emerging infections and making specific recommendations to address the threat. This report emphasized a critical leadership role for CDC in a national effort to detect and control infectious disease threats.

In partnership with other Federal agencies, State and local health departments, academic institutions, and others, CDC has developed a plan for revitalizing the nation's ability to identify, contain, and prevent illness from emerging infectious diseases. The plan, *Addressing Emerging Infectious Disease Threats; A Prevention Strategy for the United States*, identifies objectives in four major areas: surveillance, applied research, prevention and control, and infrastructure.

Under the objective for applied research, the plan proposes to integrate laboratory science and epidemiology to optimize public health practice in the United States. One component of these efforts is to implement an extramural program for research in emerging infectious disease surveillance, epidemiology, and prevention, which will fill the gaps in existing support for such research. In FY 1996, CDC initiated the Extramural Applied Research Program in Emerging Infections (EARP) and made competitive grant and cooperative agreement awards to seven institutions for projects in the areas of antimicrobial resistance and tickborne diseases. In FY 1997, CDC will make additional competitive grant and/or cooperative agreement awards in two areas: hepatitis C virus infection and novel methods for identification of emerging infections. This announcement specifically addresses novel methods for identification of emerging infections and solicits applications in the following six specific focus areas:

Focus Area #1: Evaluating Algorithms To Diagnose Emerging Causes of Infectious Diarrhea

Without specific diagnostic algorithms, health professionals and laboratories do not know when to test for many emerging diarrheal disease pathogens. CDC will assist in the development of guidelines for health professionals that recommend when to order specific diagnostic tests for patients with diarrheal diseases, and for diagnostic laboratories that recommend what diangostic tests to perform. Lack of guidelines such as these severely limits the ability of laboratories to adequately detect and report cases of infectious diarrhea caused by emerging pathogens such as *Cyclospora cayetanensis, Cryptosporidium parvum, Escherichia coli* 0157:H7, and common viral agents. Health professionals may consider tests to identify diarrheal pathogens to be too expensive and of low yield. Laboratories are reluctant to conduct routine surveillance for many emerging pathogens, since to do so would require expensive additional testing procedures. It might be cost-effective, however, for health professionals and laboratories to test for these and other pathogens under specific circumstances once guidelines are available.

For example, during the waterborne outbreak of cryptosporidiosis in Milwaukee in 1993, CDC scientists discovered that a simple 3-component screening algorithm would increase the positive predictive value that a stool specimen contained detectable *C. parvum* oocysts from 27 percent to 63 percent. Another recent CDC study of the diagnosis of *C. parvum* reported that laboratories in Connecticut that tested for *C. parvum* only upon physician request reported a positivity rate of 2.8

percent compared with a rate of 5.2 percent for laboratories that used multiple critiera. In a large multi-center study the rate of isolation of *E. coli* 0157:H7 from patients with diarrhea increases from 0.4 percent among all patients to 7.8 percent among patients with visibly bloody stools.

In addition to factors that are present for all health care providers under capitated managed care where health care providers receive a flat fee per patient seen, there are additional incentives to reduce the number of disgnostic tests performed unless they can be shown clearly as cost-beneficial. Current data are inadequate, however, to calculate the cost or the benefit of performing specific diagnostic tests or starting empiric treatment for specific clinical presentations. As increasing proportions of the population receive their health care under systems of capitated managed care, we are likely to see more empiric treatment of diarrhea with no confirmatory tests for the etiology of the illness.

Focus Area #2—Rapid Identification of Emerging and Unusual Pathogenic Bacteria by Partial 16S rRNA Sequencing

Standard batteries of biochemical tests are no longer adequate to identify a growing number of emerging and unusual bacterial pathogens. Specialized procedures are necessary for identification of emerging and unusual pathogenic strains that are difficult or impossible to identify in the average clinical laboratory. 16S rRNA sequencing is one specialized procedure that has the potential to allow for rapid molecular identification of pathogens. Many species of bacteria could be identified on the basis of their full 16S rRNA sequence. Sequences of many unusual and emerging bacterial pathogens, as well as their presumed non-pathogenic relatives, need to be determined and entered into sequence databases. It should then be possible to rapidly identify most pathogenic species on the basis of a unique partial sequence, and to use this methodology to largely replace routine identification methods.

Focus Area #3—Development and Evaluation of Improved Tests for Malaria Diagnosis in the United States

Every year, approximately 1,000 cases of malaria are reported in the United States (U.S.). Nineteen deaths due to malaria were recorded in the U.S. during the period 1992–1994. Of particular concern, cases of locally transmitted malaria have been reported practically on an annual basis in densely populated areas (New York City, Houston, and Palm Beach County, Florida). The substantial U.S. public health impact of malaria is very likely to increase in the future due to increased international travel combined with a worldwide resurgence of malaria. This resurgence is attributable to factors such as inadequate control programs, increasing drug and insecticide resistance, and global warming.

This situation must be addressed by vigilant surveillance and prompt clinical management of all cases of malaria occurring in the U.S. Both strategies require a timely and correct diagnosis of the disease. However, available information indicates that malaria diagnosis is not optimally performed in the U.S. In a recent survey of samples sent to CDC's National Malaria Reference Laboratory (NMRL) by various health institutions (including State health departments, hospitals, and commercial laboratories), the diagnosis made by the NMRL differed from that made at the health institution in 21 percent of the samples. This is due mainly to the fact that the international accepted method for diagnosing malaria (the microscopic examination of a Giemsa-stained blood smear) requires a degree of microscopy experience that most clinical laboratorians in the U.S. lack due to their infrequent contact with malaria samples.

One solution to this problem would be a diagnostic test that depends, not on the experience and skills of a microscopist, but on more objective, quantifiable criteria. Several malaria diagnostic tests that follow this approach are currently on the market or in various development phases. Such tests identify malaria parasites by nucleic acid fluorescence or by detecting parasite-specific antigens or enzymes. However, none of these tests satisfy all desirable criteria for a malaria diagnostic tool applicable to clinical laboratory practice in the U.S. Such criteria include: (a) sensitivity at least equal to that of microscopy (4) parasites per ul. of blood), (b) detection of all 4 known species of human malaria parasites, (c) specificity above 95 percent, (d) simplicity of performance, and (e) rapidity of execution (results available in less than 1 hour). In addition, none of these tests have been adequately evaluated under strictly controlled conditions in U.S. health facilities.

Focus Area #4—Development of Improved Diagnostic Tests for Leishmaniasis

Leishmaniasis, a parasitic infection caused by several species of protozoa in the genus Leishmania, can cause serious, sometimes fatal, disease in humans. Leishmaniasis is considered by the World Health Organization to be one of the top five parasitic infections afflicting mankind today. The infection is transmitted through the bite of infected sandflies and occurs in several forms: cutaneous, mucosal, and visceral leishmaniasis. The mucosal form can result in disfiguring destruction of the nose and mouth, while the visceral form, as indicated by the name, localizes in the viscera and bone marrow and results in severe and life-threatening infection. Leishmaniasis in its various forms occurs throughout the tropical areas of Central and South America, in countries around the Mediterranean Sea, and in the Middle East, Africa, and portions of South East Asia. The disease is currently viewed as being epidemic in India and Sudan. U.S. citizens traveling to endemic areas, especially Central and South America, are exposed and frequently acquire infection.

Currently available serologic assays for viscerotrophic leishmaniasis have unacceptable sensitivity and specificity levels, both for the species of Leishmania causing the infection as well as for determining whether the person has an active infection or past exposure. Diagnostic laboratories have not been able to adequately resolve this issue because of poor assay performance. The U.S. Congress and the Department of Defense have been concerned about the possibility that leishmaniasis accounts for symptoms in some individuals with Gulf War Syndrome, and the need for better diagnostic tests is repeatedly raised in Congressional hearings. Since currently available tests have unacceptable sensitivity and/or specificity levels or are highly invasive with a significant false negative rate, there is a clear need for improved diagnostic capabilities related to leishmaniasis, especially the viscerotrophic form thought to occur in the Gulf War Syndrome. The development of a suitably formatted assay to detect Leishmania infections would allow diagnostic laboratories to be able to distinguish current infections from past exposure and to begin to differentiate the causative agents.

Suspected cases of cutaneous leishmaniasis are routinely diagnosed through microscopic examination of stained histologic sections taken from the lesion site. In some instances, the number of organisms is high and the infection can be diagnosed microscopically with little difficulty. However, in many instances there are few organisms and microscopic

examination does not permit confirmation of infection. Immunohistologic staining with appropriate monoclonal/polyclonal antibodies or molecular based probes might provide much more sensitive approaches.

Focus Area #5—Identification of Unrecognized Etiologic Agents in Idiopathic Sexually Transmitted Disease Syndromes

For a significant proportion of clinical cases of male unrethritis and pelvic inflammatory disease (PID) in women, no demonstrated etiology can be found. It is likely that other unidentified sexually transmitted organisms have yet to be identified in these syndromes. In the U.S., urethritis in men is a common sexually transmitted infection; over 200,000 cases of gonorrhea were reported to CDC and over 250,000 cases of non-specific urethritis were seen by private physicians in 1995. Besides *Neisseria gonorrhoeae,* urethritis in men can be caused by *Chlamydia trachomatis, Trichomonas vaginalis,* Herpes Simplex Virus (HSV), Mycoplasma genitalium, and Ureaplasma species; however, no etiologic agent can be identified in nearly 25 percent of cases. Among women with PID, C. trachomatis, N. gonorrhoeae, and vaginal anaerobes are recognized etiologic agents, yet in 25–50 percent of cases, no causal organisms can be identified.

Potentially unidentified agents could emerge and become significant public health problems as gonorrhea and chlamydial infections are successfully controlled. There is suggestive evidence that this is occurring. For example, in Seattle where gonorrhea and chlamydial infections have been controlled, approximately 70 percent of the urethritis in local men has no known etiology. It is likely that similar agents are involved in PID. The identification of additional agents for urethritis in men, which may also be associated with PID in women, will help develop better prevention strategies for this costly and serious complication. Available data strongly suggest that there are unidentified sexually transmitted organisms associated with idiopathic syndromes such as urethrities in men and PID.

Focus Area #6—Development of Nonculture Molecular Epidemiologic Detection/Typing Methods for Treponema pallidum or Haemophilus ducreyi

Most genital ulcer disease (GUD) is caused by one or more of three sexually transmitted agents; Haemophilus ducreyi, Treponema pallidum, and HSV. GUD caused by the bacterial agents H. ducreyi and T. pallidum accounts for approximately 17,000 cases each year in the U.S. Bacterial GUD infections also occur frequently in developing countries and several out-breaks of chancroid (H. ducreyi) in the U.S. have been directly traced to importation of strains from overseas. Along with the morbidity associated with primary infections with these organisms, a serious potential sequelae is the development of syphilis, including neuro- and congential syphilis.

Bacterial GUDs may be easily cured with antimicrobial agents if the etiologic agents are accurately diagnosed (although antimicrobial resistance is emerging in H. ducreyi). Examination of ulcers with microbiologic and research polymerase chain reaction (PCR) detection methods indicate that it is not possible to accurately determine the etiology of infections by the physical appearance of the ulcers. The diagnosis of these agents is further complicated by the fact that T. pallidum cannot be cultured in vitro and H. ducreyi may be recovered from fewer than 50 percent of specimens from infected patients. Development of non-culture methods for detecting and typing strains of T. pallidum and H. ducreyi in ulcer specimens would allow medical practitioners to more quickly determine the etiology of and effectively treat GUDs. It would also allow researchers to determine the molecular epidemiology of these infections, identify strain type associated with antimicrobial resistance, and devise and monitor targeted control methods to eliminate GUD.

Purpose

The purpose of the Extramural Applied Research Program in Emerging Infections (EARP) is to provide financial and technical assistance for applied research projects on emerging infections in the U.S. As a component of EARP, the purpose of this grant/cooperative agreement announcement is to provide assistance for projects addressing novel methods for identification of emerging infections. Specifically, applications are solicited for projects addressing any of the following six focus areas:

Focus Area #1

Evaluating Algorithms to Diagnose Emerging Causes of Infectious Diarrhea. The objective is to determine the costs and effectiveness of different diagnostic algorithms for emerging agents of infectious diarrhea.

Focus Area #2

Rapid Identification of Emerging and Unusual Pathogenic Bacteria by Partial 16S rRNA Sequencing. The objective is to develop a rapid identification system using 16S rRNA sequencing for emerging, atypical, and unclassified pathogenic bacteria.

Focus Area #3

Development and Evaluation of Improved Tests for Malaria Diagnosis in the U.S. The objective is to develop and evaluate a malaria diagnostic test that does not require microscopic examination of blood smears and: (a) is at least as sensitive as microscopy (4 parasites per ul. of blood), (b) can detect all 4 known species of human malaria parasites, (c) has a specificity of at least 95 percent, (d) is simple to perform, and (e) can provide results in less than 1 hour.

Focus Area #4

Development of Improved Diagnostic Tests for Leishmaniasis. The objective is to develop improved diagnostic assays for viscerotrophic and cutaneous forms of leishmaniasis that are formatted using modern immunologic and molecular tools. The assays would be formatted in such a way that they would be readily transferable to laboratories, provide acceptable sensitivity and specificity for the detection and diagnosis of Leishmania infections in humans, and when performed under appropriate conditions, provide the degree of accuracy necessary so that specific medical treatments can be safely initiated.

Focus Area #5

Identification of Unrecognized Etiologic Agents in Idiopathic Sexually Transmitted Disease Syndromes.

Focus Area #6

Development of Non-culture Molecular Epidemiologic Detection/Typing Methods for Treponema pallidum or Haemophilus ducreyi.

Applicants may submit separate applications for projects in one or more focus areas. (See section on APPLICATION for detailed instructions.)

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for conducting activities under B. (CDC Activities):

A. Recipient Activities

Focus Area #1

1. Evaluate Algorithms to Diagnose Emerging Causes of Infectious Diarrhea:

a. Identify a patient population where health professionals will be encouraged to collect stool specimens on all patients presenting with diarrhea.

b. Determine the etiology of infectious diarrhea in patients who seek medical care for diarrhea by collecting and testing clinical specimens for bacterial enteric pathogens such as Salmonella, Shigella, Campylobacter, Escherichia coli 0157, Listeria monocytogenes, and Yersinia, viral pathogens such as rotovirus, enteric adenovirus and astrovirus, and parasitic pathogens such as Cyclospora cayetanesis and Cryptosporidium parvum.

c. Collect information on patients for whom stool specimens are ordered such as specific signs and symptoms reported by patients at their first medical encounter, prior treatment, and epidemiologic exposures such as a history of foreign travel.

d. Develop diagnostic algorithms using clinical characteristics associated with identification of pathogens in stool specimens to increase the positive predictive value of diagnostic tests.

e. Determine the cost-effectiveness of the diagnostic algorithms.

f. Publish and/or otherwise disseminate the study findings.

Focus Area #2

1. Perform Rapid Identification of Emerging and Unusual Pathogenic Bacteria by Partial 16S rRNA Sequencing:

a. Identify appropriate known pathogenic and control bacterial strains and design and conduct a blinded comparison study to determine the utility of 16S rRNA sequencing for the rapid identification of pathogenic bacterial strains.

(1) Fully sequence 16S rRNA of selected strains to update the database of sequences.

(2) Retrospectively identify by partial 16S sequencing, strains that have been previously biochemically identified.

(3) Prospectively identify by partial 16S rRNA sequencing all strains received as unknowns in the CDC Special Bacteriology Reference Laboratory (CDC will perform standard biochemical identification tests and cell wall fatty acid analyses on the same strains.). Compare accuracy, time, and cost of each method. Where there are disagreements, identify strains by the gold standard of DNA relatedness.

(4) Conduct comparative sequencing studies on selected strains to determine reproducibility, accuracy, and variability of sequencing and of identification.

b. Publish and/or otherwise disseminate the study findings.

Focus Area #3

1. Develop and Evaluate Improved Tests for Malaria Diagnosis in the United States:

a. Develop a new diagnostic test or improve currently available test(s) that: (a) are at least as sensitive as microscopy (4 parasites per ul. of blood), (b) able to detect all 4 known species of human malaria parasites, (c) have a specificity of at least 95 percent, (d) are simple to perform, and (e) can provide results in less than 1 hour. Field-robustness and distinctive diagnostic reaction (e.g., color change) are desirable characteristics.

b. Conduct a first phase of evaluation of the new or improved test(s). This should involve testing clinical samples for malaria under blinded conditions and using mainly samples collected from non-human primates experimentally infected with human malaria parasites and malaria-infected human blood samples, both of which can be made available by CDC.

c. Conduct field evaluations of the test(s) in endemic countries (e.g., a large-scale assessment in a short time period where n>=500) and in U.S. facilities. The actual U.S. field testing will likely require a longer time period due to low frequency of malaria, and should involve collaboration with State health departments, hospitals, and commercial laboratories.

d. Publish and/or otherwise disseminate results.

Focus Area # 4

1. Develop an Improved Diagnostic Test for Leishmaniasis:

a. Develop new or improved assay(s) for viscerotrophic or cutaneous leishmaniasis that provide significantly better sensitivity and specificity than currently available assays.

b. Evaluate the assay(s) (e.g., through blinded evaluation of selected panels of sera). CDC can provide limited assistance in preparing serum panels, parasite isolates, animal model support, and outlets to the field.

c. Publish and/or otherwise disseminate results.

Focus Area # 5

1. Identify Unrecognized Etiologic Agents in Idiopathic Sexually-Transmitted Disease Syndromes:

a. Obtain swab specimens from 18 to 39 year old sexually active men with urethritis attending sexually transmitted disease clinics. In those samples for which no etiology can be identified either by traditional laboratory methods (e.g., culture) or specific DNA amplification methods (polymerase chain reaction or ligase chain reaction for N. gonorrhoeae, C. trachomatis and M. genitalium), use molecular biological tools to identify causative infectious agents. One example of an appropriate approach would be: Extract DNA, amplify 16S rRNA-specific DNA by polymerase chain reaction (PCR) using several sets of universal bacterial primers, and sequence the amplified DNA directly with an automated sequencer. Clone the amplified material into Escherichia coli, and sequence the inserts using automated sequencing. Use the sequences to search existing Genbank files for relatedness with known organisms. This approach has been used successfully to identify the agents of cat scratch fever, bacillary angiomatosis, Whipple's disease, and the putative agent of Kaposi's sarcoma. Although this approach will identify only new bacterial etiologies, the favorable response of idiopathic urethritis and PID to antibiotic therapy suggests bacterial causation.

b. Publish and/or otherwise disseminate results.

Focus Area #6

1. Develop Non-culture Molecular Epidemiologic Detection/Typing Methods for Treponema pallidum or Haemophilus ducreyi:

a. Develop comprehensive methods for detecting and typing strains of T. pallidum and/or H. ducreyi in ulcer specimens with the vitro materials. In the case of T. pallidum, the method(s) developed should be able to differentiate between the T. pallidum subspecies pallidum, pertenue, and endemicum.

b. Determine if the methods developed can be used to detect/type strains in ulcer specimens.

c. In the event that previously untyped strains are identified in the evaluation phase, expand the typing system to include new types.

d. Publish and/or otherwise disseminate results.

B. CDC Activities

1. Research Project Grants (Focus areas 1, 4, 5, and 6 only)

A research project grant is one in which substantial programmatic involvement by CDC is not anticipated by the recipient during the project period. Applicants for grants must demonstrate the ability to conduct the proposed research with minimal

assistance, other than financial support, from CDC. This includes possessing sufficient resources for clinical, laboratory, and data management services and level of scientific expertise to achieve the objectives described in their research proposal without substantial technical assistance from CDC.

2. Cooperative Agreements

In a cooperative agreement, CDC is available to assist recipients in conducting the proposed research. The application should be presented in a manner that demonstrates the applicant's ability to address the research problem in a collaborative manner with CDC. In addition to the financial support provided, CDC may collaborate by: (a) providing technical assistance in the design and conduct of the research, (b) performing selected laboratory tests as appropriate and necessary, (c) participating in data management, the analysis of research data, and the interpretation and presentation of research findings, and (d) providing biological materials (e.g., strains, reagents, etc.) as necessary for studies.

Technical Reporting Requirements

An original and two copies of a narrative progress reports are required semiannually. The first semiannual report is required with each year's non-competing continuation application and should cover program activities from date of the previous report (or date of award for reporting in the first year of the project).

An original and two copies of the second semiannual progress and Financial Status Report (FSR) are due 90 days after the end of each budget period and should cover activities from the date of previous report. Progress reports should address the status of specific project objectives and should include copies of any publications resulting from the project.

The final performance report and FSR are required no later than 90 days after the end of the project period. All reports should be directed to the CDC Grants Management Officer at the address referenced in the following section.

Application Process

Notification of Intent To Apply

In order to assist CDC in planning and executing the evaluation of applications submitted under this Program Announcement, all parties intending to submit application(s) are requested to inform CDC of their intention to do so as soon as possible but not later than 10 business days prior to the application due date. Notification should include: (1) name and address of institution; (2) name, address, and phone number of contact person, and (3) which focus area(s) application(s) will be submitted for.

Notification can be provided by facsimile, postal mail, or electronic mail (E-mail) to Sharron Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305, facsimile: (404) 842–6513, Internet: SP02@cdc.gov.

Application

Applicants may apply for assistance for projects in one or more of the six separate focus areas identified under PURPOSE and PROGRAM REQUIREMENTS section above. IF APPLICANT IS APPLYING FOR ASSISTANCE FOR MORE THAN ONE FOCUS AREA, A SEPARATE AND COMPLETE APPLICATION MUST BE SUBMITTED FOR EACH FOCUS AREA.

All applicants must develop their application(s) in accordance with PHS Form 398, information contained in this grant/cooperative agreement announcement, and the instructions outlined below. In order to ensure an objective, impartial, and prompt review, applications must conform to the following instructions:

General Instructions

Due to the need to reproduce copies of the applications for the reviewers, ALL pages of each application MUST be in the following format:

1. The original and two (2) copies of the application must be UNSTAPLED and UNBOUND.
2. All pages must be clearly numbered, and a complete index to the application and its appendices must be included.
3. All materials must be typewritten, single-spaced, using a font no smaller than size 12, and on 8½″ by 11″ white paper.
4. Any reprints, brochures, or other enclosures must be copied onto 8½″ by 11″ white paper by the applicant. NO BOUND MATERIALS WILL BE ACCEPTED in the narrative or appendices.
5. All pages must be printed on ONE side only, with at least 1″ margins, headers, and footers.

Special Instructions

The application narrative for each application/focus area must not exceed 10 pages (excluding budget and appendices). Unless indicated otherwise, all information requested below must appear in the narrative. Materials or information that should be part of the narrative will not be accepted if placed in the appendices. The application narrative must contain the following sections in the order presented below. (REMINDER: If proposing projects under multiple focus areas, submit a separate and complete application for each project):

1. Abstract:

Provide a brief (two pages maximum) abstract of the project. Clearly identify the specific focus area being addressed and the project period proposed (not to exceed maximum as indicated in AVAILABILITY OF FUNDS section). Clearly identify the types of award that is being applied for—grant or cooperative agreement.

2. Background and Need:

Discuss the background and need for the proposed project. Demonstrate a clear understanding of the purpose and objectives of the focus area.

3. Capacity and Personnel:

Describe applicant's past experience in conducting activities similar to that being proposed. Describe applicant's resources, facilities, and professional personnel that will be involved in conducting the project. Include, in an appendix, curriculum vitae for all professional personnel involved with the project. Describe plans for administration of the project and identify administrative resources/personnel that will be assigned to the project. Provide, in an appendix, letters of support from all key participating non-applicant organizations, individuals, etc. (if any), which clearly indicate their commitment to participate as described in the operational plan. Do not include letters of support from CDC personnel. Letters of support from CDC will not be accepted. Award of a grant or cooperative agreement implies CDC participation as outlined in the PROGRAM REQUIREMENTS section of this announcement.

4. Objectives and Technical Approach:

Present specific objectives for the proposed project which are measurable and time-phased and are consistent with the PURPOSE and RECIPIENT ACTIVITIES sections for the specific focus area. Present a detailed operational plan for initiating and conducting the project which clearly and appropriately addresses these objectives (if proposing a multi-year project, provide a detailed description of first-year activities and a brief overview of subsequent-year activities).

Clearly identify specific assigned responsibilities for all key professional personnel. Include a clear description of applicant's technical approach/methods which are directly relevant to the above objectives. Describe specific study protocols or plans for the development of study protocols. Describe the nature and extent of collaboration with CDC (if proposing a cooperative agreement) and/or others during various phases of the project. Describe in detail a plan for evaluating progress toward achieving process and outcome project objectives.

5. Budget:

Provide a line-item budget and accompanying detailed, line-by-line justification that demonstrates the request is consistent with the purpose and objectives of this program. If requesting funds for any contracts, provide the following information for each proposed contract: (1) Name of proposed contractor, (2) breakdown and justification for estimated costs, (3) description and scope of activities to be performed by contractor, (4) period of performance, and (5) method of contractor selection (e.g., sole-source or competitive solicitation). (See sample budget included in application package.)

Note: If indirect costs are requested from CDC on a new or continuation application, a copy of the organization's current negotiated Federal indirect cost rate agreement or cost allocation plan must be provided.

6. Human Subjects:

Whether or not exempt from DHHS regulations, if the proposed project involves human subjects, describe adequate procedures for the protection of human subjects. Also, ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects.

Evaluation Criteria

The applications will be reviewed and evaluated according to the following criteria:

1. Background and Need (10 points)

Extent to which applicant demonstrates a clear understanding of the background, purpose, and objectives of the focus area being addressed.

2. Capacity (45 points)

Extent to which applicant describes adequate resources and facilities (both technical and administrative) for conducting the project. Extent to which applicant documents that professional personnel involved in the project are qualified and have past experience and achievements in research related to that proposed as evidenced by curriculum vitae, publications, etc. If applicable, extent to which applicant includes letters of support from non-applicant organizations, individuals, etc., and the extent to which such letters clearly indicate the author's commitment to participate as described in the operational plan.

3. Objectives and Technical Approach (45 points total)

a. Extent to which applicant describes objectives of the proposed project which are consistent with the purpose of the focus area being addressed and which are measurable and time-phased. (10 points)

b. Extent to which applicant presents a detailed operational plan for initiating and conducting the project which clearly and appropriately addresses all Recipient Activities for the specific programmatic focus area being addressed. Extent to which applicant clearly identifies specific assigned responsibilities of all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and extent to which the approach/methods are appropriate and adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. Extent to which applicant meets CDC requirements regarding the inclusion of women, racial and ethnic minority populations are appropriately represented in applications involving human research. Extent to which applicant describes adequate and appropriate collaboration with CDC (if proposing a cooperative agreement) and/or others during various phases of the project. (30 points)

c. Extent to which applicant provides a detailed and adequate plan for evaluating progress toward achieving project process and outcome objectives. If the proposed project involves notifiable conditions, the degree to which applicant describes an adequate process for providing necessary information to appropriate State and/or local health departments. (5 points)

4. Budget (not scored)

Extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of grant/cooperative agreement funds.

5. Human Subjects (not scored)

If the proposed project involves human subjects, whether or not exempt from the Department of Health and Human Services (DHHS) regulations, the extent to which adequate procedures are described for the protection of human subjects. Note: Objective Review Group (ORG) recommendations on the adequacy of protections include: (1) protections appear adequate and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the ORG has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Executive Order 12372 Review

This program is not subject to Executive Order 12372 Review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and funded by the grant/cooperative agreement will be subject to review and by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR Part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and form provided in the application kit.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If American Indian community is involved, its tribal

government must also approve that portion of the project applicable to it.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the **Federal Register**, Vol. 60, No. 179, pages 47947–47951, dated Friday, September 15, 1995.

Animal Subjects

If the proposed project involves research on animal subjects, the applicant must comply with the ''PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions.'' An applicant organization proposing to use vertebrate animals in supported activities must file an Animal Welfare Assurance with the Office for Protection from Research Risks at the National Institutes of Health.

Application Submission and Deadline

The original and five copies of each application PHS Form 398 must be submitted to Sharron Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305, on or before August 8, 1997.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the criteria in 1(a) or 1(b) above are considered late applications. Late applications will not be considered and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, and telephone number and will need to refer to Announcement 778. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Oppie M. Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, Georgia 30305, telephone (404) 842–6546, facsimile (404) 842–6513, E-mail oxb3@cdc.gov.

Programmatic technical assistance may be obtained from the following individuals:

Focus Area #1

Evaluating Algorithms to Diagnose Emerging Causes of Infectious Diarrhea: Robert V. Tauxe, M.D., M.P.H., or David L. Swerdlow, M.D., National Center for Infectious Diseases, Division of Bacterial and Mycotic Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop A–38, Atlanta, Georgia 30333, (for Dr. Tauxe) telephone (404) 639–2206, E-mail address rvt1@cdc.gov, (for Dr. Swerdlow) telephone (404) 639–3234, E-mail address dls3@cdc.gov.

Focus Area #2

Rapid Identification of Emerging and Unusual Pathogenic Bacteria by Partial 16S rRNA Sequencing: Don J. Brenner, Ph.D, National Center for Infectious Diseases, Division of Bacterial and Mycotic Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop D–11, Atlanta, Georgia 30333, telephone (404) 639–2841, E-mail address djb3@cdc.gov.

Focus Area #3

Development and Evaluation of Improved Tests for Malaria Diagnosis in the United States: Phuc P. Nguyen-Dinh, M.D., National Center for Infectious Diseases, Division of Parasitic Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop F–13, Atlanta, Georgia 30333, telephone (770) 488–4435, E-mail address ppn1@cdc.gov.

Focus Area #4

Development of Diagnostic Tests for Leishmaniasis: Mark L. Eberhard, Ph.D., or Marianna Wilson, M.S., National Center for Infectious Diseases, Division of Parasitic Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop F–13, Atlanta, Georgia 30333, (for Dr. Eberhard) telephone (770) 488–4419, E-mail address mle1@cdc.gov, (for Ms. Wilson) telephone (770) 488–4431, E-mail address myw1@cdc.gov.

Focus Area #5

Identification of Unrecognized Etiologic Agents in Idiopathic Sexually Transmitted Disease Syndromes: Consuelo Beck-Sagué, M.D., or Cheng-Yen Chen, Ph.D., National Center for Infectious Diseases, Division of AIDS/HIV, STD, and TB Laboratory Research, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop C–12 (Dr. Beck-Sagué) or G–39 (Dr. Chen), Atlanta, Georgia 30333, (for Dr. Beck-Sagué) telephone (404) 639–3467, E-mail cmb1@cdc.gov, (for Dr. Chen) telephone (404) 639–1535, E-mail address cyc1@cdc.gov.

Focus Area #6

Development of Non-culture Molecular Epidemiologic Detection/Typing Methods for *Treponema pallidum* or *Haemophilus ducreyi*: Victoria Pope, Ph.D., or David L. Trees, Ph.D., National Center for Infectious Diseases, Division of AIDS/HIV, STD, and TB Laboratory Research, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop D–13, Atlanta, Georgia 30333, (for Dr. Pope) telephone (404) 639–3224, E-mail address vxp1@cdc.gov, (for Dr. Trees) telephone (404) 639–2134, E-mail address dlt1@cdc.gov.

Please refer to Announcement Number 778 when requesting information regarding this program.

You may also obtain this announcement from one of two Internet sites on the actual publication date: CDC's homepage at http://www.cdc.gov or at the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report,

Stock No. 017–001–00473–1) referenced in the INTRODUCTION through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325, telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17703 Filed 7–7–97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 789]

Research and Demonstration Programs in Surveillance, Prevention, and Control of Healthcare-Associated Infections and Antimicrobial Resistant Infections

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1997 funds to provide assistance for cooperative agreements to develop research and demonstration programs in the surveillance, prevention, and control of healthcare-associated infections and antimicrobial resistant infection.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

Authority

This program is authorized under Section(s) 301 [42 U.S.C. 241] and 317(k)(2) [42 U.S.C. 247b(k)(2)] of the Public Health Service Act, as amended.

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private nonprofit health care delivery systems and organizations. Thus, universities, colleges, research institutions, hospitals, other public and private non-profit organizations are eligible to apply.

Note: Effective January 1, 1996, Public law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant (cooperative agreement), contract, loan, or any other form.

Availability of Funds

Approximately $700,000 will be available in Fiscal Year 1997 to fund 2 to 3 cooperative agreements. The award is expected to begin on or about September 29, 1997, for a 12-month budget period within a project period of up to 3 years. The funding estimate is subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds. There are no matching or cost participation requirements; however, the applicant's anticipated contribution to the overall program costs, if any, should be provided in the application.

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996), provides as follows:

Sec. 503: (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, . . . except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

Nosocomial, or hospital-acquired, infections occur at a rate of 5 to 10 per hundred admissions in U.S. hospitals. An estimated 30,000 patients die each year as a direct result of nosocomial bloodstream infection. Furthermore, many nosocomial infections are associated with an extended length of stay, substantial morbidity, and prolonged therapy. It has been estimated that nosocomial infections have a direct cost of $5 billion to $10 billion annually in this country.

Purpose

The purpose of these cooperative agreements is to provide assistance in establishing centers of excellence for research and demonstration to improve the surveillance, prevention, and control of healthcare-associated infections and antimicrobial resistant infections. For purposes of this program announcement, centers of excellence in the surveillance, prevention, and control of healthcare-associated infections and antimicrobial resistant infections are defined as those recipients who are successfully conducting the activities delineated below. Thus, recipients will establish centers by developing programs with three components: (1) program to conduct research and demonstrate academic leadership in healthcare epidemiology and infection control; (2) program to adapt and implement infection control and healthcare epidemiology practice across the full range of settings in an integrated health care delivery model; (3) program to conduct training of healthcare epidemiologists and infection control practitioners that utilizes quality

management and outcomes management methods and practices.

These programs may be developed sequentially or at the same time; however, the research program must be developed during the first year of the program and the program to adapt practice to integrated delivery models must be developed no later than during the second year of multi-year projects. It is not required that all three components be fully operational at the end of the three-year project period; however, clear progress toward completion of all three components should be demonstrable by the end of year three of multi-year programs.

These centers are intended to conduct research in and demonstrate the application of infection surveillance, prevention, and control principles and methods in health care delivery systems encompassing the fullest range of settings, including, but not limited to acute inpatient care, long term and chronic care, ambulatory care, ambulatory surgical care, and home health care, with an emphasis on adaptations relevant to populations of patients whose health care is provided by managed care organizations. They are also intended to conduct training in healthcare epidemiology. Component programs should demonstrate activities directed toward the three principal goals of infection control and healthcare epidemiology: (1) protection of patients from adverse health events; (2) protection of health care workers from occupationally-acquired illness; and (3) research to identify risk factors for infection and develop interventions to ameliorate those risk factors and prevent infections in a cost-effective manner.

The specific objectives of this cooperative agreement program are:

1. To study the effectiveness of traditional hospital-based infection control methods and practice in integrated health care delivery systems.

2. To improve and enhance existing methods by developing and studying innovative approaches to infection surveillance, prevention, and control that will maximize effectiveness in integrated health care delivery systems.

3. To develop and study innovative approaches to using new management information systems for the surveillance of antimicrobial resistance and monitoring of the use of antimicrobial agents.

4. To develop and study improved evaluation methodologies to assess the effectiveness of prevention and control methods for healthcare-associated infections and antimicrobial resistant infections.

5. To develop and study innovative approaches for training of infection control practitioners and hospital epidemiologists that include the techniques and practices of quality management and outcomes management.

6. To foster collaborative relationships between the demonstration program center and CDC.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A, below and CDC shall be responsible for conducting activities under B, below.

A. Recipient Activities

1. *Program in research.*

a. Recipient will assess the relationship between nurse-to-patient ratios in intensive care units (ICUs) and the risk of bloodstream infections (BSI) in ICU patients.

b. Recipient will study clinical performance indicator systems and outcomes measures for infectious diseases and infection control practice based on surveillance methods used in the National Nosocomial Infections Surveillance (NNIS), and compare these to other types of outcome indicators in use in hospitals and integrated delivery systems, such as those based on data obtained from insurance claims and medical records coding.

2. *Program to adapt and implement infection control and epidemiologic practice in integrated health care delivery systems.* Recipient will identify infection control issues in the major areas of nosocomial infection control (antimicrobial resistant infections, bloodstream infections, nosocomial pneumonias, and surgical site infections) for which adaptation and modification of existing infection control methods as practiced within an acute care general hospital may improve patient outcome and effectiveness in the setting of a health network or integrated delivery system.

3. *Publish and disseminate research findings.*

4. *Program in training.* Recipients will develop and demonstrate innovative training programs for hospital epidemiologists and infection control practitioners which respond to current and likely changes in the organization of health care delivery.

B. CDC Activities

1. Provide technical assistance in the design and conduct of research activities, in the design and implementation of innovative approaches to hospital epidemiologic and infection control practice, and in the design of educational and training strategies and the dissemination of educational and training materials.

2. Provide assistance regarding development of study protocols, data collection methods, and analyses as necessary.

3. Assist in the development of data management processes and protocols.

4. Participate in the preparation of study findings for publication and presentation.

Technical Reporting Requirements

Progress reports on project activities should be submitted within a non-competing continuation application and in an annual report. An original and two copies of a final performance report must be submitted within 90 days after the end of the project period. These reports must address progress toward overall objectives as represented in the Purpose and Recipient Activities sections of this announcement.

Financial status reports must be submitted no later than 90 days after the end of each budget period. A final financial status report is required no later than 90 days after the end of the project period. All reports are submitted to the Grants Management Branch, Procurement and Grants Office, CDC.

Application Process

Letter of Intent

In order to assist CDC in planning for and executing the evaluation of applications submitted under this Program Announcement, ALL PARTIES INTENDING TO SUBMIT AN APPLICATION ARE REQUESTED TO SUBMIT A LETTER OF INTENTION TO APPLY TO CDC BEFORE THE APPLICATION DUE DATE. The letter should include (1) name and address of institution and (2) name, address, and telephone number of contact person. Notification should be provided by facsimile or, postal mail to: Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, Georgia 30305; facsimile: (404) 842–6513. Announcement Number 789 must be referenced.

Application Content

All applicants must develop their application in accordance with the PHS Form 5161–1 (revised 5/96), information contained in this cooperative agreement announcement, and the instructions outlined below.

General Instructions:

1. All pages must be clearly numbered.
2. A complete index to the application and its appendixes must be included.
3. The original and two copies of the application must be submitted unstapled and unbound. No bound materials will be accepted.
4. All materials must be typewritten, single spaced, and in unreduced type (no smaller than font size 12) on 8½'' by 11'' white paper, with at least 1'' margins, headers, and footers.
5. All pages must be printed on one side only.

Specific Instructions:

The application narrative must not exceed 20 pages (excluding budget and appendixes). Unless indicated otherwise, all information requested below must appear in the narrative. Materials or information that should be part of the narrative will not be accepted if placed in the appendices. The application narrative must contain the following sections in the order presented below:

1. *Abstract:* Provide a brief (two pages maximum) abstract of the project. State the length of the project period (maximum is 3 years) for which assistance is being requested (see ''Availability of Funds'' for additional information).

2. *Background and Need:* Discuss the background and need for the proposed project. Demonstrate a clear understanding of the purpose and objectives of this cooperative agreement program. Illustrate and justify the need for the proposed project that is consistent with the purpose and objectives of this cooperative agreement program.

3. *Capacity and Personnel:* Describe applicant's past experience in conducting projects/studies similar to that being proposed. Describe applicant's resources, facilities, and professional personnel that will be involved in conducting the project. Include in an appendix curriculum vitae for all professional personnel involved with the project. Describe plans for administration of the project and identify administrative resources/personnel that will be assigned to the project. Provide in an appendix letters of support from all key participating non-applicant organizations, individuals, etc., which clearly indicate their commitment to participate as described in the operational plan. Do not include letters of support from CDC personnel. Letters of support from CDC will not be accepted in the application.

4. *Objectives and Technical Approach:* For each of the proposed Recipient Activities (A.1.a., A.1.b., A.2., and A.3.,) described under Program Activities, describe specific objectives which are measurable and time-phased and are consistent with the purpose and goals of this cooperative agreement. Present a detailed operational plan for initiating and conducting the project which clearly and appropriately addresses all Recipient Activities. (If proposing a multi-year project for one or more of the Recipient Activities, provide a detailed description of first-year activities and a brief overview of activities in subsequent years. Clearly state the proposed length of the project period for each of these activities.) Clearly identify specific assigned responsibilities for all key professional personnel. Include a clear description of applicant's technical approach/methods which are directly relevant to the study objectives.

Describe specific study protocols or plans for the development of study protocols. Describe the nature and extent of collaboration with CDC and/or others during various phases of the project. Describe in detail a plan for evaluating study results and for evaluating progress toward achieving project objectives.

a. Within the research component of the program, as described in Recipient Activities A.1., applicants should submit proposals for each of the listed activities (A.1.a. and A.1.b.), although both activities will not necessarily be funded at each site. The design and plan for implementation of each of the projects should demonstrate the recipients' implementation of the innovative approaches sought in this announcement. Describe methods for inclusion of Women, Racial, and Ethnic Minorities.

1. Within research activity A.1.a., assessing the relationship between nurse-to-patient ratios in ICUs and the risk of bloodstream infections (BSI) in ICU patients. Recipient, ideally as part of a multi-hospital system so that data can be collected from ICUs at several large hospitals, should conduct prospective surveillance for BSIs using standardized methods. Prospective surveillance should be conducted at different types (e.g., medical, surgical, pediatric, neonatal) of ICUs. Definitions, denominators, and rate calculations at all participating facilities will be done using standardized criteria and methods such as those used in the NNIS system; e.g., use of central venous catheter days as the denominator. Standardized methods will also be used to control for severity of illness (on admission and at the time of BSI in those with BSIs) and underlying disease. Recipients will then also assess daily and monthly change in the nurse-to-patient ratio and its effect on the BSI rate. Recipient should stratify by nurse level of training and perform observational studies to assess nursing practices and attempt to calculate periodic handwashing indices. Monthly ICU-specific BSI rates should be calculated and correlated with the nurse-to-patient ratio. Among the outcomes of interest will be to determine if there is a threshold nurse to patient ratio level below which ICU patient risk of BSI significantly increases or whether there is a linear relationship between nurse staffing and infection risk.

2. Within research activity A.1.b., studying clinical performance indicator systems and outcomes measures for infectious diseases and infection control practice. The goal of this activity should be to determine the relative utility of outcome indicators derived from more traditional infection control surveillance methods and those derived from indicator systems based on data collected from International Classification of Diseases, 9th Revision,(ICD–9) codes; i.e., from medical record coding and/or the uniform bill, for measuring quality of care and for directing quality improvement activities. Recipients should have access to multiple institutions, through collaboration with national or regional health care systems or through agencies or organizations already operating clinical performance indicator systems at multiple institutions. The validity of performance indicators should be evaluated using strict epidemiologic criteria to determine which measures will best assess quality of care across five parameters:

a. Do the indicators measure true outcomes or do they measure processes of care?

b. Can the indicators be related to processes of care in a way that permits quality improvement methods to be applied to identify and correct problems?

c. Does the methodology for data collection and analysis ensure comparability of data between institutions?

d. Is the risk adjustment methodology adequate to ensure accurate inter-hospital comparison?

e. How do the validity and comparability of infection control/infections disease performance measures compare to other types of performance measures (e.g., anaesthesia

mortality, cardiovascular complications, medication errors, etc.)?

In the second and third years of this activity, recipients should assess the utility of performance indicators as a tool for improving quality of care. Assessments may include correlation between outcome measures and changes in health care practice or institutional policy (e.g., ''plan-do-check-assess'' cycle) and/or the use of clinical practice guidelines to modify practice.

b. Within the component to adapt and modify existing infection control methods to the setting of a health network or integrated delivery system (Recipient Activities A.2.), modified and enhanced approaches to infection control and healthcare epidemiologic methods should be rigorously evaluated and compared to existing practice. Among these approaches may be the use of practice guidelines or critical paths, implementation of disease management, care management, or outcomes management models, quality management techniques, and/or other techniques developed for this program. Comparisons should be based on specific outcome measures and should include cost-effectiveness and/or cost-benefit analysis. Modifications should demonstrate applicability to the continuity of care modeled by a health network or integrated delivery system, e.g., the concept of ''covered lives.'' Specific activities which could demonstrate such modifications and adaptations may include:

1. Implementation of outcome measures for infection control and infectious diseases management as part of a clinical performance indicator system, and demonstrated use of these outcome data in assessing and, as necessary, altering and modifying clinical and administrative practices.

2. Implementation of systems to monitor patient risk factors and outcome through the continuum of care, i.e., prior to and after acute care hospital admission, with the ultimate goal of continuous monitoring of infection risks and health outcomes of both individual patients and populations of patients enrolled in a managed care organization or health network.

3. Development and implementation of programs to reduce the incidence and prevent the spread of antimicrobial resistance within the population served by a health network or integrated health care system, with special emphasis on groups at highest risk, e.g., patients in intensive care units, nursing home residents, patients with long-term indwelling devices, and patients on chronic antimicrobial therapy.

4. Use of management information systems to enhance physician practice, especially for antimicrobial prescribing, as by providing ''on-line'' access to patient-specific clinical, microbiologic, and pharmacologic data that assist physicians in selecting appropriate antimicrobial therapy.

5. Assessment of existing risk-adjustment methods and, as necessary, development of more accurate risk-adjustment methods, for comparing surveillance data between facilities and between providers, including comparisons of individual providers practicing in multiple facilities.

c. Within the component of the program to develop and demonstrate innovative training programs which respond to changes in the organization of health care delivery (Recipient Activities A.3.), changes which may require this response include increased delivery of care through managed care organizations, increased utilization of outpatient and home health care, implementation of quality management programs in tandem with infection control programs, implementation of clinical practice guidelines and outcomes management, etc. These model training programs should include core curricula, didactic approaches, and experiential learning for infection control practitioners and hospital epidemiologists. Recipients should incorporate recommendations of applicable professional societies and certifying bodies such as the Association for Practitioners in Infection Control, the Society for Healthcare Epidemiology of America, the American Board of Internal Medicine subspecialty board for Infectious Diseases, and the National Association for Healthcare Quality.

5. *Budget:* Provide in an appendix a budget and accompanying detailed justification for the first-year of the project that is consistent with the purpose and objectives of this program. If proposing a multi-year project, also provide estimated total budget for each subsequent year. For the research component of Recipient Activities (A.1.) provide separate budgets for each of the two research activities (A.1.a. and A.1.b.) If requesting funds for contracts, provide the following information for each proposed contract: (1) Name of proposed contractor, (2) breakdown and justification for estimated costs, (3) description and scope of activities to be performed by contractor, (4) period of performance, and (5) method of contractor selection (e.g., sole-source or competitive solicitation).

6. *Human Subjects:* If the proposed project involves human subjects, describe in an appendix adequate procedures to ensure that individuals of both sexes and various racial and ethnic groups will be included in this CDC cooperative agreement whenever feasible and appropriate. Identify gaps in knowledge about health problems that affect women and racial and minority populations and describe efforts for conduct studies to address these problems.

Evaluation Criteria

Applications will be reviewed and evaluated based on the following weighted criteria:

1. Background and Need (15 Points)

Extent to which applicant's discussion of the background for the proposed project demonstrates a clear understanding of the purpose and objectives of this grant/cooperative agreement program. Extent to which applicant illustrates and justifies the need for the proposed project that is consistent with the purpose and objectives of this grant/cooperative agreement program.

2. Capacity (25 Points Total)

a. The extent to which background information and other data demonstrate that the applicant has the appropriate organizational structure, administrative support, and ability to access appropriately defined target populations or study objects, and that this access will ensure an adequate sample size and representativeness so that epidemiologic analysis of risk factors and evaluations of intervention strategies will be appropriate and statistically valid. (10 points)

b. Extent to which applicant documents that professional personnel involved in the project are qualified, by training and experience; have demonstrated achievement in research related to that proposed, as evidenced by curriculum vitae, publications, etc.; and have an appropriate projected level of effort directed toward accomplishment of the proposed objectives. (10 points)

c. Extent to which applicant demonstrates appropriate collaborative and consortia arrangements needed to fulfill the operational plan. Extent to which application includes letters of support from non-applicant organizations, individuals, etc. and that these letters clearly indicate the author's commitment to participate as described in the operational plan. (5 points)

3. Objectives and Technical Approach (60 Points Total)

a. Extent to which applicant describes specific objectives of the proposed project which are consistent with the purpose and goals of this cooperative agreement program and which are measurable and time-phased. (5 points)

b. Extent to which applicant presents a detailed operational plan for initiating and conducting each of the specific research projects clearly and appropriately addressing all aspects of Part 1 of Recipient Activities. Extent to which applicant clearly identifies specific assigned responsibilities for all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and extent to which the plan is adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. (25 points)

c. Extent to which applicant presents a detailed operational plan for developing innovative approaches to infection control and health care epidemiology practice well adapted to integrated health care delivery systems, clearly and appropriately addressing all aspects of Part 2 of Recipient Activities. (25 points)

d. Degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

1. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

2. The proposed justification when representation is limited or absent.

3. A statement as to whether the design of the study is inadequate to measure differences when warranted.

4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits. (5 points)

4. Budget (Not Scored)

The extent to which the budget is reasonable, clearly justified, and consistent with the intended use of cooperative agreement funds.

5. Human Subjects (Not Scored)

Whether or not exempt from the Department of Health and Human Services (HHS) regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include: (1) Protections appear adequate and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the Objective Review Group (ORG) has concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR Part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and form provided in the application kit.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where a clear and compelling rationale exists that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the **Federal Register**, Vol. 60, No. 179, pages 47947–47951, dated Friday, September 15, 1995.

Application Submission and Deadline

The original and two copies of the completed application Form PHS–5161–1 (revised 5/96, OMB Number 0937–0189) and appendices must be submitted to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, N.E., Mailstop E–18, Room 314, Atlanta, Georgia 30305, on or before August 15, 1997.

Applications will be considered to meet the deadline if they are:

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered and will be returned to the applicant.

Where to Obtain Additional Information

To receive additional written information, call telephone (404) 332–4561. You will be asked to leave your name, address, and telephone number. Please refer to Announcement 789. You will receive a complete program description, information on application procedures, and application forms. If you have questions after reviewing the contents of all the documents, business

management technical assistance may be obtained from Albertha Carey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mail Stop E–18, Atlanta, Georgia 30305, telephone (404) 842–6591; electronic mail at ayc1@cdc.gov.

Programmatic technical assistance may be obtained from Steven L. Solomon, M.D., Hospital Infections Program, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, Mailstop A07, Atlanta, GA 30333, telephone (404) 639–6476; electronic mail at sls1@cdc.gov.

You may obtain this and other CDC announcements from one of two Internet sites. CDC's homepage at http://www.cdc.gov or the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Please refer to Program Announcement 789 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325; telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 779]

Applied Research in Emerging Infections Hepatitis C Virus Infection

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1997 funds for competitive cooperative agreements and/or grants to support applied research on emerging infections—epidemiologic studies of hepatitis C virus (HCV) infection.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

Authority

This program is authorized under Sections 301 and 317 of the Public Health Service Act, as amended (42 U.S.C. 241 and 247b).

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children's Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private non-profit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, State and local governments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned non-profit businesses are eligible to apply.

Availability of Funds

Approximately $150,000 is available in FY 1997 to fund one award. It is expected the award will begin on or about September 30, 1997, and will be made for a 12-month budget period within a project period of up to three years. Funding estimate may vary and is subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds.

Determination of Which Instrument to Use

Applicants must specify the type of award for which they are applying, either grant or cooperative agreement. CDC will review the applications in accordance with the evaluation criteria. Before issuing awards, CDC will determine whether a grant or cooperative agreement is the appropriate instrument based upon the need for substantial CDC involvement in the project.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996), provides as follows:

Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

Once expected to be eliminated as a public health problem, infectious diseases remain the leading cause of death worldwide. In the United States

and elsewhere, infectious diseases increasingly threaten public health and contribute significantly to the escalating costs of health care.

In 1992, the Institute of Medicine of the National Academy of Sciences published a report entitled Emerging Infections, Microbial Threats to Health in the United States highlighting the threat of emerging infections and making specific recommendations to address the threat. This report emphasized a critical leadership role for CDC in a national effort to detect and control infectious disease threats.

In partnership with other Federal agencies, State and local health departments, academic institutions, and others, CDC has developed a plan for revitalizing the nation's ability to identify, contain, and prevent illness from emerging infectious diseases. The plan, Addressing Emerging Infectious Disease Threats; A Prevention Strategy for the United States, identifies objectives in four major areas: surveillance; applied research; prevention and control; and infrastructure.

Under the objective for applied research, the plan proposes to integrate laboratory science and epidemiology to optimize public health practice in the United States. One component of these efforts is to implement an extramural program for research in emerging infectious disease surveillance, epidemiology, and prevention which will fill the gaps in existing support for such research. In FY 1996, CDC initiated the Extramural Applied Research Program in Emerging Infections (EARP) and made grant or cooperative agreement awards to seven institutions for projects in the areas of antimicrobial resistance and tickborne diseases. This grant/cooperative agreement announcement specifically addresses the area of hepatitis C virus infection (HCV).

In the United States, HCV is an important cause of acute and chronic liver disease, although the natural history of this infection is not well understood. An estimated 3.9 million persons are chronically infected with HCV and are a potential source of transmission to others. In the absence of pre-or post-exposure prophylaxis, preventing the transmission of HCV and providing infected persons with specific information about the risk and consequences of infection are dependent on a better understanding of the natural history and the risk of transmission in different settings.

In studies conducted to date, an average of 5 percent of infants of anti-HCV positive mothers are infected perinatally; however, little is known about the natural history of infection in these infants. Understanding the outcome of perinatal HCV infection is essential for developing recommendations and providing appropriate information to HCV infected persons regarding any special precautions or restrictions related to pregnancy, as well as determining the need for development of therapeutic interventions in pediatric populations.

Case-control studies conducted prior to the discovery of HCV showed that household contact with a person with hepatitis was a risk factor for acquiring acute non-A, non-B hepatitis. Since the discovery of HCV, cross sectional studies of household contacts of persons with chronic HCV infection have demonstrated an average seroprevalence of 4 percent; however, none of these studies was done in the United States, none conclusively demonstrated that transmission occurred within the household, and none had a sufficient sample size to estimate the risk if such transmission occurred. To determine if specific recommendations are needed for preventing transmission of HCV in the household setting, the risk of, and risk factors for, household transmission of HCV need to be addressed.

Follow-up studies among infants and other household contacts of HCV-infected women identified through prenatal testing can address questions regarding the natural history of perinatal HCV infection and regarding household transmission of HCV.

Purpose

The purpose of this grant/cooperative agreement announcement is to provide assistance for projects addressing HCV infection. Specifically, applications are solicited for projects addressing the natural history of perinatal HCV infection and household transmission of HCV:

a. Follow a cohort of infants with perinatal HCV infection through the first five years of life.

b. Assess the incidence of and risk factors for HCV infection among household contacts of HCV-infected women of childbearing age.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for conducting activities under B. (CDC Activities):

A. Recipient Activities

1. Natural history of perinatal HCV infection:

a. Identify an existing group of at least 10 perinatally-infected infants with follow-up data, including serial results of appropriate laboratory testing available from birth until at least 2 years of age. Infants should be anti-HIV negative;

b. Perform additional follow-up clinical evaluations for all HCV-infected infants in the group for a 3-year period (until children are ≥5 years of age), including history, physical examination, laboratory testing, and liver biopsy, as appropriate according to clinical practice standards.

2. Risk for household transmission of HCV infection:

a. Identify an existing cohort of at least 200 anti-HCV positive women of childbearing age and their household contacts with the following characteristics:

(1) Majority of women anti-HIV negative,

(2) Women who gave birth to at least one child since their anti-HCV status was confirmed,

(3) Anti-HCV status (baseline) of all household contacts known,

(4) A complete history of risk factors for HCV infection for all women and their household contacts.

b. Determine the incidence of HCV infection among anti-HCV negative household contacts by conducting anti-HCV testing and obtaining history of potential risk factors for transmission at least 3 years after baseline testing. Employ methods to maintain participation of the cohort during the interim period between baseline and follow-up testing.

c. For incident HCV infections in households, identify virus-specific factors that may be responsible for transmission and confirm the identity of virus strains in household contact-pairs when both are infected.

3. Publish results.

B. CDC Activities

1. Research Project Grants

A research project grant is one in which substantial programmatic involvement by CDC is not anticipated by the recipient during the project period. Applicants for grants must demonstrate an ability to conduct the proposed research with minimal assistance, other than financial support, from CDC. This would include possessing sufficient resources for clinical, laboratory, and data management services and a level of scientific expertise to achieve the objectives described in their research proposal without substantial technical assistance from CDC.

2. Cooperative Agreements

A cooperative agreement implies that CDC will assist recipients in conducting the proposed research. The application should be presented in a manner that demonstrates the applicant's ability to address the research problem in a collaborative manner with CDC. In addition to the financial support provided, CDC may collaborate by: (a) providing technical assistance in the design and conduct of the research; (b) performing selected laboratory tests as appropriate and necessary;(c) participating in data management, the analysis of research data, and the interpretation and presentation of research findings; and (d) providing biological materials as necessary for studies, etc.

Technical Reporting Requirements

An original and two copies of a narrative progress report are required semiannually. The first semiannual report is required with each year's non-competing continuation application and should cover program activities from date of the previous report (or date of award for reporting in the first year of the project).

The second semiannual report and Financial Status Report (FSR) are due 90 days after the end of each budget period and should cover activities from the date of previous report. Progress reports should address the status of progress toward specific project objectives and should include copies of any publications resulting from the project. The final performance report and FSR are required no later than 90 days after the end of the project period.

All reports should be directed to the CDC Grants Management Officer at the address referenced in the following section.

Application Process

Notification of Intent to Apply

In order to assist CDC in planning and executing the evaluation of applications submitted under this Program Announcement, ALL PARTIES INTENDING TO SUBMIT AN APPLICATION ARE REQUESTED TO INFORM CDC OF THEIR INTENTION TO DO SO AS SOON AS POSSIBLE PRIOR TO THE APPLICATION DUE DATE BUT NOT LATER THAN 10 BUSINESS DAYS PRIOR TO THE APPLICATION DUE DATE. Notification should cite this Announcement Number 779 and include: (1) name and address of institution and (2) name, address, and phone number of contact person. Notification can be provided by facsimile, postal mail, or electronic mail (E-mail) to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305, facsimile (404) 842–6513 or E-mail spo2@cdc.gov.

Application Content

All applicants must develop their application(s) in accordance with the PHS Form 398, information contained in this grant/cooperative agreement announcement, and the instructions outlined below. In order to ensure an objective, impartial, and prompt review, applications must conform to these instructions.

General Instructions

Due to the need to reproduce copies of the applications for the reviewers, ALL pages of the application must be in the following format:

1. The original and two copies must be unstapled and unbound.
2. All pages must be clearly numbered, and a complete index to the application and its appendices must be included.
3. All materials must be typewritten, single-spaced, using a font no smaller than size 12, and on 8–½″ by 11″ white paper.
4. Any reprints, brochures, or other enclosures must be copied onto 8–½″ by 11″ white paper by the applicant. NO BOUND MATERIALS WILL BE ACCEPTED.
5. All pages must be printed on ONE side only, with at least 1″ margins, headers, and footers.

Special Instruction

The application narrative must not exceed 10 pages (excluding budget and appendices). Unless indicated otherwise, all information requested below must appear in the narrative. Materials or information that should be part of the narrative will not be accepted if placed in the appendices. The application narrative must contain the following sections in the order presented below.

1. Abstract:

Provide a brief (two pages maximum) abstract of the project. Clearly identify the type of award that is being applied for: grant or cooperative agreement.

2. Background and Need:

Discuss the background and need for the proposed project. Demonstrate a clear understanding of the purpose and objectives of this grant/cooperative agreement program.

3. Capacity and Personnel:

Describe applicant's past experience in conducting projects/studies similar to that being proposed. Describe applicant's resources, facilities, and professional personnel that will be involved in conducting the project. Include in an appendix curriculum vitae for all professional personnel involved with the project. Describe plans for administration of the project and identify administrative resources/personnel that will be assigned to the project. Provide in an appendix letters of support from all key participating non-applicant organizations, individuals, etc., which clearly indicate their commitment to participate as described in the operational plan. Do not include letters of support from CDC personnel. Letters of support from CDC will not be accepted. Award of a cooperative agreement implies CDC participation as outlined in the Program Requirements section of this announcement.

4. Objectives and Technical Approach:

Present specific objectives for the proposed project which are measurable and time-phased and are consistent with the Purpose and Recipient Activities of this Program Announcement. Present a detailed operational plan for initiating and conducting the project which clearly and appropriately addresses these objectives (if proposing a multi-year project, provide a detailed description of first-year activities and a brief overview of subsequent-year activities). Clearly identify specific assigned responsibilities for all key professional personnel. Include a clear description of applicant's technical approach/methods which are directly relevant to the above objectives. Describe specific study protocols or plans for the development of study protocols. Describe the nature and extent of collaboration with CDC (if applying for a cooperative agreement) and/or others during various phases of the project. Describe in detail a plan for evaluating study results and for evaluating progress toward achieving project objectives.

5. Budget:

Provide a line-item budget and accompanying detailed, line-by-line justification that demonstrates the request is consistent with the purpose and objectives of this program. If requesting funds for contracts, provide the following information for each proposed contract: (a) Name of proposed contractor, (b) breakdown and justification for estimated costs, (c) description and scope of activities to be performed by contractor, (d) period of performance, and (e) method of

contractor selection (e.g., sole-source or competitive solicitation).

Note: If indirect costs are requested from CDC on a new or continuation application, a copy of the organization's current negotiated Federal indirect cost rate agreement or cost allocation plan must be provided.

6. Human Subjects:

Whether or not exempt from DHHS regulations, if the proposed project involves human subjects, describe in an appendix adequate procedures for the protection of human subjects. Also, ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects.

Evaluation Criteria

The applications will be reviewed and evaluated according to the following criteria:

1. Background and Need (10 Points)

Extent to which applicant demonstrates a clear understanding of the subject area and of the purpose and objectives of this grant/cooperative agreement program.

2. Capacity (45 Points)

Extent to which applicant describes adequate resources and facilities (both technical and administrative) for conducting the project. Extent to which applicant documents that professional personnel involved in the project are qualified and have past experience and achievements in research related to that proposed as evidenced by curriculum vitae, publications, etc. If applicable, extent to which applicant includes letters of support from non-applicant organizations, individuals, etc., and the extent to which such letters clearly indicate the author's commitment to participate as described in the operational plan.

3. Objectives and Technical Approach (45 Points Total)

a. Extent to which applicant describes objectives of the proposed project which are consistent with the purpose and goals of this grant/cooperative agreement program and which are measurable and time-phased. (10 points)

b. Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all ''Recipient Activities'' for the specific project area being addressed in the application. Extent to which applicant clearly identifies specific assigned responsibilities of all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and extent to which the approach/methods are appropriate and adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. Extent to which applicant describes adequate and appropriate collaboration with CDC (if applying for a cooperative agreement). Extent to which women, racial and ethnic minority populations are appropriately represented in applications involving human research. (30 points)

c. Extent to which applicant provides a detailed and adequate plan for evaluating progress toward achieving project process and outcome objectives. If the proposed project involves notifiable conditions, the degree to which applicant describes an adequate process for providing necessary information to appropriate State and/or local health departments. (5 points)

4. Budget (Not Scored)

Extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of grant/cooperative agreement funds.

5. Human Subjects (Not Scored)

If the proposed project involves human subjects, whether or not exempt from the Department of Health and Human Services (DHHS) regulations, the extent to which adequate procedures are described for the protection of human subjects. Note: Objective Review Group (ORG) recommendations on the adequacy of protections include: (1) protections appear adequate and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the ORG has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Executive Order 12372 Review

This program is not subject to Executive Order 12372 Review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and funded by the grant/cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR Part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and form provided in the application kit.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If an American Indian community is involved, its tribal government must also approve that portion of the project applicable to it.

Women, Racial and Ethnic Minorities

It is the policy of the CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy

is contained in the **Federal Register**, Vol. 60, No. 179, pages 47947–47951, dated Friday, September 15, 1995.

Application Submission and Deadline

The original and five copies of each application PHS Form 398 should be submitted to Sharron Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305, on or before August 25, 1997.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered and will be returned to the applicant.

Where to Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, and telephone number and will need to refer to Announcement 779. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Oppie M. Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, Georgia 30305, telephone (404) 842–6546, facsimile (404) 842–6513, E-mail oxb3@cdc.gov.

Programmatic technical assistance may be obtained from Harold S. Margolis, M.D., National Center for Infectious Diseases, Division of Viral and Rickettsial Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop A–33, Atlanta, Georgia 30333, telephone (404) 639–2339, E-mail address hsm1@cdc.gov.

Please refer to Announcement 779 when requesting information regarding this program.

You may also obtain this and other CDC announcements from one of two Internet sites on the actual publication date: CDC's homepage at http://www.cdc.gov, or at the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325, telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17704 Filed 7–7–97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 763]

Initiatives by Organizations to Strengthen National Tobacco Control Activities in the United States

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds for fiscal year (FY) 1997 for cooperative agreements with national organizations that serve one or more of the following special targeted populations; African-Americans, Hispanics, Asians/Pacific Islanders, American Indians/Alaska Natives, women, and youth, blue-collar workers, and lower education groups, military personnel, and males (ages 12–24). The purpose of the awards is to improve or initiate tobacco control programs that are culturally appropriate to reduce nicotine addiction and other health related problems associated with the consumption of tobacco, with the ultimate goal of tobacco use reduction.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Tobacco. (For ordering a copy of Healthy People 2000, see the section **Where To Obtain Additional Information**.)

Authority

This program is authorized under section 317(k)(2) and 317(k)(3) [42 U.S.C. 247b(k)(2) and 247b(k)(3)] of the Public Health Service Act, as amended.

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are public and private non-profit, national organizations that have the ability to reach those special populations specified in the **Introduction**.

Eligible applicants must meet all the criteria listed below and provide evidence of eligibility in a cover letter and supporting documentation attached to their application. If the applicants do not meet all the eligibility criteria below, the application will be returned and not reviewed.

A. The applicants organization must have a primary relationship with one of the targeted populations. A primary relationship is one in which the targeted population is viewed as the most important component of the organization's mission. The relationship to the targeted population must be direct (membership or service) rather than indirect or secondary (philanthropy, fund raising, education).

B. The applicant organization must have affiliate offices, chapters, or related-membership organizations in more than one State or territory. Individual affiliates or chapters of parent organizations are not eligible to apply.

C. The applicant organization must provide a copy of a letter of commitment from the organization's President or Executive Director, acknowledging their intent to develop a tobacco control policy and plan that will be adopted by the national organization, and moved for adoption by affiliates, chapters, and related-membership organizations. If a tobacco control policy and plan already exist within the national organization's office, they should be submitted in lieu of a letter of commitment.

D. A private nonprofit organization must include evidence of its nonprofit status with the application. Any of the following is acceptable evidence.

1. A reference to the organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS Code.

2. A copy of a currently valid Internal Revenue Service Tax exemption certificate.

3. A statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a nonprofit status and that none of the net earnings accrue to any private shareholders or individuals.

4. A certified copy of the organization's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the organization.

States or their bona fide agents or instrumentalities are not eligible for funding under this program announcement. States are currently funded for tobacco control activities under CDC Program Announcement 332 or by the National Cancer Institute under the America Stop Smoking Intervention Study (ASSIST) demonstration program.

Note: Effective January 1, 1996, Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

Glossary

National organizations are those that have affiliate offices, chapters, or related-membership organizations in more than one State or territory.

Tobacco Control Programs are defined as population-based interventions that use a combination of educational strategies, environmental measures, or actions designed to reduce the incidence, prevalence, and initiation of tobacco use in the entire population. For purposes of this Announcement, special emphasis is placed on those target populations at high risk for tobacco use and targeted tobacco industry marketing.

Tobacco Control Policy is defined as a plan or course of action designed as a guiding principle for the development of internal organizational tobacco control programs and the promotion of innovation approaches in community settings to protect nonsmokers from exposure of environmental tobacco smoke, to curtail youth and adult consumption of tobacco products, and to assist in the implementation of Federal programs within the Food and Drug Administration (FDA) and the Substance Abuse and Mental Health Services Administration to prevent the illegal sales of tobacco products to minors. Note: There are certain restrictions on the extent to which a CDC funded Grantee can participate in or implement environmental changes within their respective communities. (See Section: Use of Funds.)

Availability of Funds

Approximately $1,200,000, is available in FY 1997 to fund approximately 8 awards. It is expected that the average award will be $150,000, ranging from $50,000 to $200,000. It is expected that the awards will begin on or about September 30, 1997, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of Department of Health and Human Services (HHS) funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act, which became effective October 1, 1996, expressly prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. Section 503 of this new law, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996), provides as follows:

Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

Tobacco use continues to be the single most preventable cause of disease and death in the United States. Every year, more than 400,000 Americans die prematurely as a result of their addiction to tobacco. One of the Healthy People 2000 objectives is to reduce cigarette smoking in the United States to no more than 15 percent of people aged 18 years and over. Smoking has a significant economic impact on our society. Direct medical costs attributed to smoking are estimated to be $50 billion each year, approximately seven percent of the total U.S. health care cost.

In 1994, an estimated 48.0 million adults including 25.3 million men and 22.7 million women were smokers. Racial/ethnic group-specific prevalence is highest among American Indian/Alaskan Native (42.7) compared to (27.2) percent among Blacks and lowest among Asian/Pacific Islanders (13.9) percent. Smoking prevalence among males are highest among American Indian/Alaskan Native (53.7) compared to (33.9) percent among Blacks and (24.3) percent among Hispanics. Among women, it is reported that American Indian/Alaskan Native (33.1) percent smoke compared to (24.7) percent of white women, and (21.8) percent of Black women. Racial/ethnic variations in smoking prevalence probably reflect the differences in educational level, income, employment status, and cultural factors. With the exception of persons with 0–8 years of education, smoking prevalence vary inversely with levels of education and is highest among persons with 9–11 years of education (38.2) percent. Smoking prevalence is highest among persons living below poverty level (34.7) than among those persons living at or above the poverty level (24.1)percent.

Current scientific and program findings support the implementation of the following tobacco control programs:

- Clean Indoor Air protection from ETS in buildings, restaurants, schools, day care centers, and private work sites. ETS protection promotes positive environmental changes by reducing the use of tobacco, protecting the non smoker, and reducing the modeling of tobacco use;
- Decreased tobacco advertising and promotion that specifically target African Americans, Hispanics, American Indians/Alaska Natives, Asian/Pacific Islanders, youth, and women. Communities must be aware of tobacco industry campaigns which target youth, and other special populations that are disproportionately impacted by tobacco advertising and promotion, and communities need to be informed about ways to limit advertising and promotion of tobacco use;
- Increased educational efforts to provide broad-based tobacco related curricula to multiple school grades and the general public to educate youth and adults on the need to promote tobacco control measures and programs;
- Support and enforcement of existing laws such as the Federal Food and Drug Administration (FDA) and State and local laws to reduce the appeal and illegal sales of tobacco products to young people;
- Promoting the adoption of comprehensive school health programs that involves parents, the strategic use of mass media, community organizations, and other tobacco control programs that can effectively raise awareness about the consequences of smoking and the need for environmental supports to reduce tobacco use; and
- Increased availability of smoking cessation programs that contain the following elements: (1) Nicotine replacement therapy (nicotine patches or gum); (2) Social support (clinician-provider encouragement and assistance); and (3) Skills training/problem solving (techniques on achieving and maintaining abstinence).

CDC is committed to working collaboratively with national organizations to help improve the health of our nation through community organization and mobilization actions on tobacco control programs, economic incentives, and public awareness. CDC has already awarded tobacco control cooperative agreements to State health agencies to develop infrastructure and strengthen capacity to implement tobacco control programs and collaborate with other national organizations and health agencies in the implementation of local and State tobacco control programs.

Purpose

These awards are to assist national organizations to provide leadership, training, and technical assistance and to mobilize their affiliates, chapters, and membership-related organizations in the development and accomplishment of tobacco control policies and programs among selected targeted populations in order to achieve the Healthy People 2000 tobacco objectives.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities listed under B.(CDC Activities).

A. Recipient Activities

1. Develop an internal tobacco control policy for dissemination throughout affiliates, chapters, and related-membership organizations. Components of this activity should include the following:

a. An internal policy that explicitly delineates the organization's position on tobacco. This internal policy should be developed by the end of the first six months of the first budget period. (A copy of the internal organizational policy must be submitted to CDC, as part of the year 01 biannual report.) If an internal tobacco control policy already exists, the organization should submit it to CDC, as part of the original application.

b. A plan to carry out the tobacco control policy. This activity should be completed by the end of the first year budget period. (A copy of the plan must be submitted to CDC, as part of the year 01 annual report.)

2. Facilitate the development of tobacco prevention and control leadership skills within affiliates, chapters, and related-membership organizations and among community leaders within the respective targeted populations. These skills are for the purpose of accomplishing recipient activities 3, 4, and 5 listed below. This may be accomplished through training, convening leadership forums, or workshops and mobilizing affiliates, chapters, and related-membership organizations in one or more of the following content areas:

a. Youth access issues (Food and Drug Administration (FDA) regulations, licensing, retailer education, compliance checks, Synar Amendment).

b. Environmental tobacco smoke (clean indoor air protection).

c. Counter advertising and promotion (advertising strategies to counter the promotion of tobacco use).

d. Economic incentives (tobacco pricing, economics of tobacco production, and economic impact of health-related cost attributable to tobacco use).

e. Product regulation (current Federal, State and local regulations on tobacco products).

f. Media and public education (strategic use of media).

g. Women and girls tobacco issues (sex differences, weight control, industry marketing, and advertising).

h. Farming issues (economic development and alternatives to tobacco farming, new agricultural skills, empowering farmers to sustain and develop new educational and training programs, marketing strategies, and education for program changes to assist farmers with improving the marketplace to grow and sell alternative crops).

i. Tobacco industry (tobacco industry's role in sustaining the use of tobacco).

j. Minority issues (culturally appropriate materials, programs and messages, alternative sponsorship, counter advertising and promotion).

k. Community mobilization (mobilize targeted populations to support tobacco control programs).

3. Facilitate the mobilization of the primary targeted population in support of tobacco control activities (e.g., World No Tobacco Day, The Great American Smokeout, national conferences, tobacco control initiatives, public education campaigns, tobacco cessation programs, and participation in tobacco control coalitions).

4. Establish formal and informal linkages where appropriate, with national, State, and local tobacco control organizations and networks or coalitions (e.g., the American Cancer Society, the American Lung Association, the American Heart Association, the Advocacy Institute, SmokeLess States, the National Center for Tobacco Free Kids, Stop Teenage Addiction to Tobacco, Americans for Nonsmoker's Rights, and Doctors Ought to Care) to:

a. Support and promote tobacco control programs;

b. Provide assistance in the planning and implementation of tobacco control programs within the targeted populations;

c. Participate in existing tobacco control coalitions, or build new coalitions if appropriate; and

d. Share and disseminate information to affiliates, chapters, and related-membership organizations, and other interested health-related agencies (e.g., electronic bulletin boards, SCARCNet, newsletters, professional journals and publications, editorials, articles, tobacco news alerts, and press conferences).

5. Participate in national tobacco control campaigns sponsored by the CDC's Office on Smoking and Health (OSH) (e.g., Media Campaign Resource Center, Stop the Sale, Prevent the Addiction, Performance Edge Campaign, etc.).

6. Establish linkages with CDC and other appropriate agencies in planning and participating in the National Tobacco Prevention and Control annual conference, the Tobacco Control Summer Institute, and one 2-day workshop in Atlanta, Georgia, for national organizations.

B. CDC Activities

1. Provide and periodically update information related to the purposes or activities of this program announcement.

2. Provide programmatic consultation and guidance related to establishing linkages with relevant tobacco control networks, assist in the planning, implementation, and evaluation of the grantees program goals and objectives, and disseminate successful tobacco control strategies (i.e., guidelines and model programs on clean indoor air protection, tobacco advertising, and reducing the illegal sales of tobacco products to minors).

3. Plan meetings with national, State, and local partners, which include training meetings to address issues and program activities related to improving tobacco control programs.

4. Assist in the evaluation of program activities.

Technical Reporting Requirements

An original and two copies of a progress report are required on a semiannual basis. Progress reports are required no later than 30 days after the end of the first 6 months of the budget period; and 30 days after the end of the budget period. The progress reports must include the following for each goal and objective: (1) A comparison of actual accomplishments to the goals established for the period; (2) the reasons for slippage if established goals were not met; and (3) other pertinent information including, when appropriate, analysis and explanation of unexpectedly high costs for performance.

A Financial Status Report (FSR) is required no later than 90 days after the end of each budget period. The final FSR and progress report are required no later than 90 days after the end of the project period. All reports must be submitted to the Grants Management Branch, Procurement and Grants Office, CDC.

Application Content

All applicants must develop their application in accordance with Form PHS 5161–1, (Revised 7/92, OMB Number 0937–0189), information contained in the program announcement, and the instructions provided in this section. The application should not exceed 75 pages, including appendixes.

A. Need to Address Tobacco Control (Not More Than 4 Pages)

Describe the tobacco control needs within the targeted populations and the action proposed to alleviate the problem. Information should describe the following:

1. Interest in addressing tobacco control in the targeted population.

2. Existing capacity of the organization to undertake tobacco control activities.

3. State of readiness of applicant and the targeted population to engage in tobacco control activities.

4. The relationship of applicant and existing tobacco control organizations at national and State levels.

5. The relationship of the applicant and the targeted population to the tobacco industry and whether the applicant or target population receive funding or support from the tobacco industry.

B. Goals and Objectives (Not More Than 3 Pages)

1. Goals: List realistic goals that will be achievable over the 3-year project period. (Do not list separate goals for each budget year.)

2. Objectives: List objectives for each recipient activity for each 12-month budget period of the 3-year project. Objectives should be specific, measurable, and feasible to be accomplished during each projected 12-month budget period and directly relate to the project goals.

Note: See section on recipient activities.

C. Action Plan (Not More Than 10 Pages)

1. Submit a plan that identifies specific activities that are proposed for each objective during each year of the 3-year project period. This plan must describe how the national office, affiliates, chapters, and related-membership organizations will achieve the purpose and recipient activities of this program announcement.

Note: See section on recipient activities.

2. Identify staff responsible for completing each activity.

3. Provide a chart that includes timelines for completing the proposed tobacco control activities.

D. Capacity (Not More Than 8 Pages)

1. Submit a copy of the organization's purpose, mission, and goals.

2. Describe how the national office communicates its purpose, mission, and goals to affiliates, chapters, and related-membership organizations (e.g., newsletters, conferences, minutes, bylaws, etc.).

3. Submit a copy of the organizational chart and describe the existing organizational structure and how it supports the development of a tobacco agenda, and programs.

4. Describe the proposed project staffing. Provide job descriptions and indicate if they are for existing or proposed positions. Staffing should include the commitment of at least one full-time staff member to provide direction for the proposed activities. Demonstrate that staff members have the professional background, experience, and organizational support needed to fulfill the proposed responsibilities. Include a curriculum vitae for each staff member and job descriptions for staff not yet identified.

5. Describe the affiliates, chapter, and related-membership organizations, to include:

a. Experience working with affiliates, chapters, and related-membership organizations within the last 12 months.

b. Provide a list of affiliates, chapters, and related-membership organizations.

c. Geographical location of affiliates, chapters, and related-membership organizations.

6. Describe efforts and relevant experience at the national, State, and local levels that would demonstrate the ability and capacity to perform the program activities, to include but not limited to:

a. Current and past experience in providing leadership in the development of health-related programs, training programs, health promotion or health-related campaigns, and programs within the organization or respective targeted population.

b. Current and past experience in mobilizing targeted populations, networking, and building partnerships and alliances with other organizations, particularly in health promotion and other health-related areas.

c. Current level of experience and ability that will demonstrate the

capacity to form linkages and to develop and carry out tobacco control initiatives in the targeted population and among affiliates, chapters, and related-membership organizations.

d. Current and past experience working with public and private agencies, (e.g., Federal agencies, State and local health departments, community-based organizations, civic, social, and religious organizations).

E. Evaluation (Not More Than 4 Pages)

Provide a plan for monitoring progress in meeting program objectives. Applicants must articulate what they want to achieve before actual implementation of their tobacco control activities. The applicant should submit an evaluation strategy that demonstrates the following:

a. How ongoing monitoring will be performed.

b. How information collected from the targeted population will be used.

c. How impact of tobacco control activities on the targeted population will be determined.

Evaluation of program performance should include:

1. Process evaluation. Describe how progress and performance in achieving the objectives and conducting activities during each of the 12-month budget periods will be evaluated.

2. Outcome evaluation. Describe how performance of goals, including organizational tobacco control programs, developing leadership skills, establishing informal and formal linkages, convening educational forums, supporting State or local tobacco control programs, and mobilizing community resources will be assessed.

F. Budget and Accompanying Justification (No Page Limitation)

Provide a detailed budget and line item justification that is consistent with the stated objectives and planned activities of the project. To the extent necessary, applicants are encouraged to include budget items for the following:

1. A computer, modem, communicating software, and a dedicated telephone line to support a communications network, such as SCARCNet, CDC WONDER/PC, and Internet for sharing and dissemination of information.

2. Travel for not more than two persons to attend and participate in the 3-day National Tobacco Control Conference, held in the spring or fall each year.

3. Two trips, one to Atlanta, Georgia, for two individuals to attend a training and technical assistance workshop, and for one or two individuals to attend the Tobacco Use Prevention Summer Institute.

Evaluation Criteria (Total 100 Points)

Applications will be reviewed and evaluated according to the following criteria:

A. Need to Address Tobacco Control (10 Points)

The extent of the need of tobacco control activities within the target population(s), to include (1) a description of the targeted population; (2) state of readiness of the applicant and the targeted population; and (3) an existing or lack of tobacco control programs in the target population and proposed methodologies for overcoming current barriers, or enhancing existing programs.

B. Goals and Objectives (15 Points)

The extent to which the goals and objectives are achievable within the 3-year project period and consistent with the purpose of the announcement; and objectives are specific, measurable, feasible, and likely to be accomplished during the first 12-month budget period.

C. Action Plan (30 Points)

The feasibility, appropriateness, and extent to which the Action Plan describes (1) organizational involvement (national office, affiliates, chapters, and related-membership organizations) in program activities; (2) the likelihood of reducing tobacco use within the targeted population; (3) activities likely to achieve objectives during each of the three 1-year budget periods; (4) proposed linkages with other tobacco control networks; (5) roles and responsibilities of staff person responsible for the proposed tobacco control activities; and (6) provides timelines for completing proposed activities.

D. Capacity (35 Points)

The extent to which the applicant's capacity and ability to support and promote a tobacco control program as evidenced by their (1) statement and communication of purpose, goals, and mission, to affiliates, chapters, and related-membership organizations; (2) the organizational chart, structure, and tobacco control agenda, and programs; (3) current and proposed for project staff, to include one full-time staff member to direct program activities, and job descriptions; (4) professional background and experience of current or proposed staff; (5) ability of affiliates, chapters, and related-membership organizations to engage in tobacco control activities within their targeted populations; (6) comprehensive listing of affiliates, chapters, and related-membership organizations' names and geographical locations; and (7) past experiences with coalition building, program development, collaboration with decision-makers, leaders of the target population, and other agencies on issues relevant to proposed program activities.

E. Evaluation (10 Points)

The extent and appropriateness of the evaluation plan in performing ongoing monitoring of the program's activities, measuring program effectiveness, and determining the level of tobacco control interventions necessary to achieve the desired program outcomes.

F. Budget and Accompanying Justification (Not Weighted)

The extent to which the applicant provides a detailed and clear budget consistent with the stated objectives and workplan of the project.

Typing and Mailing

Applicants are required to submit an original and two copies of the application, including an executive summary of not more than one page. Pages must be clearly numbered, and a complete table of contents for the application and its appendixes must be included. Begin each separate section on a new page. The original and each copy of the application set must be submitted unstapled and unbound. All materials must be typewritten, single-spaced with unreduced type on 8½″×11″ paper, with at least a 1″ margin including headers and footers, and printed on one side only.

Content of Noncompeting Continuation Application

In compliance with 45 CFR 74.51(d), as applicable, noncompeting continuation applications submitted within the project period need only include:

A. A brief progress report that describes the accomplishments of the previous budget period.

B. Any new or significantly revised items or information (objectives, scope of activities, operational methods, evaluation, etc.) not included in the 01 Year application.

C. An annual budget and justification. Existing budget items that are unchanged from the previous budget period do not need rejustification. Simply list the items in the budget and indicate that they are continuation items.

Executive Order 12372 Review

This program is not subject to Executive Order 12372.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act Projects that involve the collection of information from 10 individuals or more and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (Revised 7/92, OMB Number 0937–0189) must be submitted to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Mail Stop E–18, 255 East Paces Ferry Road, NE., Room 314, Atlanta, GA 30305, on or before August 8, 1997.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications that do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description and information on application procedures are contained in the application package. Business management technical assistance may be obtained from Nealean Austin, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Mail Stop E–18, 255 East Paces Ferry Road, NE., Room 314, Atlanta, GA 30305; telephone (404) 842–6803, or the Internet address: nea1@cdc.gov.

Programmatic technical assistance may be obtained from Bonnie C. Dyck, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, NE., Mail Stop K–50, Atlanta, GA 30341–3724; telephone (404) 488–5707, or the Internet address: bxd5@cdc.gov.

You may also obtain this announcement, and other CDC announcements, from one of two Internet sites on the actual publication date: CDC's homepage at http://www.cdc.gov or the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Please refer to Announcement 763 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock Number 017–001–00474–0), or Healthy People 2000 (Summary Report, Stock Number 017–001–00473–1), referenced in the **Introduction** through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325; telephone (202) 512–1800.

Dated: July 1, 1997.

Joseph R. Carter,

Acting Associate Director for Management And Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17701 Filed 7–7–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Occupational Safety and Health Study Section; (NIOSH) Teleconference

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Task Group Session of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health (NIOSH) teleconference meeting.

Time and Date: 1 p.m.–2:30 p.m., July 23, 1997.

Place: Teleconference originating at the NIOSH Grants Office, 1095 Willowdale Road, Morgantown, West Virginia 26505–2888.

Status: The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463. Application(s) and/or proposal(s) and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application(s) and/or proposal(s), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Purpose: The Task Group Session of the Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals which will lead to improved understanding and appreciation of the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects which will lead to improvements in the delivery of occupational safety and health services and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Pervis C. Major, Ph.D., Scientific Review Administrator, Office of Extramural Coordination and Special Projects, Office of the Director, NIOSH, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505–2888, telephone 304/285–5979.

Dated: July 1, 1997.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–17707 Filed 7–7–97; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97M–0272]

Biocompatibles, Inc.; Premarket Approval of Soft-55 EW Aphakic (vifilcon A) Soft (Hydrophilic) Contact Lenses for Extended Wear

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its

approval of the application by Biocompatibles, Inc., Norfolk, VA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of Soft-55 EW Aphakic (vifilcon A) Soft (Hydrophilic) Contact Lenses for Extended Wear. The device is to be manufactured under an agreement with Ciba Vision Corp., Duluth, GA, which has authorized Biocompatibles, Inc., to incorporate information contained in its approved premarket approval applications (PMA's) for the Softcon E.W. (vifilcon A) Soft (Hydrophilic) Contact Lenses for Extended Wear. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of April 17, 1997, of the approval of the application.

DATES: Petitions for administrative review by August 7, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James F. Saviola, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1744.

SUPPLEMENTARY INFORMATION: On November 12, 1996, Biocompatibles, Inc., Norfolk, VA 23507, submitted to CDRH an application for premarket approval of Soft-55 EW Aphakic (vifilcon A) Soft (Hydrophilic) Contact Lenses for Extended Wear. The device is a soft (hydrophilic) contact lens and is indicated for extended wear from 1 to 7 days between removals for cleaning and disinfection as recommended by the eye care practitioner. The lenses are indicated for the correction of visual acuity in aphakic persons (after cataract surgery) that are myopic or hyperopic. Soft-55 EW Aphakic Lenses may be worn by persons who may exhibit astigmatism of 2.00 diopters or less that does not interfere with visual acuity. The application includes authorization from Ciba Vision Corp., Duluth, GA 30136–1518, to incorporate information contained in its approved PMA's for Softcon E.W. (vifilcon A) Soft (Hydrophilic) Contact Lenses for Extended Wear.

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this PMA was not referred to the Ophthalmic Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel.

On April 17, 1997, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Soft-55 EW Aphakic (vifilcon A) Soft (Hydrophilic) Contact Lenses for Extended Wear states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 7, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 17, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–17676 Filed 7–7–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97M-0273]

Medtronic, Inc.; Premarket Approval of the CapSure® Epi Pacing Lead, Model 4965

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application submitted by Medtronic, Inc., Minneapolis, MN, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the CapSure® Epi Pacing Lead, Model 4965. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 6, 1996, of the approval of the application.

DATES: Petitions for administrative review by August 7, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Christopher M. Sloan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8243.

SUPPLEMENTARY INFORMATION: On July 17, 1995, Medtronic, Inc., Minneapolis, MN 55432–3576, submitted to CDRH an

application for premarket approval of the CapSure® Epi Pacing Lead, Model 4965. The device is a permanent implantable cardiac pacemaker electrode and is designed to be used with a pulse generator as part of a cardiac pacing system. The lead has application where implantable epicardial atrial or ventricular, single chamber or dual chamber pacing systems are indicated.

On July 15, 1996, the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On September 6, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 7, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 17, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–17677 Filed 7–7–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97M–0275]

Telectronics Pacing Systems; Premarket Approval Of Maxim$_{TM}^{PFS}$ Model 033–301 Pacing Lead

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Telectronics Pacing Systems, Englewood, CO, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the Maxim$_{TM}^{PFS}$ Model 033–301 Pacing Lead. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of November 7, 1996, of the approval of the application.

DATES: Petitions for administrative review by August 7, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Christopher M. Sloan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8243.

SUPPLEMENTARY INFORMATION: On March 1, 1993, Telectronics Pacing Systems, Englewood, CO 80112, submitted to CDRH an application for premarket approval of the Maxim$_{TM}^{PFS}$ Model 033–301 Pacing Lead. The device is an endocardial ventricular bipolar pacing lead for permanent right ventricular placement and is intended for chronic pacing and sensing of the ventricle when used with a compatible pulse generator.

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel.

On November 7, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and

place where the review will occur, and other details.

Petitioners may, at any time on or before August 7, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 20, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–17678 Filed 7–7–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97M–0274]

Perclose, Inc.; Premarket Approval of Prostar® Percutaneous Vascular Surgical (PVS) System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Perclose, Inc., Menlo Park, CA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of Prostar® Percutaneous Vascular Surgical (PVS) System. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of April 30, 1997, of the approval of the application.

DATES: Petitions for administrative review by August 7, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Christopher M. Sloan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–8243.

SUPPLEMENTARY INFORMATION: On November 26, 1996, Perclose, Inc., Menlo Park, CA 94025, submitted to CDRH an application for premarket approval of Prostar® PVS System. The Prostar® PVS System consists of the Prostar® PVS Device (9 and 11 French sizes) and the following accessories: A Prostar® Pre-Dilator (9 and 11 French sizes), a Perclose® Knot Pusher, a Prostar® Transition Guidewire, and a Perclose® Arterial Tamper. The device is a vascular hemostasis device and is indicated for the percutaneous delivery of sutures for closing the common femoral artery access site and reducing the time to hemostasis and ambulation (time-to-standing) of patients who have undergone interventional procedures using 8 and 11 French sheaths.

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel.

On April 30, 1997, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 7, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 17, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–17679 Filed 7–7–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96N–0192]

Revised Form FDA 356h, Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revised Form FDA 356h entitled ''Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use.'' This revised form is intended to be used by applicants for a wide range of products regulated by the Center for Biologics Evaluation and Research (CBER) and the Center for Drug Evaluation and Research (CDER) under the Public Health Service Act (the

PHS Act) and the Federal Food, Drug, and Cosmetic Act (the act). The revised form is also intended to standardize the application form, to reduce the time required to prepare applications, and to expedite review by FDA staff. This action is part of FDA's continuing effort to achieve the objectives of the President's ''Reinventing Government'' initiatives, and is intended to reduce unnecessary burdens for industry without diminishing public health protection.

DATES: Written comments may be submitted at any time. Applicants submitting new drug applications (NDA's), abbreviated new drug applications (ANDA's), abbreviated antibiotic drug applications (AADA's), applications for products specified in § 601.2(c) (21 CFR 601.2(c)), or for autologous somatic cell therapy products will be required to use revised Form 356h beginning January 8, 1998.

ADDRESSES:

CBER Information: Submit written requests for single copies of the revised Form FDA 356h to the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448 . Send one self-addressed adhesive label to assist that office in processing your requests. The form may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by fax by calling the Fax Information System at 1–888–CBER–FAX or 301–827–3844.

CDER Information: Submit written requests for single copies of the revised Form FDA 356h to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4573. Send one self-addressed adhesive label to assist that office in processing your request.

Submit written comments and requests for single copies of the revised Form FDA 356h to the Dockets Managements Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revised Form FDA 356h.

FOR FURTHER INFORMATION CONTACT:

CBER: Robert A. Yetter, Center for Biologics Evaluation and Research (HFM–10), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0381.

CDER: Jean A. Yager, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5480.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of the revised Form FDA 356h, ''Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use.'' Form FDA 356h, dated October 1993, has been revised to create the new harmonized Form 356h that eventually will replace 20 application forms for licensed products regulated by CBER and former Form FDA 356h, dated October 1993, that was used for products regulated by CDER. As outlined in the President's November 1995, National Performance Review ''Reinventing the Regulation of Drugs Made From Biotechnology,'' FDA will use a single harmonized application form for all drug and licensed biological products. FDA subsequently developed a draft form that was made available for public comment in the **Federal Register** of October 1,1996 (61 FR 51285). Comments were received and considered and then revisions were made to the form based on some of the comments. A notice of request for comment to the Office of Management and Budget (OMB) on this information gathering was published in the **Federal Register** of March 13, 1997 (62 FR 11899). This information collection requirement was approved and assigned OMB control No. 0910–0338. The expiration date for this approval is April 30, 2000. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Currently, CBER uses three establishment license application forms: Form FDA 3210, ''Application for Establishment License for Manufacture of Biological Products;'' Form FDA 2599, ''Establishment License Application for the Manufacture of Blood and Blood Components;'' and Form FDA 2599a, ''Supplement to Establishment License Application for the Manufacture of Blood and Blood Components.'' As announced in the **Federal Register** of May 14, 1996 (61 FR 24313), CBER also is using interim Form FDA 3439, pending availability of the harmonized form for biotechnology products specified in § 601.2(c). Sixteen product license application forms are currently in use by CBER as follows: Form FDA 2600, ''Product License Application for the Manufacture of Source Plasma;'' Form FDA 2600b, ''Product License Application for Therapeutic Exchange Plasma;'' Form FDA 3066, ''Product License Application for Manufacture of Blood Grouping Reagents;'' Form FDA 3086, ''Product License Application for the Manufacture of Reagent Red Blood Cells;'' Form FDA 3096, ''Product License Application for the Manufacture of Anti-Human Globulin;'' Form FDA 3098, ''Product License Application for the Manufacture of Whole Blood and Blood Components;'' Form FDA 3098a, ''Product License Application for Red Blood Cells;'' Form FDA 3098b, ''Product License Application for Plasma;'' Form FDA 3098c, ''Product License Application for Platelets;'' Form FDA 3098d, ''Product License Application for Cryoprecipitated Antihemophilic Factor;'' Form FDA 3098e, ''The Manufacture of Products Prepared by Cytapheresis;'' Form FDA 3211, ''Application for License for the Manufacture of Viral and Rickettsial Vaccines;'' Form FDA 3212, ''Application for License for the Manufacture of Bacterial Vaccines and Antigens;'' Form FDA 3213, ''Application for License for the Manufacture of Allergenic Products;'' Form FDA 3214, ''Application for the Manufacture of a Human Plasma Derivative;'' and Form FDA 3314, ''Product License Application for the Manufacture of Human Immunodeficiency Virus for In-Vitro Diagnostic Use.''

CDER currently uses one application form, Form FDA 356h, ''Application to Market a New Drug for Human Use or an Antibiotic Drug for Human Use,'' dated October 1993. FDA intends eventually to replace all 20 application forms listed above with one harmonized application form for all biological products and drugs subject to premarket approval. FDA believes that a harmonized application format will allow companies to provide higher quality submissions, reduce preparation time, expedite review by FDA, and easily adapt to electronic submissions when that becomes possible and practical. FDA intends to phase in the use of the new Form FDA 356h as described in this notice.

This action is part of FDA's continuing effort to achieve the objectives of the President's ''Reinventing Government'' initiatives. One goal of these initiatives is to harmonize regulations administered by FDA in an effort to reduce unnecessary burdens for industry without diminishing public health protection.

Use of the new harmonized Form FDA 356h when fully implemented will allow a biologic product manufacturer to submit one biologic license application instead of two separate applications (product license application (PLA) and establishment license application (ELA)).

Applicants submitting an NDA, ANDA, or AADA may begin to use the new Form FDA 356h immediately. However, such applicants will be required to use the new Form FDA 356h beginning January 8, 1998. In the interim period the old Form FDA 356h, interim Form FDA 3439, and the new Form FDA 356h are all acceptable alternatives for NDA's, ANDA's, and AADA's.

For products currently submitted in the form of a biologics license application under section 351 (42 U.S.C. 262) of the PHS Act, including the biotechnology products specified in § 601.2(c), and autologous somatic cell therapy products, applicants may begin to use the new form immediately. The new Form FDA 356h will be required for products specified in § 601.2(c), and autologous somatic cell therapy products beginning January 8, 1998. Before this effective date, interim Form FDA 3439 is an acceptable alternative. Guidance documents entitled ''Guidance for Industry for the Submission of Chemistry, Manufacturing, and Controls Information for a Therapeutic Recombinant DNA-Derived Product or a Monoclonal Antibody Product for In Vivo Use'' (61 FR 56243, October 31, 1996); ''Guidance for the Submission of Chemistry, Manufacturing, and Controls Information and Establishment Description for Autologous Somatic Cell Therapy Products'' (62 FR 1460, January 10, 1997); and ''Guidance for Industry for the Submission of Chemistry, Manufacturing and Controls Information for Synthetic Peptide Substances'' (available via the CDER home page at http://www.fda.gov/CDER and select the ''Regulatory Guidance'' section) are available to assist applicants in preparing the chemistry, manufacturing, and controls (CMC) and establishment description sections of the application.

Until further notice, if the biological product is not specified in § 601.2(c) or is not an autologous somatic cell therapy product, applicants should continue to use the forms listed in this notice currently in use by CBER. For these other biological products, including vaccines, blood and blood components, in vitro diagnostic test kits used to screen the blood supply, naturally derived protein products, allergenic products, and all other biological products, a PLA and an ELA should continue to be submitted. In future **Federal Register** notices, FDA will advise applicants for the products not yet using the new Form FDA 356h, when they may voluntarily begin, and when they will be required to use the new Form FDA 356h. FDA is in the process of preparing guidance documents on the content and format of the CMC and establishment description sections of the new Form FDA 356h for those biological products not yet using the new form. As these guidance documents are completed, FDA will begin accepting the new Form FDA 356h.

The harmonized Form FDA 356h solicits information from the applicant in the following areas: (1) General applicant information, (2) product description, (3) application information, (4) establishment information, and (5) cross references to other applications. In addition, the form solicits 19 items, including information regarding labeling, CMC, nonclinical and clinical information, patent information, establishment description information, plus certifications.

II. Requests for Comments

Interested persons may, at any time, submit to the Dockets Management Branch (address above) written comments on the new harmonized Form FDA 356h. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

FDA will consider any comments received in determining whether revisions to the Form FDA 356th are warranted.

III. Electronic Access

An electronic version of this form is also available via Internet using the World Wide Web (WWW). For access, connect to the FDA Form Distribution Page at http://aosweb.psc.dhhs.gov/forms/fdaforms.htm.

Dated: June 30, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–17717 Filed 7–7–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of January 10, 1997 (62 FR 1462). The document was amended to reflect the realignment of the Office of Health and Industry Programs, Center for Devices and Radiological Health, Office of Operations, FDA, under part H, chapter HF (FDA) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services. The agency inadvertently omitted a paragraph from the document. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: LTonya L. Barnes, Division of Management Systems and Policy (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4807.

In FR Doc. 97–578, appearing on page 1462 in the **Federal Register** of Friday, January 10, 1997, the following correction is made:

1. On page 1462, in the second column, a new fourth paragraph is added to read ''Manages the Staff College to develop, coordinate, and provide continuing education and training for center employees.''

Dated: June 30, 1997.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 97–17718 Filed 7–7–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Extension Approval Under the Paperwork Reduction Act

ACTION: Notice.

SUMMARY: The proposal for the collection of information listed below has been submitted to OMB for extension approval under the provisions of the Paperwork Reduction Act. Copies of the proposed information collection

requirement, related forms and explanatory materials may be obtained by contacting the Fish and Wildlife Service's Information Collection Clearance Officer at the address listed below.

DATES: Comments must be submitted on or before August 7, 1997.

ADDRESSES: Comments and suggestions on the requirement should be sent directly to the Office of Information and Regulatory Affairs, OMB, Attention: Interior Department Desk Officer, Washington, DC 20503; and a copy of the comments should be sent to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service (MS 224–ARLSQ); 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Phyllis H. Cook, Service Information Collection Clearance Officer, 703/358–1943; 703/358–2269 (fax).

SUPPLEMENTARY INFORMATION: Comments are invited on (1) 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) the accuracy of the agency's estimate of the burden of the collection of information; (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.

Title: Declaration for Importation or Exportation of Fish or Wildlife.

OMB Approval Number: 1018–0012.

Description and use: The Endangered Species Act (ESA) of 1972, as amended, also known as Section 9(e), makes it unlawful for any person importing or exporting fish, wildlife or plants to fail to file any person importing or exporting fish, wildlife or plants to fail to file any declaration or reports, as the Secretary deems necessary to facilitate enforcement of the Act or to meet the obligations of the Convention on International Trade in Endangered Species of Wild Flora and Flora (CITES). Importers and exporters exempt from the requirements of Section 9(e) are as follows: Persons importing or exporting shellfish and fishery products, which are not listed as endangered or threatened and are imported for the purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes. Generally, these exemptions apply to persons importing or exporting wildlife products or manufactured articles, not intended for sale, as personal accompanying baggage or part of a shipment of household effect and to persons importing or exporting certain sport taken fish and wildlife. Dead, preserved, dried, or imbedded scientific specimens or parts, not requiring permits under other parts of Title 50 of the Code of Federal Regulations (CFR), imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes may be imported or exported through any U.S. Customs port provided that a Service Form 3–177 is filed within 180 days with the appropriate Assistant Regional Director—Law Enforcement in the region where the import or export occurred.

The information collected is necessary for the Secretary of the Interior to fulfill the statutory requirements set forth for the enforcement of the ESA, including compilation of an annual report on the import and export of fish and Wildlife (a treaty obligation under CITES). Such information is used by the Service as an enforcement tool and managerial aid in monitoring the international wildlife market.

Service form number: 3–177.

Frequency: On occasion.

Description of respondents: Individuals or households; federal, state and local governments; businesses, and non-profit institutions.

Number of respondents: 81,792. (The Service estimates that 20,448 respondents will submit an average of 4 declarations annually.)

Completion time: The Service estimates that an average of 15 minutes would be required per entry.

Total annual burden: 20,448 hours.

Dated: June 23, 1997.

Robert G. Streeter,

Assistant Director—Refuges and Wildlife.

[FR Doc. 97–17685 Filed 7–7–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

ACTION: Notice.

SUMMARY: The collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act. A copy of the information collection requirement is included in this notice. Copies of and explanatory material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: Comments must be submitted on or before August 7, 1997.

ADDRESSES: Comments and suggestions on the requirement should be sent directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Interior Desk Officer; Washington, DC 20503; and a copy of the comments should be sent to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 224–ARLSQ; 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Phyllis H. Cook, Service Information Collection Clearance Officer, 703/358–1943; 703/358–2269 (fax).

SUPPLEMENTARY INFORMATION: Comments are invited on (1) 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) the accuracy of the agency's estimate of the burden of the collection of information; (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.

Title: Special Use Permit Applications on National Wildlife Refuges in Alaska (contained in the Final Rule Entitled, ''Regulations for the Administration of Special Use Permits on National Wildlife Refuges in Alaska'').

Approval Number: 1018–0014.

Service Form Number(s): 3–2001.

Description and use: The National Wildlife Refuge Administration Act (16 U.S.C. 668 dd–ee), requires that economic privileges on any National Wildlife Refuge be authorized by permit only when the activity will not be incompatible with the purposes for which the refuge was established. The Alaska National Interest Lands Conservation Act (ANILCA) provides for the disposition and use of a variety of federally owned lands in Alaska. Section 1307 of ANILCA contains two provisions concerning persons and entities who are to be given special rights and preferences with respect to providing ''visitor services'' on certain lands under the administration of the Secretary of the Interior (Secretary), in this context, units of the National Wildlife Refuge System. The term, ''visitor services,'' is defined in section 1307 as ''* * * any service made available for a fee or charge to persons who visit a conservation system unit,

including such services as providing food, accommodations, transportation, tours and guides, excepting the guiding of sport hunting and fishing.'' Other sections of ANILCA allow the Secretary to permit uses on national wildlife refuges in Alaska under certain conditions. Specifically, section 1303 of ANILCA states that no special use permits will be issued unless the permit applicant provides certain items of information.

The permit applications will be provided by the Service as requested by interested Alaska citizens. The required written forms and/or verbal application information will be used by the Service as requested to ensure that the applicant is eligible for non-competitively awarded permits, or in the case of competitively awarded permits, the most qualified applicant to receive benefits of a refuge permit. In the case of ''1307'' permits, the information will be used to also determine whether the applicant is: a member of a Native Corporation; a local resident; was engaged in adequately providing visitor services on or before January 1, 1979; and/or is eligible to receive Cook Inlet Region rights.

Provision is made in the Service general refuge regulations for public entry for specialized purposes, including economic activities such as the operation of guiding and other visitor services on refuges by concessionaires or cooperators under appropriate contracts or legal agreements (found in 50 Code of Federal Regulations (CFR) 25.61) or special use permits (found in 50 CFR 26.22(b) and 26.25). These rules in combination with the final rule cited above provide the authorities and procedures for selecting permittees on Alaska refuges, the vast majority of which are providers of services and facilities to the public. Permits will be issued for a specific period as determined by the type, and location of the use or visitor service provided.

Service Form Number: 3–2001.

Frequency of Collection: On occasion.

Description of Respondents: Individuals and households; Business or other for-profit; Not-for-profit institutions; Farms; and State, local or Tribal government.

INFORMATION COLLECTION BURDEN ESTIMATE

Type of permit	No. of respondents	Completion time
	Competitive/non-competitive	Competitive/non-competitive
Visitor Services:		
Hunting and Fishing	50/150	30 hrs./1.5 hrs.
Annual burden hours	1,500 hours/225 hours	
Total annual burden hours: 1,725.		
Visitor Services:		
General	10	40 hrs.
Annual Burden: 400 hours.		
Combined Annual Burden:		
No. of respondents and responses	210	
Average burden per response	10.1 hours	
Annual burden: 2,125 hours.		

BILLING CODE 4310–55–M

U.S. DEPARTMENT OF THE INTERIOR

U.S. FISH & WILDLIFE SERVICE, ALASKA REGION

SPECIAL USE PERMIT APPLICATION

OFFICE USE:
SUP
#_____

NOTICE: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.) and the Privacy Act of 1974 (5 U.S.C. 552a) please be advised that:

1. The permitting of compatible economic and public uses on lands of the National Wildlife Refuge System is authorized by: (a) the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee); (b) the Refuge Recreation Act (16 U.S.C. 460k-n), (c) Bald Eagle Protection Act(16 U.S.C. 663a); (d) Endangered Species Act of 1973(16 U.S.C. 1539); (e) Migratory Bird Treaty Act (16 U.S.C. 703-711); (f) Marine Mammal Protection Act of 1972 (16 U.S.C.1371-1383); (g) Lacey Act (18 U.S.C. 42 and 44); and (h) Tariff Classification Act of 1962(19 U.S.C. 1202).

2. Public and economic uses of national wildlife refuges may be authorized upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action also must be in accordance with provisions of all laws applicable to the areas, consistent with the principles of sound fish and wildlife management and otherwise in the public interest.

3. The application form will be used by Service personnel to evaluate the qualifications and conclude the eligibility of the applicant. Applicants are not required to disclose their social security number.

4. Routine use disclosures may also be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual (42 FR 19083; April 11, 1977)

5. Information requested in this form is purely voluntary, but failure to answer questions may jeopardize eligibility to receive permits. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed.

6. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant burden estimate ranges from 1.5 hours for each non-competively bid permit, to 30 hours for each competitively awarded permits, to 40 hours for each 1307 permit being requested. This burden estimate includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of the form to the Service Information Collection Clearance officer, Fish and Wildlife Service, Mail Stop 224, Arlington Square, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240, and to the Office of Information and Regulatory Affairs, OME, Attention: Desk officer for the Interior Department (1018-0014), Washington, D.C. 20503.

REVISED 5/97
USFWS Form 3-2001

OMB Approval No 1018-0014
Approval Expires 10/30/99

OFFICE USE:
SUP

_____

1) Please type or print in ink. Answer all questions completely or mark "N/A" if not applicable.

APPLICANT NAME _____

TAX IDENTIFICATION NUMBER _____

BUSINESS NAME _____

PRIMARY ADDRESS _____

(Business Address) _____

_____

ALTERNATE ADDRESS _____

_____

_____

PRIMARY PHONE NUMBER _____

FAX NUMBER _____

ALTERNATE PHONE NUMBER _____

CC:MAIL ADDRESS _____

AS AN APPLICANT, ARE YOU: (Mark one box with "X")

[ ] INDIVIDUAL

[ ] CORPORATION

[ ] PARTNERSHIP/ASSOCIATION

[ ] GOVERNMENT/STATE AGENCY

[ ] OTHER_____

If you are an INDIVIDUAL or PARTNERSHIP, are you also a citizen(s) of the United States?

YES_____NO_____

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2) SPECIAL USE PERMIT ACTIVITIES

Use the code listing below to select the refuge and commercial activity(ies) to complete this section. Be as specific as you can. (Example: ARC-AT means Arctic National Wildlife Refuge - Air Taxi Operations).

NATIONAL WILDLIFE REFUGE CODE ACRONYMS

AKM = Alaska Maritime NWR
AIU = Aleutian Islands Unit/Alaska Maritime NWR
APB = Alaska Peninsula/Becharof NWR
ARC = Arctic NWR
INN = Innoko NWR
IZM = Izembek NWR
KAN = Kanuti NWR
KEN = Kenai NWR
KOD = Kodiak NWR
KOY = Koyukuk/Nowitna NWR
SWK = Selawik NWR
TET = Tetlin NWR
TOG = Togiak NWR
YKD = Yukon Delta NWR
YKF = Yukon Flats NWR

ACTIVITY CODES

AT = Air Taxi - FAA certified, point to point aircraft transportation on refuge lands/waters
BG = Big Game Guiding
FS = Flightseeing - only if you will be landing on refuge lands/waters
GH = Guided Hiking
GO = Guiding, other (i.e., birding, photography, snowmobiling, dog sled, etc.)
PH = Commercial Photography
RT = River Trips - specify type of boat and if motorized or not
SF = Sport Fish Guiding
TP = Transporting clients, specify mode of transport (i.e., horse, boat, snowmachine, etc.)
OT = Other, please specify in detail, on a separate sheet, the activity you propose

REFUGE CODE	ACTIVITY CODE (specify additional details if applicable - you may use additional sheets)	AREA(S) OF USE (delineate on USGS Topo maps if applicable)	CLIENT #S - Specify anticipated average and maximum number of clients per day

3). What are the estimated starting and ending dates of your proposed activity? _____

4). Will your business be operating aircraft (not hiring air taxis) on refuge lands/waters?

YES _____ NO _____ If so, will your business be operating aircraft under:

(check one) _____ FAA Regulations Part 91 (Incidental Air) _____ FAA Regulations Part 135 (Air Taxi)

(PLEASE PROVIDE A COPY OF YOUR FAA CERTIFICATION.)

Name of Air Taxi(s) you plan to use _____

_____

_____

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List the MAKE, MODEL, WHEEL/FLOAT, COLOR and TAIL NUMBER of all aircraft you own/lease/operate:

MAKE	MODEL	WHEEL ( )	SKI ( )	FLOAT ( )	COLOR	TAIL NUMBER

5) You are required to carry liability insurance to provide protection for visitors you serve on refuges. The U.S. Government must be named as an additional insured. Do you have current liability insurance? YES _____ NO _____ (Attach a copy of the insurance certificate.)
Applicants must obtain liability coverage BEFORE a Special Use Permit can be issued. Refer to the enclosed Insurance
Information Sheet for required minimum coverage amounts.

6) List the type of vessel(s) or vehicle(s) and the maximum passenger capacity of the vehicles and/or vessels (not aircraft)
you plan to use within refuge boundaries.

VESSEL/VEHICLE	MAXIMUM CAPACITY	REGISTRATION NUMBER

7) Within the past 5 years, has the company (entity) or any of the owners of the business been convicted, pled nolo contendere, or forfeited collateral for any violations of state, federal, or local law or regulations related to fish and wildlife or permit activities? YES _____ NO _____

8) Is the company (entity), or any of the owners of the business now under charges for any violation of state, federal, or local
law or regulations related to fish and wildlife or permit activities? YES _____ NO _____

9) Within the past 5 years, have any of your current or proposed employees been convicted, pled nolo contendere, or forfeited collateral for any state, federal or local law or regulations related to fish and wildlife or permit activities: OR are they now under charges for any violation of state, federal or local law or regulations related to fish and wildlife or permit activities? YES _____ NO _____. IF YOU ANSWERED "YES" TO QUESTIONS # 7, 8 OR 9, PLEASE GIVE DETAILS IN THE SPACE BELOW. FOR EACH VIOLATION, PROVIDE THE: 1) Individual's Name, 2) Date, 3) Charge, 4) Place, 5) Court, and 6) Action Taken.

ITEM #	INDIVIDUAL'S NAME	DATE	CHARGE	PLACE	COURT	ACTION
<< Conversion error >><< Conversion error >><< Conversion error >><< Conversion error >>						

10) If the following blank is checked _____, or if this application is in response to a prospectus for a competitively awarded permit, please provide a detailed response which addresses, at a mimimum, the following factors: proposed operations plan; complete above history of violation related questions 7, 8, and 9 for the past 10 years; safety record, training and proposed safety plan; documentation of experience and knowledge applicable to both the proposed activity and delineated use area or general geographical area; complete list and description of property, equipment and accessories; and complete list of clients for same or similar activities during the past three years. (Use separate sheets to complete this question.)

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11) Provide a complete list of names, addresses and phone numbers of employees who will be assisting with permit activities on the refuge. Also indicate in what capacity they will be operating (e.g., guide, pilot, camp cook, etc.) For any employee, including the applicant, who will be operating a vehicle, aircraft or vessel while carrying clients, please provide their State drivers license number, pilot certificate number, or applicable vessel operating license number and indicate whether they have had any such licenses suspended or revoked, or have been convicted for driving while under the influence of alcohol or drugs during the past five years. Please use separate sheet to provide this information.

12) False, fictitious or fraudulent statements or representations made in this application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001). All information you provide will be considered in reviewing this application.

13) Please attach a copy of your State business license and any applicable State or Federal licenses/certifications (e.g., State Big Game Guiding License, State Transporter license, U.S. Coast Guard License, etc.).

SIGNATURE OF OWNER/AGENT (Attach proof of Agent)	PRINTED NAME	DATE

****

FOR OFFICE USE ONLY				
Check #	Check Amount:	Overpayment:	Additional Amount Needed:	Fee Not enclosed

WERE THESE DOCUMENTS ENCLOSED WITH APPLICATION?

AIRCRAFT INSURANCE: YES NO **GENERAL LIABIALITY INSURANCE: YES NO**

STATE BUSINESS LICENSE: YES NO **OTHER LICENSES/CERTIFICATIONS: YES NO**

MISSING DOCUMENTATION

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OMB Approval No 1018-0014
Approval Expires 10/30/99

Carolyn A. Bohan,

Acting Assistant Director—Refuges and Wildlife.

[FR Doc. 97–17686 Filed 7–7–97; 8:45 am]

BILLING CODE 4310–55–C

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the North Cascade Ecosystem Recovery Plan Chapter for the Grizzly Bear Recovery Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: To further the recovery of the grizzly bear (*Ursus arctos horribilis*), the Fish and Wildlife Service announces the availability of the North Cascade Ecosystem Grizzly Bear Recovery Plan Chapter. The North Cascade ecosystem is located in Washington. This chapter has been appended to the existing Grizzly Bear Recovery Plan approved in 1993. The availability of the draft of the chapter was announced to the public in the **Federal Register** on November 15, 1993 (58 FR 60208).

DATES: The North Cascade Ecosystem Chapter of the revised Grizzly Bear Recovery Plan was signed by the Regional Director, Denver Regional Office, Fish and Wildlife Service, on June 23, 1997.

ADDRESSES: The document announced in this notice is available from: U.S. Fish and Wildlife Service, 510 Desmond Drive, SE, Suite 102, Lacey, Washington 98503–1273.

FOR FURTHER INFORMATION CONTACT: Dave Frederick, Western Washington Office Supervisor (see **ADDRESSES** above), at telephone (360) 753–9440.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened plant or animal to a point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for starting the needed recovery measures.

Under the provisions of the Endangered Species Act of 1973 (Act) as amended (16 U.S.C. 1531 *et seq.*), the Service approved the revised Grizzly Bear Recovery Plan on September 10, 1993 (U.S. Fish and Wildlife Service 1993). The Plan approved in 1993 did not contain a complete chapter on the North Cascade ecosystem because the specific information necessary to develop this chapter was not available. On June 23, 1997, the Service approved the North Cascades Ecosystem Grizzly Bear Recovery Plan Chapter. The agencies responsible for development of this chapter included the Service, U.S. Forest Service, Washington Department of Fish and Wildlife, National Park Service, Washington Department of Natural Resources, and British Columbia Ministry of Environment. This chapter was developed by a cooperative effort of the involved agencies and a wide range of interested citizens from throughout the area. Public involvement in drafting the chapter identified issues that include livestock depredation, effects on recreation and big game species/hunting, human health and safety, land use policy/restrictions, the role of the grizzly bear in the ecosystem (naturalness), economics, State and Federal authorities, private property rights, illegal killing/parching, and effects of grizzly bears on other species (such as listed salmon). The availability of the draft of the chapter was announced to the public in the **Federal Register** on November 15, 1993 (58 FR 60208).

The grizzly bear was once a common inhabitant of the North Cascades ecosystem in the northern Cascade Mountains of Washington. Grizzly bears were removed from the North cascades ecosystem by humans as they settled the area. Primary reasons for these removals included livestock protection, uncontrolled hunting, and trapping and shooting for sale of hides (Almack et al. 1993). From 1849 to 1851 Hudson Bay Company records show that at least 429 grizzly bear hides were processed at trading posts within or near the North Cascades area (Sullivan 1983). Recent records indicate a small population of grizzly bears remains in the North Cascades with 21 credible reports from 1964 to 1991 (Almack et al. 1993). In addition, grizzly bears still occur immediately north of the United States-Canada border in the Cascade Range of British Columbia. The grizzly bear was listed as a threatened species in the conterminous 48 States in 1975 under the Act. The Recovery Plan Chapter for the North Cascades ecosystem outlines the necessary actions to recover the grizzly bear in this ecosystem. Alternative actions to recovery grizzly bears in the North Cascades ecosystem, including adding bears from other areas to the small number of bears currently existing within the ecosytem, would be considered through the National Environmental Policy Act (NEPA) process. The public would be informed of the Service's intent to implement the NEPA process through press releases and a notice in the **Federal Register.**

References Cited

Almack, J.A., W.L. Gaines, R.H. Naney, P.H. Morrison, J.R. Eby, G.F. Wooten, M.C. Snyder, S.H. Fitkin, and E.R. Garica. 1993. North Cascades Grizzly Bear Ecosystem evaluation; final report. Interagency Grizzly Bear Committee, Denver, Colorado. 156 pp.

Sullivan, P.T. 1983. A preliminary study of historic and recent reports of grizzly bears in the North Cascades area of Washington. Washington Department of Game, Olympia, Washington.

U.S. Fish and Wildlife Service. 1993. Grizzly bear recovery plan. Missoula, Montana. 181 pp.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 30, 1997.

Terry T. Terrell

Deputy Regional Director, Denver, Colorado.

[FR Doc. 97–17716 Filed 7–8–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Utah—Notice of Invitation To Participate in Coal Exploration Program; Beaver Brook Coal LLC–UTU–76558 Scofield East

Pursuant to section 2(b) of the Mineral Leasing Act of February 20, 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201(b), and to the regulations adopted as Subpart 3410, Title 43, Code of Federal Regulations, members of the public are hereby invited to participate with Beaver Brook Coal LLC in the proposed exploration of certain Federal coal deposits in the following described lands in Utah and Carbon Counties, Utah.

Utah County

T. 11 S., R. 7 E., SLM, UT
Sec. 2, All;
Sec. 3, lots 1–3, 6, 7, S2NE, SENW, E2SW, SE;
Sec. 9, E2;
Secs. 10, 11, 12, 13, 14, 15, 16, All;
Sec. 17, E2;
Sec. 20, E2;
Secs. 21, 22, 23, 24, 25, 26, 27, 28, All;

Sec. 29, E2;
Secs. 34, 35, All.

Carbon County

T. 12 S., R. 7 E., SLM, UT
Sec. 1, All;
Sec. 3, All;
Sec. 10, NE, NENW, E2SENW, N2NWSE, N2S2NWSE, N2NESE;
Sec. 11, NW, SESW, E2SWSW, N2N2SW, E2S2N2SW, SENWSW;
Sec. 12, All;
Sec. 13, NE, SW, N2SE, SESE;
Sec. 14, SWSW;
Sec. 15, NW, SE, S2NE, NWNE;
Sec. 22, S2, NW, N2NE;
Sec. 23, S2, W2NW;
Sec. 26, N2, SW.

Utah County

T. 11 S., R. 8 E., SLM, UT
Secs. 18, 19, 30, 31, All.

Carbon County

T. 12 S., R. 8 E., SLM, UT
Secs. 6, 7, 8, All;
Sec. 9, S2;
Secs. 16, 17, 18, 19, 20, 21, All;
Sec. 29, N2;
Sec. 30, All;
Sec. 31, lot 1, 2, NE, E2NW.

Containing 27,100.06 acres, more or less:
Carbon County Acres: 11,938.00
Utah County Acres: 15,162.06.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145–0155 and to Gregory L. Hunt, Beaver Brook Coal LLC, 5367 East Mineral Circle, Littleton, Colorado 80122. Such written notice must be received within thirty days after publication of this notice in the **Federal Register**.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost of the exploration program on a pro rata basis. An exploration plan submitted by Beaver Brook Coal LLC, detailing the scope and timing of this exploration program is available for public review during normal working hours in the Public Room of the Bureau of Land Management State Office, 324 South State Street, Suite 400, Salt Lake City, Utah, under Serial Number UTU–76558.

Douglas M. Koza,

Deputy State Director, Natural Resources.

[FR Doc. 97–17706 Filed 1–7–97; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–030–1020]

Notice of Intent To Prepare a Management Plan and an Environmental Impact Statement

AGENCY: Bureau of Land Management

ACTION: Notice of Intent to Prepare a Management Plan and associated Environmental Impact Statement for the Grand Staircase-Escalante National Monument, Kane and Garfield Counties, Utah.

SUMMARY: Pursuant to the Federal Land Policy and Management Act (FLPMA) and the National Environmental Policy Act (NEPA), the Bureau of Land Management (BLM), Cedar City, Utah, will prepare a Management Plan and Environmental Impact Statement (EIS) for the Grand Staircase-Escalante National Monument (GSENM) in Kane and Garfield Counties, Utah.

DATES: To be of maximum use, all comments on the scope of the EIS and views pertaining to desired content of the GSENM Management Plan should be submitted not later than November 15, 1997, to the address below. Additional scoping opportunities, such as planning workshops, will be announced separately.

ADDRESSES: Comments should be sent to Pete Wilkins, Planning Coordinator, Grand Staircase-Escalante National Monument Planning Office, Bureau of Land Management, 337 South Main, Cedar City, Utah 84270. Comments may be faxed to Pete Wilkins at 801-865–5170, or sent to him through E-Mail (p1wilkin@ut.blm.gov).

FOR FURTHER INFORMATION CONTACT: Pete Wilkins, Planning Coordinator, at the above address, or by phone at (801) 856–5100, or by E-Mail at p1wilkin@ut.blm.gov. The proclamation establishing the Grand Staircase-Escalante National Monument and other information about the Monument are available on the Internet BLM National Home Page (http://www.blm.gov).

SUPPLEMENTARY INFORMATION: On September 18, 1996, the President signed Proclamation 6920, creating the Grand Staircase-Escalante National Monument under the authority of the Antiquities Act of 1906. The Monument encompasses approximately 1.7 million acres of public lands in Kane County and Garfield County, Utah. It was designated to preserve the extraordinary scientific resources and landscapes, as well as to protect objects of historic or scientific interest, including geological, paleontological, archaeological, biological and historical features.

The proclamation states that the Secretary of the Interior shall manage the monument through the BLM pursuant to applicable legal authorities and that the Secretary shall prepare a management plan for the monument within 3 years of the proclamation date. The BLM will complete the mandate using existing planning authorities, primarily FLPMA and NEPA.

The Secretary of the Interior, with support from the Governor of Utah, has established a planning team composed of Federal, State, and local government professionals representing geology, paleontology, archeology, botany, wildlife biology, range and riparian ecology, wilderness, recreation, history, community planning and economics, realty, and geographic information systems.

This team will devote full attention to assembling information, preparing and analyzing management alternatives, and carrying out public involvement for the preparation of the Monument Management Plan and EIS.

The plan will be responsive to all of the provisions and directions set forth in the proclamation, including the protection of the listed values and the consideration of all valid existing rights now existing in the Monument.

The BLM is seeking the views and comments of all individuals, groups, organizations, agencies, and American Indian Tribal governments with an interest in the Grand Staircase-Escalante National Monument. Participation in the planning process is encouraged from those at local, State, regional, national, and international locations. A policy of ''inclusion'' (meaning all views are welcome and considered) will be followed in accepting input and in obtaining comments from public reviews. Public participation can occur in a variety of forms, including informal notes, formal letters, responses to periodic update letters issued by the planning team, communications with the planning team by fax or E-mail or Internet home page soon to be established, use of a ''vision kit'' to be issued by the planning team during the summer of 1997, and appearance at public meetings. Early participation by all those interested is encouraged and will help determine the future management of the Monument.

BLM intends to gather public scoping comments and other information by November 1997 sufficient to formulate alternative management strategies. During the spring and summer of 1998, the team will host field discussions and

public meetings to foster understanding of each management alternative.

A draft EIS and proposed plan will be issued for public comment in the fall of 1998. A final EIS will be completed and the management plan required by the proclamation will be ready for approval by the Secretary of the Interior on or before September 1999.

It is intended that the management plan be ''adaptive'' in order to be responsive to resource and use monitoring, new information, and/or changing conditions.

Dated: June 27, 1997.

G. William Lamb,

Utah State Director.

[FR Doc. 97–17690 Filed 7–7–97; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–050–07–1430–01; AZA 30069, AZA 30123, AZA 22763]

Arizona: Notice of Realty Action: Noncompetitive Sales of Public Lands in Yuma County, Arizona

AGENCY: Bureau of Land Management.

ACTION: Notice of Realty Action, Noncompetitive Sales.

SUMMARY: The following lands have been found suitable for direct sale under Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at not less than the estimated fair market value. The lands will not be offered for sale until at least 60 days after the date of this notice. The following described lands are within the city limits of San Luis and are being offered by direct sale to the following businesses:

AZA 30069—Fosters of Yuma, Inc.

Gila and Salt River Meridian, Arizona

T. 11 S., R. 25 W.,
Sec. 12, lot 9, block 30 of the San Luis Townsite.
Containing 0.136 acres, more or less.

AZA 30123—Shay Oil Company

Gila and Salt River Meridian, Arizona

T. 11 S., R. 25 W.,
Sec. 12, lots 6, 7, and 8, block 30 of the San Luis Townsite.
Containing 0.652 acres, more or less.

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, until conveyance, publication in the **Federal Register** of a termination of the segregation or, 270 days from the date of publication of this notice in the **Federal Register**, whichever occurs first.

The following described land will be offered by noncompetitive sale to Timothy Conovaloff:

Gila and Salt River Meridian, Arizona

T. 9 S., R. 24 W.,
Sec. 8, lot 8.
Containing 4.37 acres, more or less.

The land is currently withdrawn under the Secretarial Order of 7/20/1905, Withdrawal for Yuma Project. The land is segregated from surface and mineral entry under the general mining laws. The withdrawal will be lifted prior to issuing patent.

If it is determined that the subject lands contain no known mineral values, the mineral interests may be conveyed simultaneously to the purchasers, upon payment of a $50 nonrefundable filing fee. The patents, when issued, will contain certain reservations to the United States and will be subject to any valid existing rights. The sale of these lands would be in conformance with the Yuma District Resource Management Plan (as amended), approved February 1987. In accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and Executive Order No. 6910, the described lands are hereby classified for disposal by sale.

DATES: August 22, 1997, interested parties may submit comments to the Field Manager, Yuma Field Office, address below. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

ADDRESSES: Detailed information concerning the sale, including the reservations, sale procedures and conditions, and planning and environmental documents, is available at the Yuma Field Office, 2555 East Gila Ridge Road, Yuma, AZ 85365.

FOR FURTHER INFORMATION CONTACT:

Realty Specialist Dave Curtis at (520) 317–3237, or Realty Specialist Lucas Lucero at (520) 317–3215.

Dated: June 27, 1997.

Maureen A. Merrell,

Program Manager, Business and Fiscal Services/Acting Field Manager.

[FR Doc. 97–17681 Filed 7–7–97; 8:45 am]

BILLING CODE 4310–32–M

INTERNATIONAL TRADE COMMISSION

[USITC SE–97–08]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 24, 1997 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701–TA–372 and 731–TA–768 (Preliminary) (Fresh Atlantic Salmon from Chile)—briefing and vote.
5. Outstanding action jackets:
   1. Document No. INV–97–034: Dismissal of a section 751(b) review in Inv. No. 731–TA–457 (Final) (Heavy Forged Handtools from the People's Republic of China).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: July 3, 1997.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–17918 Filed 7–3–97; 12:13 pm]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that in *United States* v. *Anderson, Greenwood & Co., et al.,* Civil Action No. H–91–3529, on June 24, 1997, amendments to two Consent Decrees, previously lodged by the United States with the United States District Court for the Southern District of Texas, Houston Division, on December 3, 1991, were lodged with the court.

These amendments add Westinghouse Electric Corporation (''Westinghouse'') as a settling party to two previous consent decrees, notice of which was published in the **Federal Register** on 12/19/91, Vol. 56, No. 244, p. 65913.

The proposed consent decrees settle the government's claims in the amended complaint pursuant to sections 106 and

107 of CERCLA, 42 U.S.C. 9606, 9607, for (1) injunctive relief to abate an imminent and substantial endangerment to the public health, welfare or the environment because of actual or threatened releases of hazardous substances from a facility located near Hempstead, Waller County, Texas, and known as the ''Sheridan Site,'' and for (2) recovery of all response costs incurred by the United States. The amended complaint alleged, among other things, that certain defendants were owners or operators of the facility at the time of disposal of hazardous substances at the Sheridan Site and that certain defendants were persons who by contract, agreement or otherwise arranged for disposal of hazardous substances at the Site or who arranged for transport of hazardous substances to the Site. The complaint further alleged that the United States has incurred response costs in response to actual or threatened releases of hazardous substances at or from the Sheridan Site.

Under the terms of the proposed amended consent decrees, Westinghouse is allowed to join the settlement in return for payment of $15,000 to the Sheridan Site Committee, and its withdrawal of its objections to entry of the consent decrees. The consent decrees, in conjunction with the other pending consent decree lodged June 24, 1993, fully compensates the United States for its costs, as well as fund provides for the implementation of a remedy at the Site. The settlement also provides $20,000 for all costs incurred, and to be incurred, with regard to a wildlife mitigation plan.

The Department of Justice will receive comments relating to the proposed amendments to the Consent Decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Anderson, Greenwood & Co., et al.*, D.J. Ref. No. 90–11–2–445.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, Civil Division, 910 Travis, Suite 1500, Houston, Texas 77002, (713) 567–9000; Superfund Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 655–2169; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy of the Decrees, please refer to the referenced case and enclose a check in the amount of $202.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–17684 Filed 7–1–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *DWC Trust Holding Company, et al.*, Civil Action No. JFM–93–2859 (D. Md.), was lodged on June 24, 1997, with the United States District Court for the District of Maryland. The consent decree resolves the United States' claims for past costs, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607, in connection with the cleanup of the Snow Hill Lane Site, located in Anne Arundel County, Maryland. Under the consent decree, the defendants, owners of the Site, will pay the United States $900,000 in settlement of the United States' claims for past response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *DWC Trust Holding Company, et al.*, DOJ Reference No. 90–11–3–951.

The proposed consent decree may be examined at the office of the United States Attorney, Room 604, United States Courthouse, 101 Lombard Street, Baltimore, Maryland 21210; the Region III Office of the Environmental Protection Agency, 840 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $8.00 (25 cents per page production costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–17682 Filed 7–7–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 138–97]

Privacy Act of 1974; Modified System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to modify the following system of records—previously published March 7, 1997 (62 FR 10582):

The Immigration and Naturalization Service (INS)

Alien File (A–File) and Central Index System (CIS),

Justice/INS–001A

To comply with a provision of a settlement agreement reached in *Amwest Insurance Company* v. *Reno*, Civil No. 93 3256 JSL (Shx), filed in the Central District of California, INS proposes to modify routine use disclosure provision P. Routine use ''P.'' permits the disclosure of information to an obligor who has posted an immigration bond. However, this disclosure provision currently authorizes the release of only that ''information which may aid an obligor in locating an individual who has failed to appear at an immigration proceeding * * *.'' As modified, the routine use authorizes the release of information that may allow the obligor to review the propriety of an INS notice of breach of bond and/or the related appearance demand.

Title 5 U.S.C. 552(e)(4) and (11) provide that the public be given a 30-day period in which to comment on proposed new routine use disclosures. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires a 40-day period in which to conclude its review of the proposal.

Therefore, please submit any comments by August 7, 1997. The public, OMB, and the Congress are invited to send written comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to

OMB and the Congress on the proposed modification.

Dated: June 23, 1997.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/INS–001A

SYSTEM NAME:

The Immigration and Naturalization Service (INS) Alien File (A-File) and Central Index System (CIS).

SYSTEM LOCATION:

Headquarters, Regional, District, and other INS file control offices in the United States and foreign countries as detailed in JUSTICE/INS–999. Remote access terminals will also be located in other components of the Department of Justice and in the Department of State on a limited basis.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals covered by provisions of the Immigration and Nationality Act of the United States.

B. Individuals who are under investigation, were investigated in the past, or who are suspected of violating the criminal or civil provisions of treaties, statutes, Executive Orders, and Presidential proclamations administered by INS, and witnesses and informants having knowledge of such violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The computerized indexing system contains personal identification data such as A-File number, date, and place of birth, date and port of entry, as well as the location of each official hardcopy paper file known as the ''A-file.'' Microfilm records contain naturalization certificates and any supporting documentation prior to April 1, 1956; however, after that date, this type of information is maintained in the ''A-file'' which is described in B below.

B. The hard copy A-file (prior to 1940 were called Citizenship File (C-File)) contains all the individual's official record material such as naturalization certificates; various forms, applications and petitions for benefits under the immigration and nationality laws, reports of investigations; statements; reports; correspondence; and memorandums on each individual for whom INS has created a record under the Immigration and Nationality Act.

AUTHORITY FOR MAINTENANCE OF RECORDS:

Sections 103 and 290 of the Immigration and Nationality Act, as amended (18 U.S.C. 1103 and 8 U.S.C. 1360), and the regulations pursuant thereto.

PURPOSE:

The system is used primarily by INS and other Department of Justice employees to administer and enforce the immigration and nationality laws, and related statutes, including the processing of applications for benefits under these laws, detecting violations of these laws, and the referral of such violations for prosecution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant information contained in this system of records may be disclosed as follows:

A. To clerks and judges of courts exercising naturalization jurisdiction for the purpose of filing petitions for naturalization and to enable such courts to determine eligibility for naturalization or grounds for revocation of naturalization.

B. To the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements.

C. To other Federal, State, and local government law enforcement and regulatory agencies and foreign governments, including the Department of Defense and all components thereof, the Department of State, the Department of the Treasury, the Central Intelligence Agency, the Selective Service System, the United States Coast Guard, the United Nations, and INTERPOL, and individuals and organizations during the course of investigation in the processing of a matter or during a proceeding with the purview of the immigration and nationality laws to elicit information required by INS to carry out its functions and statutory mandates.

D. To a Federal, State, local or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, and/or charged with investigating, prosecuting, enforcing or implementing civil and/or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement reponsibilities, including the collection of law enforcement intelligence.

E. A record, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which INS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by INS to be arguably relevant to the litigation: (i.) INS, or any subdivision thereof, or (ii.) any employee of INS in his or her official capacity, or (iii.) any employee of INS in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (iv.) the United States, where INS determines that the litigation is likely to affect it or any of its subdivisions.

F. To a Federal, State, local or foreign government agency in response to its request, in connection with the hiring or retention by such agency of an employee, the issuance of a security clearance, the reporting of an investigation of such an employee, the letting of a contract, or the issuance of a license, grant, loan or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

G. To a Federal, State, local or foreign government agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision of INS concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

H. To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

I. To other Federal agencies for the purpose of conducting national intelligence and security investigations.

J. To an applicant, petitioner or respondent or to his or her attorney or representative as defined in 8 CFR 1.1(j) in connection with any proceeding before INS.

K. To a Federal, State, or local government agency to assist such agencies in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to them or to the United States Government, and/or to obtain information that may assist INS in collecting debts owned to the United States government: To a foreign government to assist such government in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to it provided that the foreign government in question: (1) Provides sufficient documentation to establish the validity

of the stated purpose of its request, and (2) provides similar information to the United States upon request.

L. To student volunteers whose services are accepted pursuant to 5 U.S.C. 3111 or to students enrolled in a college work study program pursuant to 42 U.S.C. 2751 et seq.

M. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of a personal privacy.

N. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

O. To the General Services Administration and the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

P. To an obligor who has posted a bond with the INS for the subject. INS may provide only such information as either may (1) aid the obligor in locating the subject to insure his or her presence when required by INS, or (2) assist the obligor in evaluating the propriety of the following actions by INS: either the issuance of an appearance demand or notice of a breach of bond—i.e., notice to the obligor that the subject of the bond has failed to appear which would render the full amount of the bond due and payable.

Q. To an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Most A-file and C-file records are paper documents and are stored in file folders. Some microfilm and other records are stored in manually operated machines, file drawers, and filing cabinets. Those index records which can be accessed electronically are stored in a data base on magnetic disk and tape.

RETRIEVABILITY:

These records are indexed and retrieved by A-file or C-file number, name, and/or date of birth.

SAFEGUARDS:

INS offices are located in buildings under security guard, and access to premises is by official identification. All records are stored in spaces which are locked during non-duty office hours. Many records are stored in cabinets or machines which are also locked during non-duty office hours. Access to automated records is controlled by passwords and name identifications.

RETENTION AND DISPOSAL:

A-file records are retained for 75 years from the closing date or date of last action and then destroyed. C-file records are to be destroyed 100 years from March 31, 1956. Automated index records are retained only as long as they serve a useful purpose and then they are deleted from the system disk and/or tape.

SYSTEM MANAGER(S) AND ADDRESS:

The Servicewide system manager is the Assistant Commissioner, Office of Records, Office of Examinations, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above, the nearest INS office, or the INS office maintaining desired records, if known, by using the list of principal offices of the Immigration and Naturalization Service Appendix: JUSTICE/INS—999, published in the **Federal Register**.

RECORD ACCESS PROCEDURE:

Make all requests for access in writing to the Freedom of Information Act/Privacy Act (FOIA/PA) officer at one of the addresses identified above. Clearly mark the envelope and letter ''Privacy Act Request.'' Provide the A-file number and/or the full name, date and place of birth, and notarized signature of the individual who is the subject of the record, and any other information which may assist in identifying and locating the record, and a return address. For convenience, INS Form G–639, FOIA/PA Request, may be obtained from the nearest INS office and used to submit a request for access.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the FOIA/PA Officer at one of the addresses identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope ''Privacy Act Request.'' The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

Basic information contained in INS records is supplied by individuals on Department of State and INS applications and forms. Other information comes from inquiries and/or complaints from members of the general public and members of congress; referrals of inquiries and/or complaints directed to the White House or Attorney General; INS reports to investigations, sworn statements, correspondence and memorandums; official reports, memorandums, and written referrals from other entities, including Federal, State, and local governments, various courts and regulatory agencies, foreign government agencies and international organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4); (d); (e) (1), (2), and (3); (e)(4) (G) and (H); (e) (5) and (8); and (g) of the Privacy Act. These exemptions apply to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552 (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the **Federal Register** and codified as additions to Title 28, Code of Federal Regulations (28 CFR 16.99).

[FR Doc. 97–17683 Filed 7–7–97; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–2]

Gilbert J. Elian, M.D.; Revocation of Registration

On August 14, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gilbert J. Elian, M.D., (Respondent) at his registered location in Santa Clara, California, and at his residence in Parkland, Florida. The Order to Show Cause notified him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AE6216611, and deny any pending applications for registration pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the State of California.

On October 10, 1996, Respondent filed a request for a hearing in which he

asserted that he is ''still duly licensed in the State of Hawaii and such revocation would not allow me to practice medicine with a DEA license in the Atate of Hawaii (or any other state).'' In addition, he argued that the reason for the revocation of his California medical license ''did not concern the use or dispensing of any controlled or non-controlled substances.'' The matter was docketed before Administrative Law Judge Mary Ellen Bittner. On October 16, 1996, Judge Bittner issued an Order for Prehearing Statements. On October 21, 1996, the Government filed a Motion for Summary Disposition, alleging that effective April 21, 1995, the Medical Board of California (Board) revoked Respondent's license to practice medicine in the State of California and therefore, he is not authorized to handle controlled substances in that state.

On October 28, 1996, Respondent filed a response to the Government's motion, arguing that there are various issues that should be presented and argued in a hearing. Respondent however, did not deny that he is not currently authorized to handle controlled substances in California.

On April 22, 1997, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in the State of California; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on May 22, 1997, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirely, and pursuant to 21 CFR 131.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that on July 31, 1991, an Administrative Law Judge for the Board issued a Proposed Decision recommending that Respondent's medical license be revoked based upon his negligent practice of ophthalmology, but that the revocation be stayed and that his license be placed on probation for seven years subject to various terms and conditions. In a Decision dated May 21, 1992, the Board adopted the Administrative Law Judge's Proposed Decision with some exceptions. Significantly, the Board did not adopt the Administrative Law Judge's proposed stay of revocation and instead ordered the ''outright revocation'' of Respondent's medical license effective June 20, 1992. The Board's order was stayed however, pending an appeal to the Los Angeles County Superior Court. Following the appeal, the Board issued a Decision dated March 23, 1995, which ordered that the revocation originally ordered on May 21, 1992, would be effective April 21, 1995. A letter from the Board dated October 18, 1996, that accompanied the Government's Motion for Summary Disposition, indicates that there have been no appeals since the April 23, 1995 revocation and that Respondent's medical license ''is in a REVOKED STATUS.'' Therefore, the Acting Deputy Administrator finds that Respondent is not currently authorized to practice medicine in the State of California.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.,* 62 FR 16,193 (1997); *Demetris A. Green, M.D.,* 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.,* 58 FR 51,104 (1993).

Here, it is clear that Respondent is not licensed to practice medicine in California and consequently, it is reasonable to infer that he is not authorized to handle controlled substances in that state. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state. Respondent argues in his request for a hearing that his DEA registration should not be revoked since he is currently licensed to practice medicine in Hawaii. The Acting Deputy Administrator notes however that Respondent's DEA registration is issued to him in California, not Hawaii, and he is not authorized to practice medicine in California. Respondent is not precluded from applying for a DEA Certificate of Registration for a state where he is licensed to practice medicine. Respondent further argues that his DEA registration should not be revoked since the revocation of his California medical license had nothing to do with controlled or non-controlled substances. The Acting Deputy Administrator concludes that this argument is without merit. If a practitioner is without state authority to handle controlled substances, regardless of the reason, the practitioner is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition. Here, the parties did not dispute the fact that Respondent was unauthorized to handle controlled substances in California. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See *Phillip E. Kirk, M.D.,* 48 FR 32,887 (1983); *aff'd sub nom Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO, 549 F.2d 634 (9th Cir. 1977); United States* v. *Consolidated Mines & Smelting Co.,* 44 F.2d 432 (9th Cir. 1971).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AE6216611, previously issued to Gilbert J. Elian, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective August 7, 1997.

Dated: June 30, 1997.

James S. Milford,

Acting Deputy Adminsitrator.

[FR Doc. 97–17656 Filed 7–7–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Sunshine Act Meeting

Foreign Claims Settlement Commission, U.S. Department of Justice, Washington, DC 20579

[F.C.S.C. Meeting Notice No. 18–97]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Dates and Times:

Monday, July 21, 1997, 9:30 a.m. to 5:00 p.m.

Wednesday, July 23, 1997, 9:30 a.m. to 5:00 p.m.

Friday, July 25, 1997, 9:30 a.m. to 5:00 p.m.

Monday, July 28, 1997, 9:30 a.m. to 5:00 p.m.

Thursday, July 31, 1997, 9:30 a.m. to 5:00 p.m.

Subject Matter: (1) Oral Hearings and Hearings on the Record on Objections to the Commission's Proposed Decision on the Scope of the Holocaust Survivors Claims Program, Decision No. HS–I, issued June 16, 1997; (2) Oral Hearings and Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany: (3) Consideration of Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany.

Status: Closed.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC, July 2, 1997.

Judith H. Lock,

Administrative Officer.

[FR Doc. 97–17845 Filed 7–2–97; 5:05 pm]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 2, 1997.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5096 ext. 143) or by E-Mail to OMalley-Theresa@dol.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday–Friday.

Comments should be sent to Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Mine Safety and Health Administration Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316, by August 7, 1997.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Title: Petitions for Modification of Mandatory Safety Standards.

OMB Number: 1219–0065.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 217.

Estimated Time Per Respondent: 29 hours.

Total Burden Hours: 6,400.

Total Annualized Capital/Startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $285,651.

Description: This information collection provides procedures by which a mine operator, representative of miners, or independent contractor may request relief from a mandatory safety standard.

Theresa M. O'Malley,

Departmental Clearance Officer.

[FR Doc. 97–17740 Filed 7–7–97; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–97–29]

Agency Information Collection Activities; Proposed Collection; Comment Request; Manlifts (29 CFR 1910.68(e)(3))—Inspection Certifications

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 requirements contained in 29 CFR 1910.68(e)(3). 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 8, 1997.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–97–29, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 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: 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, DC 20210. Telephone: (202) 219–8161, ext. 138. 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 certification provisions of Manlifts, 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 inspection certification records required in 29 CFR 1910.68(e)(3) are necessary to assure compliance with the requirement for manlifts. They are intended to assure that manlifts have monthly maintenance checks, that the limit switches, which are a part of the manlift, are inspected on a weekly basis, and that the findings of the inspections are recorded.

II. Current Actions

This notice requests an extension of the current Office of Management and Budget (OMB) approval of the inspection certification requirements contained in 29 CFR 1910.68(e)(3)—Manlifts (currently approved under OMB Control No. 1218–0210).

Type of Review: Extension.

Agency: U.S. Department of labor, Occupational Safety and Health Administration.

Title: Manlifts (29 CFR 1910.68(e)(3)—Inspection Certifications.

OMB Number: 1218–.

Affected Public: Business or other for-profit.

Number of Respondents: 3,000.

Frequency: Monthly; Weekly.

Average Time per Response: 1.15 hours.

Estimated Total Burden Hours: 51,005.

Total Annualized Capital/Startup Costs: $0.

Signed at Washington, D.C., this 27th day of June 1997.

John F. Martonik,

Acting Director, Directorate of Safety Standards Programs.

[FR Doc. 97–17739 Filed 7–7–97; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration (OSHA)

National Advisory Committee on Occupational Safety and Health (NACOSH); Notice of Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on August 4, 1997, from 9:00 a.m. to about 3:30 p.m. in Room N–3437 A–D of the Department of Labor Building located at 200 Constitution Avenue NW, Washington, DC. Congress created NACOSH under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. § 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of this Act.

The NACOSH meeting is open to the public. Individuals with disabilities requiring certain accommodations should contact Theresa Berry (phone: 202–219–8615 ext. 106; FAX: 202–219–5986) by July 28, 1997.

The agenda items include: a brief overview of current activities at the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health; regulatory and legislative updates; a continuing discussion of OSHA's 11(c) program, cooperative compliance programs, and the strategic and annual performance plans; and a report of an ergonomics conference.

Interested persons may file written data, views or statements, preferably with 20 copies, for consideration by NACOSH by submitting it to Joanne Goodell at the address provided below. Those submissions received by August 1, 1997, will be provided to NACOSH and included in the record of the meeting. Interested persons may also request to make an oral presentation by submitting to Joanne Goodell by July 25, 1997, a summary of the proposed presentation, an estimate of the time desired, and a statement of the interest that the person represents. The Chair may allow oral presentations at her discretion and as time permits.

An official record of the meeting will be available for public inspection in the OSHA Technical Data Center (TDC) located in Room N–2625 of the Department of Labor Building (202–219–7500). For additional information contact: Joanne Goodell, Directorate of Policy, OSHA; Room N–3641, 200 Constitution Avenue NW, Washington, DC 20210 (phone: 202–219–8021, extension 107; FAX: 202–219–4383).

Signed at Washington, D.C. this 2nd day of July, 1997.

Greg Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97–17741 Filed 7–7–97; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–094]

Agency Information Collection: Submission for OMB Review, Comment Request

AGENCY: National Aeronautics and Space Administration (NASA).

SUMMARY: The National Aeronautics and Space Administration has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this proposal should be received on or before August 7, 1997.

ADDRESSES: All comments should be addressed to Mr. Robert J. Bobek, Code ICB National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Ms. Carmela Simonson, Office of the Chief Information Officer, (202) 358–1223.

Reports:

Title: Patent Waiver Report.

OMB Number: 2700–0050.

Type of Review: Extension.

Need and Uses: Reports are analyzed by the NASA Inventions and Contributions Board to evaluate the progress made by NASA contractors who received waiver of patent rights in terms of development and commercialization of waived inventions.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 66.

Responses Per Respondent: 1.

Estimated Annual Responses: 66.

Estimated Hours Per Request: 2.

Estimated Annual Burden Hours: 147.

Frequency of Report: Annually.

Donald J. Andreotta,

Deputy Chief Information Officer (Operations), Office of the Administrator.

[FR Doc. 97–17767 Filed 7–7–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–092]

NASA Advisory Council, Minority Business Resource Advisory Committee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

DATES: July 29, 1997, 9:00 a.m. to 4:00 p.m. and July 30, 1997, 9:00 a.m. to 1:00 p.m.

ADDRESSES: NASA Headquarters, 300 E Street, SW, Room 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph C. Thomas III, Office of Small and Disadvantaged Business Utilization, National Aeronautics and Space Administration, Room 9K70, 300 E Street SW, Washington, DC 20546, (202) 358–2088.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Call to Order
- Reading of Minutes
- Small Business Implementation Plan
- Report on Action Items
- Public Comment
- Subpanel Reports
- New Business
- Adjourn

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 30, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–17765 Filed 7–7–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (97–093)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that International Fire & Gas Sales & Consulting Service, Inc., Epping, NH, has applied for an exclusive license to practice U.S. Patent No. 5,625,342, entitled ''Plural-Wavelength Flame Detector that Discriminates Between Direct and Reflected Radiation,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Kennedy Space Center.

DATE: Responses to this notice must be received by September 8, 1997.

FOR FURTHER INFORMATION CONTACT: Beth Vrioni, John F. Kennedy Space Center, Mail Code DE–TPO, Kennedy Space Center, FL 32899, telephone (407) 867–2544.

Dated: June 25, 1997.

Edward A. Frankle,

General Counsel.

[FR Doc. 97–17766 Filed 7–7–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Education and Human Resources; Committee of Visitors (#1119).

Date and Time: July 24–25, 1997 from 8:00 AM to 5:00 PM.

Place: Room 340, NSF, 4210 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Gerhard Salinger, Program Director, Division of Elementary, Secondary and Informal Education, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1670.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Instructional Materials Development Program.

Reason For Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b (c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–17719 Filed 7–7–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Mathematical and Physical Sciences (66).

Date and Time: July 23–24, 1997, 8:30 a.m.–6:00 p.m.; July 25, 1997, 8:30 a.m.–3:00p.m.

Place: Rm. 310, NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. David Berley, Program Director for Gravitational Physics, Mathematical Sciences Division, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1892.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Physics programs.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–17720 Filed 7–7–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME: 9:30 a.m., Tuesday, July 15, 1997.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE DISCUSSED:

6822A Aircraft Accident Report—Uncontrolled Flight into Terrain, ABX AIR INC (Airborne Express), Douglas DC–8–63, N827AX, Narrows, Virginia, December 22, 1996.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 314–6065.

Dated: July 3, 1997.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 97–17926 Filed 7–3–97; 12:26 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–334]

Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company (Beaver Valley Power Station, Unit No. 1); Exemption

I

Duquesne Light Company (DLC), Ohio Edison Company (OEC), and Pennsylvania Power Company (PPC), the licensees, are holders of Facility Operating License No. DPR–66, which authorizes operation of the Beaver Valley Power Station, Unit No. 1 (BVPS–1). The license provides that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensee's site located in Beaver County, Pennsylvania.

II

The *Code of Federal Regulations,* 10 CFR 70.24, ''Criticality Accident Requirements,'' requires that each licensee authorized to possess special nuclear material shall maintain a criticality accident monitoring system in each area where such material is handled, used, or stored. Subsection a(2) of 10 CFR 70.24 specifies detection and sensitivity requirements that these monitors must meet. Subsection (a)(3) of 10 CFR 70.24 requires licensees to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored and provides (1) that the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) that the procedures must include drills to familiarize personnel with the evacuation plan, and (3) that the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) of 10 CFR 70.24 requires licensees to have a means to identify quickly personnel who have received a dose of 10 rads or more. Subsection (b)(2) of 10 CFR 70.24 requires licensees to maintain personnel decontamination facilities, to maintain arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and to maintain arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Paragraph (c) of 10 CFR 70.24 exempts Part 50 licensees from the requirements of paragraph (b) of 10 CFR 70.24 for special nuclear material used or to be used in the reactor. Subsection (d) of 10 CFR 70.24 states that any licensee who believes that there is good cause why he should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

III

The special nuclear material that could be assembled into a critical mass at BVPS–1 is in the form of nuclear fuel; the quantity of special nuclear material other than fuel that is stored on site is small enough to preclude achieving a critical mass. The Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at BVPS–1 and has determined that such an accident is unlikely to occur if the licensee meets the following seven criteria:

1. Only 1 pressurized water reactor fuel assembly is allowed out of a shipping cask or storage rack at one time.

2. With the fresh fuel storage racks filled with fuel of the maximum permissible U–235 enrichment and flooded with pure water, the maximum k-effective shall not exceed 0.95, at a 95% probability, 95% confidence level.

3. With the fresh fuel storage racks filled with fuel of the maximum permissible U–235 enrichment and flooded with moderator at the (low) density corresponding to optimum moderation, the maximum k-effective shall not exceed 0.98, at a 95% probability, 95% confidence level.

4. With the spent fuel storage racks filled with fuel of the maximum permissible U–235 enrichment and flooded with pure water, the maximum k-effective shall not exceed 0.95, at a 95% probability, 95% confidence level.

5. The quantity of other forms of special nuclear material, such as sources, detectors, etc., that are stored on site is small enough to preclude achieving a critical mass.

6. Radiation monitors, as required by General Design Criterion 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions.

7. The maximum nominal U–235 enrichment is limited to 5 weight percent.

By letter dated December 18, 1996, as supplemented April 10 and June 11, 1997, DLC requested an exemption from 10 CFR 70.24. In this exemption request, DLC addressed the seven criteria given above. The Commission's technical staff has reviewed DLC's submittal and has determined that BVPS–1 meets the criteria for prevention of inadvertent criticality; therefore, the staff has determined that an inadvertent criticality in special nuclear materials handling or storage areas at BVPS–1 is highly unlikely.

The purpose of the criticality monitors required by 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. Although the staff has determined that an inadvertent criticality event is highly unlikely, the licensee has radiation monitors, as required by General Design Criterion 63 (GDC 63), in fuel storage and handling areas. These monitors will alert personnel to excessive radiation levels and allow them to initiate appropriate safety actions. The low probability of an inadvertent criticality together with the licensee's adherence to GDC 63 constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24.

IV

The Commission has determined that, pursuant to 10 CFR 70.14, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest; herefore, the Commission hereby grants the following exemption: DLC, OEC, and PPC are exempt from the requirements of 10 CFR 70.24 for BVPS–1.

Pursuant to 10 CFR 51.32, the Commission has determined that the

granting of this exemption will have no significant impact on the quality of the human environment (62 FR 34320).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of June 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–17748 Filed 7–7–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

Susquehanna Steam Electric Station (Units 1 and 2); Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity For a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–14 and NPF–22 issued to Pennsylvania Power & Light Company (PP&L, the licensee) for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2 located in Luzerne County, PA.

The proposed amendment would change the Technical Specifications (TS) for the two units to clarify the current methodology for laboratory analysis of used carbon samples for the standby gas treatment system (SGTS) and the control room emergency outside air supply system (CREOASS).

PP&L's request for this license amendment to be processed under exigent circumstances was based on its recent discovery that a standard cited in TS surveillances was not actually being used for laboratory analysis of activated carbon samples taken from the SGTS and CREOASS at SSES, Units 1 and 2. Despite the fact that the actual testing methodology being conducted on the carbon samples is an improvement over the TS referenced method, the licensee has requested that this amendment be processed in an exigent matter to correct this condition of non-compliance with its TSs. PP&L had determined that it would have been forced to shut down both units had it not requested enforcement discretion to be permitted to not comply with the specified TS surveillance requirements until this requested amendment could be reviewed and approved by the staff. The staff also determined that the licensee could not have avoided making this request since having them strictly comply with the TS methods would have taken several weeks to process new testing purchase orders and additional delay in compliance.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The methods used to test charcoal samples do not increase the probability or consequences of an accident or malfunction of equipment important to safety as previously evaluated in the FSAR. The capability of the charcoal in SGTS and CREOASS to adsorb iodine is a consideration in assessing the consequences of an accident. The limit on methyl iodide penetration assures that the activated carbon in these safety-related systems will provide the iodine removal efficiencies assumed in the accident analyses. The charcoal testing methodology currently being used is equivalent or more conservative than that specified in Technical Specifications, and thus provides assurance that charcoal meeting the acceptance criteria will perform as designed. These changes do not affect the probability of event initiators or any ESF actuation setpoints or accident mitigation capabilities.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Testing on carbon samples is performed offsite, and residual samples are not returned to the SGTS or CREOASS. Therefore, the testing methodology has no effect on system operation. No new or different accident scenarios, transient precursors, failure mechanisms or limiting single failures will be introduced as a result of these changes.

3. The proposed change does not involve a significant reduction in the margin of safety.

The limit on methyl iodide penetration assures that the activated carbon in these safety-related systems will provide the iodine removal efficiencies assumed in the accident analyses. Use of the ASTM–D–3803–1979 methodology more accurately assures that the SGTS and CREOASS perform their intended design functions. This change will not affect system operation or performance. Therefore, there is no reduction in the margin of safety. Offsite and control room dose analyses are not affected by this change. All offsite and control room doses will remain within the limits established in the accident analyses.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document

Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 7, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 27, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 2nd day of July 1997.

For the Nuclear Regulatory Commission

Chester Poslusny, Sr.

Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–17751 Filed 7–7–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–352 and 50–353]

Philadelphia Electric Company; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Philadelphia Electric Company (PECO, the licensee) to withdraw its September 18, 1995, application for proposed amendment to Facility Operating License Nos. NFP–39 and NFP–85 for the Limerick Generating Station, Unit Nos. 1 and 2, located in Montgomery County, Pennsylvania.

The proposed amendment would have revised the frequency of

calibration for the local power range monitor signals from every 1000 Effective Full Power Hours to every 2000 Megawatt Days per Standard Ton.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 4, 1996 (61 FR 64390). However, by letter dated June 20, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 18, 1995, and the licensee's letter dated June 20, 1997, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, PA.

Dated at Rockville, Maryland, this 27th day of June 1997.

For the Nuclear Regulatory Commission.

Frank Rinaldi,

Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–17749 Filed 7–7–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–160]

Georgia Institute of Technology, Georgia Tech Research Reactor; Issuance of Final Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC) has issued a Final Director's Decision Under 10 CFR 2.206 regarding the Georgia Tech Research Reactor at the Georgia Institute of Technology in response to a Petition received from Ms. Pamela Blockey-O'Brien (Petitioner), dated October 23, 1994. In issuing the Final Director's Decision, the NRC also considered subsequent letters from the Petitioner dated November 12 and December 4, 1994; and February 21, February 23, March 6, March 28, April 19, May 18, June 27, July 18, August 18, August 21, August 28, August 31, September 17, and October 27, 1995; and January 10, January 27, March 14, and May 24, 1996.

On October 23, 1994, the Petitioner requested (1) the shutdown and decontamination of the Georgia Tech Research Reactor, (2) the revocation of liquid radioactive material release authority to all licensees, (3) the revocation of licenses that use the principle of ''as low as reasonably achievable,'' (4) the termination of transportation of radioactive material by mail, and (5) the modification to posting requirements for radioactive material. A ''Partial Director's Decision Under 10 CFR 2.206'' (DD–95–15) dated July 31, 1995, addressed requests (2) through (5) and all the issues concerning request (1) except those management and security issues, which were related to issues pending in an ongoing licensing proceeding for the Georgia Tech Research Reactor. The Partial Director's Decision denied the requested actions based on the evaluation to that time. *See* DD–95–15, 42 NRC 20–45 (1995).

This Final Director's Decision addresses the issues related to management and security, which are the remaining bases for Petitioner's request for the shutdown and decontamination of the Georgia Tech Research Reactor. The Director of the Office of Nuclear Reactor Regulation has determined that these concerns do not provide a basis for taking the requested actions. Accordingly, the remaining request of the Petition has been denied for the reasons stated in the ''Final Director's Decision Under 10 CFR 2.206'' (DD–97–16), the complete text of which follows this notice. The Final Director's Decision is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

A copy of this Final Director's Decision will be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c). As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after the date of the issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 27th day of June 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

Final Director's Decision Under 10 CFR 2.206

I. Introduction

On October 23, 1994, Ms. Pamela Blockey-O'Brien (the Petitioner) filed a Petition with the U.S. Nuclear Regulatory Commission (NRC) staff pursuant to 10 CFR 2.206. This Petition requested that the NRC staff revoke the license for the Georgia Tech Research Reactor (GTRR), shut down this research reactor and its support facilities, and remove all radioactive material and contamination offsite to a government-created ''National Sacrifice [A]rea'' such as the Savannah River or Oak Ridge facilities. In addition, the Petitioner requested that the NRC staff withdraw all license authority nationwide involving the discharging or dumping of any quantity of radioactive material into all the sewers or waters in the United States or oceans of the world, and withdraw all licenses to all nuclear facilities, including nuclear power plants (NPPs), that operate under ''as low as reasonably achievable'' (ALARA) principles. Finally, the Petitioner requested that the NRC staff prohibit the transportation of radioactive material by mail and modify every license issued to transporters of radioactive materials and builders of NPPs to require these parties to put, in 2 foot high letters, on everything they transport or build, the words ''DANGER—RADIOACTIVE'' and, in smaller letters, ''there is no safe level of radiation, any exposure can effect health.''

As bases for the request to shut down and decontaminate Georgia Tech Research Reactor, the Petitioner asserted that (1) a water flume comes out of the ground ''destabilizing the reactor and the ground in some way;'' (2) ''[r]adiation levels in soil and vegetation climb markedly in GA EPD [Georgia Environmental Protection Division] documents'' around the reactor; (3) there is no record of air monitoring ever having been done; (4) heavy rainfall causes water to back up in the sewer and drainage lines causing flooding of the reactor parking lot and campus, as well as causing sinkholes, ''puff-ups'' on campus ground, and welded-shut manhole covers to be blown off; (5) radioactive contaminants have been routinely discharged into the sanitary sewer from the reactor's waste water holding tank and contamination spread by backup of the sewage system; (6) should the reactor be further destabilized, the reactor and the tank holding cobalt-60 could ''break apart,'' causing radioactive contaminants to ''drain into groundwater/down sewers/into the runoff ditch;'' (7) the reactor is in an earthquake zone; (8) there is absolutely no reason to keep the reactor operating; (9) security at the reactor is extremely lax; and (10) in case of an accident or terrorist attack, evacuation of the campus and downtown Atlanta would be impossible, especially during the 1996 Olympics.

In a Partial Director's Decision Under 10 CFR 2.206 dated July 31, 1995 (DD–

95–15), the Acting Director, Office of Nuclear Reactor Regulation (NRR), for the reasons stated in that decision, denied the Petitioner's requests except for the request that the NRC staff revoke the license of the GTRR, shut down this research reactor and its support facilities, and remove all radioactive material and contamination off site to a government created ''National Sacrifice [A]rea'' such as the Savannah River or Oak Ridge facilities, insofar as that request rested on bases numbers (8) and (9), and that portion of basis (10) that deals with potential terrorist attacks, as set forth above. See Georgia Institute of Technology (Georgia Tech Research Reactor), DD–95–15, 42 NRC 20, 40 n.37 (1995). (The portion of basis (10) that relates to evacuation and emergency planning also is discussed in DD–95–15, 42 NRC at 40–43.)

Basis (8) includes concerns that substantial management deficiencies persist. Basis (9) involves concerns about security. Basis (10) includes concerns about evacuation in case of a terrorist attack. Since these concerns were related to issues in an ongoing license renewal proceeding before an Atomic Safety and Licensing Board (ASLB), they were not addressed in DD–95–15. The Commission ordinarily expects the staff to deny a petition filed pursuant to 10 CFR § 2.206 that raises the same issues that are being considered in a pending adjudication on the basis of the pendency of the identical matters in a proceeding involving the same licensee or facility. Georgia Power Co. (Hatch Nuclear Plant, Units 1 and 2; Vogtle Electric Generating Plant, Units 1 and 2), CLI–93–15, 38 NRC 1, 2–3 (1993); see General Public Utilities Nuclear Corp. (Three Mile Island Nuclear Station Units 1 and 2; Oyster Creek Nuclear Generating Station), CLI–85–4, 21 NRC 561, 563–65 (1985); Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI–81–6, 13 NRC 443, 446 (1981). (This general rule is not intended to bar a petitioner from seeking immediate enforcement action from the staff in circumstances in which the presiding officer is not empowered to grant such relief. Vogtle, 38 NRC at 3.) The same result can be achieved by the staff deferring consideration of issues raised in a petition filed pursuant to 10 CFR § 2.206 that are being considered in a pending proceeding involving the same licensee and facility, as was done with regard to Petitioner's concern regarding the management of the GTRR.The NRC staff received additional letters dated November 12 and December 4, 1994, and February 21, February 23, March 6, March 28, April 19, May 18, June 27, and July 18, 1995, from the Petitioner and also considered these letters in DD–95–15.

This Final Director's Decision addresses the management concerns in issue (8) above and security concerns in issues (9) and (10) above for the request to shutdown and decontaminate the GTRR in the 10 CFR 2.206 Petition of October 23, 1994. The NRC staff received additional letters from the Petitioner dated August 18, August 21, August 28, August 31, September 17, and October 27, 1995; and January 10, January 27, March 14, and May 24, 1996. All letters related to this Petition were considered in this Final Director's Decision and have been placed in the Public Document Room and docketed under the GTRR Docket Number (50–160). For the reasons set forth below, the Petitioner's remaining request is denied.

II. Discussion

A. Management of the GTRR

Petitioner stated that ''[t]here is no reason to keep the [GTRR] operating,'' and asserted that substantial management deficiencies persist. As stated above, DD–95–15 did not address the management issue since it had been admitted in a proceeding on the renewal of the license for the GTRR.

The history of the license renewal proceeding is set forth in the ASLB's Initial Decision in that proceeding. Georgia Institute of Technology (Georgia Tech Research Reactor), 45 NRC _____, LBP 97–7, slip op. at 1–5 (April 3, 1997). A copy of that decision was sent to the Petitioner. In the Initial Decision, the ASLB concluded, in part, that:

> 1. The Applicant's performance in the post-restart period, although not entirely satisfactory, has substantially improved since the shutdown of the reactor in 1988. Further, Georgia Tech's performance in the post-restart period does not support GANE's assertion that management of the GTRR is inadequate and that the license renewal application should therefore be denied. Nor has GANE met its burden of demonstrating that ''substantial management deficiencies persist.''
>
> 2. . . . We conclude that GANE has not demonstrated ''management improprieties or poor 'integrity' . . .[that] relate directly to the proposed licensing action,'' or that ''the GTRR as presently organized and staffed [fails to] provide reasonable assurance of candor and willingness to follow NRC regulations.'' Moreover, the evidence supports findings that ''the facility's current management encourages a safety-conscious attitude, and provides an environment in which employees feel they can freely voice safety concerns,'' and there is ''reasonable assurance that the GTRR facility can be safely operated'' in that ''the GTRR's current management [n]either is unfit [n]or structured unacceptably.''
>
> 3. The Applicant's management of the Georgia Tech Research Reactor complies with all applicable regulatory requirements, and provides reasonable assurance that its management of the GTRR facility, upon the renewal of the License No. R–97, will not be inimical to the common defense and security or to the health and safety of the public. . .

Id. at 82–83 (citations omitted).

The ASLB's Initial Decision considered all the evidence submitted on the record during the proceeding. The Petitioner did not submit any information to the NRC in support of its Petition that was significantly different from the evidence considered by the ASLB in the license renewal proceeding on the management issue.

Since the ASLB proceeding record closed in June 1996, four additional NRC inspections of the GTRR facility have been conducted (NRC Inspection Reports No. 50–160/96–02, 50–160/96–03, 50–160/96–04 and 50–160/96–05 which were sent to the Petitioner). Three of the inspections found no violations; the violations that were found and documented in NRC Inspection Report No. 50–160/96–02 do not provide a basis for changing the NRC staff's conclusion with regard to Georgia Tech's management of the facility.

The NRC staff's inspection findings subsequent to the close of the ASLB record do not provide a basis for concluding that substantial management deficiencies have arisen with regard to the GTRR since the record in the license renewal proceeding closed. The Petitioner does not otherwise provide any information that would be a basis for the NRC staff to conclude at this time that the management and organization of the Georgia Tech Research Reactor fails to comply with the Atomic Energy Act and NRC regulations. Although the Petitioner in very broad terms opposes operation of the facility, the application makes clear that its intended purpose is in keeping with lawful uses authorized in the Atomic Energy Act of 1954, as amended. The proposed operation has been found to acceptably comply with all applicable NRC regulatory requirements. Based on the foregoing, the NRC staff concludes that no information has been provided on this issue to warrant the action requested by the Petitioner.

B. Security Issues

Petitioner raised two issues regarding security, asserting that (1) security at the GTRR is extremely lax and (2) in case of accident or terrorist attack,

evacuation of the campus and downtown Atlanta would be impossible, especially during the 1996 Olympics. These two issues are discussed below.

Georgia Tech has implemented a security plan for the research reactor that is consistent with the applicable requirements of 10 CFR Part 73, ''Physical Protection of Plants and Materials.'' This has been confirmed through the relatively recent NRC safeguards and security related inspection activities in NRC Inspection Reports No. 50–160/95–02, 50–160/95–04, 50–160/95–05, 50–160/96–01, 50–160/96–03, and 50–160/96–04. (Inspection Reports No. 50–160/95–02, 50–160/95–04, and 50–160/96–01 were admitted into evidence in the license renewal proceeding.)

Inspection Report No. 50–160/95–02 identified a violation for a failure to submit material status reports in a timely manner. Otherwise the inspection found that the safeguards and security activities were acceptable.

On October 26, 1995, a television news media crew entered the Neely Nuclear Research Center, which houses the GTRR, and explored and filmed portions of the center. In response, the NRC conducted an inspection of the GTRR from October 3 to November 3, 1995, as documented in NRC Inspection Report No. 50–160/95–04, which states:

> This Special announced safeguards inspection was conducted to review the circumstances surrounding an uninvited tour of portions of the Neely Nuclear Research Center by a television news media crew which occurred, apparently, on the morning of October 26, 1995. . . Neither the licensee nor the inspector could find any evidence of a security breach of the protected area. One licensee employee was identified who had seen parts of the video made by the television crew supposedly on October 26, 1995; according to that employee, the video shows two security doors being challenged by the television crew which remained locked. This employee stated that the video shows the crew touring interior and exterior areas of the Center which are open to the public or students and staff. On November 10, the inspector viewed the television showing of the video taken during this event and could find no indication that the television crew had unauthorized access to the protected/radiation controlled area. . . No violations or deviations were identified.
>
> In view of these inspection findings, the television media crew's tour is not a basis for granting the Petitioner's request.

The ASLB discussed these events in the context of the contention regarding management deficiencies, and made findings of fact consistent with this conclusion. LBP 97–7, slip op. at 51–57. It stated:

> Upon review of the evidence of this event, we agree with the [s]taff that the Fox Television film crew's intrusion into the reactor complex does not reflect inadequate management by the [a]pplicant. To the contrary, the security plan appears to have worked as intended, in compliance with applicable regulatory requirements. Further, as observed by the [s]taff, the [a]pplicant's subsequent decision to upgrade its security measures beyond the requirements of the security plan may be viewed as demonstrating good managerial judgment. Thus, this matter does not provide grounds for denying or conditioning the license.

Id. at 56–57 (Citation omitted).

Inspection Report No. 50–160/95–05 refers to the inspection conducted December 5–7, 1995:

> The special inspection addressed the facility's reactor status, physical inventory determinations, and other activities associated with maintaining a material control and accounting program within regulatory requirements, the licensed possession limit, and authorized uses of special nuclear material. . . Within the scope of the inspection, no non-compliance issues were identified. The inspector determined that the licensee had implemented adequate controls for special nuclear material (SNM), and that accurate SNM accounting records were being maintained.

Inspection Report No. 50–160/96–01 refers to the inspection conducted on January 17 and 18, 24 and 25, 29 and 30, and February 5–7, 9, 15–18, and March 15, 1996. This inspection examined security provisions for fuel processing and shipment offsite. As an additional precaution in regards to security during the Olympic Games, the licensee had determined to remove all GTRR fuel from the facility prior to the Games and not to replace it until after the Games. The inspection found that in addition to meeting regulatory requirements the licensee provided additional measures (e.g., a guard was assigned to various observed activities).

Inspection Report No. 50–160/96–03 refers to the inspection conducted on June 17, 18, and 27, and July 3, 5, and 11, 1996. This inspection included onsite and offsite review of security preparations for the Olympic Games. The inspection concluded: ''The controls implemented by the licensee and the precautions taken are adequate to protect licensee personnel and the public.''

The inspection documented in Inspection Report No. 50–160/96–04 was conducted on July 17 and 29, 1996. This inspection reviewed the preparation for the Summer Olympic Games and found that:

> [T]he university had taken additional safeguards measures to control access to the Campus and to the Research Control Area. The licensee had taken additional safeguards measures to control access to the Neely Nuclear Research Center (NNRC). The additional security measures taken as a result of the 1996 Olympic Games were reviewed and/or observed by the inspectors. . . On July 17 and 29, 1996, the inspectors visited the Neely Nuclear Research Center, met with the Director of the Center, toured the facility and verified continued compliance with the Physical Security Plan (PSP). The inspectors were granted unfettered access to the Research Control Area as well as to the Center and emergency access during the Olympics was assured because the inspectors and selected management of Region II had been provided with special picture badges to facilitate NRC response. The presence of military police, Campus police and additional State and Federal law enforcement officers in the immediate vicinity of the Center was observed by the inspectors. The access controls, barriers, assessment capabilities, communication capabilities and detection equipment required by the NRC were in place. Additional exterior lights had been installed by the licensee to assist patrolling officers. Additional fencing around the Center was also noted by the inspectors. . . The inspector concluded that the licensee was meeting NRC requirements and had effectively imposed proactive security measures.

With regard to the contention on the physical security of the site during the 1996 Summer Olympic Games held in Atlanta, Georgia, the ASLB decision observed that ''the Applicant, responding to several Commission inquiries relative to security at the Olympic Games, determined to remove all nuclear fuel from the site prior to the Olympic Games and not to replace it until after the Games. The Commission accordingly remanded the security contention to us for appropriate action * * * and we issued a Partial Initial Decision dismissing the contention as moot.'' LBP–97–7, slip. op. at 4. See Georgia Institute of Technology (Georgia Tech Research Reactor), LBP–95–19, 42 NRC 191 (1995).

In summary, the physical security plan was verified to provide acceptable procedures for event response and access control, and the security preparations for the Olympics were acceptable. Observations of the facility and activities confirmed the use of security-related equipment and controls as required by the physical security plan and consistent with the special nuclear material that is present at the facility. The Petitioner asserted that security at the research reactor was lax; however, access is controlled and monitored as required. Further, this evaluation confirmed the continued acceptability of the security provisions to deal with potential terrorists attacks. The findings do not provide a basis for changing the

conclusion reached in DD–95–15 on the adequacy of emergency plans for the facility. DD–95–15, 42 NRC at 40–43. The NRC staff has found no reason to conclude that the security at the reactor is not acceptable. The Petitioner provided no facts to conclude otherwise.

III. Conclusion

With regard to the requests made by the Petitioner discussed herein, the NRC staff finds no basis for taking such actions. Accordingly, the Petitioner's requests for action, pursuant to Section 2.206 on the Georgia Tech Research Reactor, are denied.

A copy of this Decision will be filed with the Secretary for the Commission as provided by 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision in that time.

Dated at Rockville, Maryland, this 27th day of June 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–17750 Filed 7–7–97; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Revised Publication 401, Guide to the Manifest Mailing System

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: This notice presents pending revisions to the Postal Service's Publication 401, Guide to the Manifest Mailing System. This publication is the customer's and Postal Service's handbook for submitting and accepting manifest mailings. It has been updated and revised to reflect changes that have taken place in the last 4 years that affect the submission and acceptance of manifest mailings. The Postal Service expects the updated publication to be available this fall.

To ensure that this publication continues to meet the needs of customers, the Postal Service is seeking comments from users of manifest mailing systems and developers of manifest software regarding the focus of the program revisions described in this notice.

DATES: Comments must be received on or before August 7, 1997.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Business Mail Acceptance, 475 L'Enfant Plaza SW, Room 6801, Washington, DC 20260–6808. Copies of all written comments will be available at the above address for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Tom Amonette, (317) 870–8246.

SUPPLEMENTARY INFORMATION: The following information summarizes the most significant revisions.

The language of Publication 401 is updated to reflect changes due to classification reform. The procedures, checklists, and forms are updated to enhance and expedite the processing of applications to manifest and the acceptance of manifest mailings. The Manifest Analysis and Certification (MAC) program, certifying vendor software for single-piece rate manifests, is integrated into the manifest program to expedite the approval process.

There is a change in the approval process. Systems that calculate postage for single-piece rate domestic mail without special services entered at the office where the mailings are verified will now be approved by district postal officials rather than by the rates and classification service centers (RCSCs). This change will expedite the application and approval process. All other systems will continue to require final approval by the RCSC serving the mailer's location. In conjunction with this, the application form is reduced from eight pages to three pages.

Several new forms have been developed. A new postage statement, PS Form 3660, Combined Postage Statement for Manifest Mailings, makes it possible for mailers to pay postage for a manifest mailing of single-piece rate mixed classes of domestic mail (e.g., Priority Mail, First-Class Mail, and Parcel Post) on one postage statement, instead of having to report each individual class on a separate postage statement. A new sampling form will be used for recording the postage samplings for batch manifest mailings.

All of the exhibits have been updated and enhanced, and 11 new manifest exhibits have been developed to present the information more clearly. Additional information is included about international mail manifests and manifests including pieces with special services.

A change in the sampling procedure and postage error calculation for manifested piece/pound rate Standard Mail (A) makes the error calculation more accurate and equitable. It now compares actual postage amounts rather than weight amounts to determine the accuracy level.

Another change affects the method of adjusting postage for mailings that are out of tolerance. To determine the accuracy of the postage claimed for a manifest mailing, the Postal Service randomly samples a specified number or percentage of pieces from the mailing and compares the postage claimed on the manifest with the actual postage. If there is a difference and the difference exceeds +/−1.5%, then the mailing is considered to be out of tolerance. Prior to publication of the July 1993 edition of Publication 401, postage was adjusted up or down by the percentage out of tolerance and a 10% penalty was assessed when the mailing exceeded the accuracy tolerance. The 10% penalty was rescinded with implementation of the July 1993 version of Publication 401 and postage was only adjusted up or down by the percentage out of tolerance.

The accuracy level of +/−1.5% is used to determine whether a mailer's system is functioning properly. If a mailer exceeds the limit frequently, it indicates that the mailer's system is not functioning properly and should be corrected. A revision in this version of Publication 401 eliminates the adjustment of postage downward if the accuracy level is lower than minus 1.5%. The Postal Service has found that far fewer than 1% of all manifest mailings nationwide require postage adjustment downward and believes that this change will not adversely impact manifest mailers because most such systems stay within the tolerance limits.

Those systems that frequently need adjustments to ensure accurate postage payment need to be modified to meet the tolerance level. Frequent system reporting errors cause the mailer and the Postal Service to incur increased administrative costs. If a system regularly exceeds the tolerance levels, then the mailer and the Postal Service are required to sample more frequently. One of the key requirements for mailers authorized to mail under a MMS is the responsibility of ensuring the accuracy of the system. As with all mailing systems, the Postal Service will make allowances for those instances when a usually accurate system breaks down, and it can be shown that adjusting postage downward is justified. In those cases, the mailer can apply to the administering RCSC for a refund.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–17674 Filed 7–7–97; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38793; File No. S7–24–89]

Joint Industry Plan; Solicitation of Comments and Order Approving Request to Extend Temporary Effectiveness of Reporting Plan for Nasdaq/National Market Securities Traded on an Exchange on an Unlisted or Listed Basis, Submitted by the National Association of Securities Dealers, Inc., and the Boston, Chicago and Philadelphia Stock Exchanges

June 30, 1997.

On June 30, 1997, the National Association of Securities Dealers, Inc., on behalf of itself and the Boston, Chicago, and Philadelphia Stock Exchanges (collectively, ''Participants'') [1] submitted to the Commission a proposal [2] to extend the operation of a joint transaction reporting plan (''Plan'') for Nasdaq/National Market (''Nasdaq/NM'') securities traded on an exchange on an unlisted or listed basis.[3] The proposal would extend the effectiveness of the Plan, as amended by revised Amendment No. 9,[4] through December 31, 1997. The Commission also is extending certain exemptive relief as discussed below. The June 1997 Extension Request also requests that the Commission approve the Plan, as amended, on a permanent basis on or before December 31, 1997.[5] The Commission is approving the proposed amendment to the Plan insofar as the proposal requests an extension of the effectiveness of the Plan. During the six-month extension of the Plan, the Commission will determine whether to approve the proposed Plan, as amended, on a permanent basis.

I. Background

The Commission originally approved the Plan on June 26, 1990.[6] The Plan governs the collection, consolidation and dissemination of quotation and transaction information for Nasdaq/NM securities listed on an exchange or traded on an exchange pursuant to a grant of UTP.[7] The Commission approved trading pursuant to the Plan on a one-year pilot basis, with the pilot period to commence when transaction reporting pursuant to the Plan commenced. Accordingly, the pilot period commenced on July 12, 1993, and was scheduled to expire on July 12, 1994.[8] The Plan has since been in operation on a pilot basis.[9]

II. Description of the Plan

The Joint Industry Plan provides for the collection from Plan Participants, and the consolidation and dissemination to vendors, subscribers and others of quotation and transaction information in ''eligible securities.'' [10] The Plan contains various provisions concerning the operation of the Plan, which include: Implementation of the Plan; Manner of Collecting, Processing, Sequencing, Making Available, and Disseminating Last Sale Information; Reporting Requirements (including hours of operation); Standards and Methods of Ensuring Promptness, Accuracy, and Completeness of Transaction Reports; Terms and Conditions of Access; Description of Operation of Facility Contemplated by the Plan; Method and Frequency of Processor Evaluation; Written Understandings of Agreements Relating to Interpretation of, or Participation in, the Plan; Calculation of the BBO; Dispute Resolution; Method of Determination and Imposition, and Amount of, Fees and Charges.[11]

III. Exemptive Relief

In conjunction with the Plan, on a temporary basis scheduled to expire on June 30, 1997, the Commission granted an exemption to vendors from Rule 11Ac1–2 under the Act regarding the calculation of the Best Bid and Offer (''BBO''), and granted the BSE an exemption from the provision of Rule 11Aa3–1 under the Act that requires transaction reporting plans to include market identifiers for transaction reports and last sale data. In the June 1997 Extension Request, the Participants request that the Commission grant an extension of the exemptive relief described above to vendors until such time as the calculation methodology for the BBO is based on a price/size/time

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[1] The signatories to the Plan, *i.e.*, the National Association of Securities Dealers, Inc. (''NASD''), and the Chicago Stock Exchange, Inc. (''Chx'') (previously, the Midwest Stock Exchange, Inc.), Philadelphia Stock Exchange, Inc. (''Phlx''), and the Boston Stock Exchange, Inc. (''BSE''), are the ''Participants.'' The BSE, however, joined the Plan as a ''Limited Participant,'' and reports quotation information and transaction reports only in Nasdaq/NM (previously referred to as ''Nasdaq/NMS'') securities listed on the BSE. Originally, the American Stock Exchange, Inc. (''Amex''), was a Participant to the Plan, and withdrew from participation in the Plan in August 1994.

[2] *See* letter from Robert E. Aber, Nasdaq, to Jonathan G. Katz, Secretary, Commission, dated June 27, 1997 (''June 1997 Extension Request''). The June 27, 1997 Extension Request also requests the Commission to continue to provide exemptive relief, previously granted in connection with the Plan on a temporary basis, from Rules 11Ac1–2 and 11Aa3–1 under the Securities Exchange Act of 1934 (''Act''). *Id.*

[3] Section 12 of the Act generally requires an exchange to trade only those securities that the exchange lists, except that Section 12(f) of the Act permits unlisted trading privileges (''UTP'') under certain circumstances. For example, Section 12(f), among other things, permits exchanges to trade certain securities that are traded over-the-counter (''OTC/UTP''), but only pursuant to a Commission order or rule. The present order fulfills this Section 12(f) requirement. For a more complete discussion of this Section 12(f) requirement, *see* November 1995 Extension Order, *infra* note 9, at n. 2.

[4] On March 18, 1996, the Commission solicited comment on a revenue sharing agreement among the Participants. *See* March 18, 1996 Extension Order, *infra* note 9. Thereafter, the Participants submitted certain technical revisions to the revenue sharing agreement (''revised Amendment No. 9''). *See* letter from Robert E. Aber, Vice President and General Counsel, Nasdaq, to Jonathan Katz, Secretary, SEC, dated September 13, 1996. *See also* September 16, 1996 Extension Order, *infra* note 9 (notice and order recognizing receipt of revised Amendment No. 9).

[5] The Chx and Phlx also request that, commensurate with permanent approval of the Plan, the number of Nasdaq/NM securities eligible for trading pursuant to the Plan be expanded to include all Nasdaq/NM securities. *See* June 27, 1997 Extension Request, *supra* note 2. *See also* letter from Robert E. Aber, Vice President and General Counsel, Nasdaq, to Jonathan G. Katz, Secretary, Commission, dated March 27, 1997 (''March 1997 Extension Request''). The NASD states that, while it recognizes the benefits from such an expansion in terms of the promotion of competition and protection of investors, it believes a wholesale expansion of Nasdaq/UTP-eligible securities to include all Nasdaq/NM securities is inseparable from an expansion of Nasdaq's Intermarket Trading System (''ITS'')/Computer Assisted Execution Service (''CAES'') linkage to include all exchange-listed securities. *Id.*

[6] *See* Securities Exchange Act Release No. 28146 (June 26, 1990), 55 FR 27917 (''1990 Plan Approval Order'').

[7] *See* Section 12(f)(2) of the Act, *supra* note 3.

[8] *See* letter from David T. Rusoff, Foley & Lardner, to Betsy Prout, SEC, dated May 9, 1994.

[9] *See* Securities Exchange Act Release No. 34371 (July 13, 1994), 59 FR 37103 (''July 1994 Extension Order''), Securities Exchange Act Release No. 35221, (January 11, 1995), 60 FR 3886 (''January 1995 Extension Order''), Securities Exchange Act Release No. 36102 (August 14, 1995), 60 FR 43626 (''August 1995 Extension Order''), Securities Exchange Act Release No. 36226 (September 13, 1995), 60 FR 49029 (''September 1995 Extension Order''), Securities Exchange Act Release No. 36368 (October 13, 1995), 60 FR 54091 (''October 1995 Extension Order''), Securities Exchange Act Release No. 36481 (November 13, 1995), 60 FR 58119 (''November 1995 Extension Order''), Securities Exchange Act Release No. 36589 (December 13, 1995), 60 FR 65696 (''December 13, 1995 Extension Order''), Securities Exchange Act Release No. 36650 (December 28, 1995), 61 FR 358 (''December 28, 1995 Extension Order''), Securities Exchange Act Release No. 36934 (March 6, 1996), 61 FR 10408 (''March 6, 1996 Extension Order''), Securities Exchange Act Release No. 36985 (March 18, 1996), 61 FR 12122 (''March 18, 1996 Extension Order''), Securities Exchange Act Release No. 37689 (September 16, 1996), 61 FR 50058 (''September 16, 1996 Extension Order''), Securities Exchange Act Release No. 37772 (October 1, 1996), 61 FR 52980 (''October 1, 1996 Extension Order''), and Securities Exchange Act Release No. 38457 (March 31, 1997), 62 FR 16880 (''March 31, 1997 Extension Order'').

[10] The Plan defines ''eligible security'' as any Nasdaq/NM security (i) as to which unlisted trading privileges have been granted to a national securities exchange pursuant to Section 12(f) of the Act, or (ii) which is listed on a national securities exchange.

[11] The full text of the Plan, as well as a ''Concept Paper'' describing the requirements of the Plan, are contained in the original filing which is available for inspection and copying in the Commission's Public Reference Room.

algorithm. In the June 1997 Extension Request, the Participants also request that the Commission grant an extension of the exemptive relief described above to the BSE for so long as the BSE is a Limited Participant under the Plan.

IV. Summary of Comments

In response to the Commission's request for comment on the aforementioned issues, the Board of Directors of The Nasdaq Stock Market, Inc. (''Nasdaq'') approved two recommendations at its meeting on March 25, 1997 as set forth below.[12] These recommendations were subsequently ratified by the Board of Governors of the NASD at its meeting on April 10, 1997.[13] With respect to the BBO calculation issue, the Nasdaq Board approved a recommendation to modify the methodology for calculating the BBO on Nasdaq to prioritize quotes based on a price/size/time algorithm instead of the current price/time/size algorithm, provided that Nasdaq market makers are subject to a minimum quote size requirement of 100 shares for at least 1,000 Nasdaq securities.[14] With respect to the intermarket linkage issue, the Nasdaq Board approved a recommendation to provide specialists on an exchange trading Nasdaq securities on an UTP basis access to Nasdaq's Small Order Execution System (''SOES''), or its successor system, to the same extent that registered Nasdaq market makers have access to SOES, provided that (1) Nasdaq market makers are afforded virtually identical access to the automated execution system operated by such UTP exchange, and (2) the order execution algorithms of the exchange's automated execution system are virtually identical to SOES's or its successor system.[15]

The Commission continues to solicit comment on (1) whether the BBO calculation for securities traded pursuant to the Plan should be based on a price/time/size methodology or a price/size/time methodology; (2) whether there is a need for an intermarket linkage for order routing and execution; and (3) whether there is a need for a trade-through rule.[16]

V. Solicitation of Comment

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. All submissions should refer to File No. S7–24–89 and should be submitted by July 29, 1997.

VI. Discussion

The Commission finds that an extension of temporary approval of the operation of the Plan, as amended, through December 31, 1997, is appropriate and in furtherance of Section 11A of the Act as it will provide the Participants with additional time to make reasonable proposals concerning the BBO calculation and whether there is a need for an intermarket linkage for order routing and execution and an accompanying trade through rule to facilitate the trading of OTC securities pursuant to UTP. While the Commission continues to solicit comment on these matters, the Commission believes that these matters should be addressed directly by the Participants on or before October 3, 1997 so that the Commission may have ample time to determine whether to approve the Plan on a permanent basis by December 31, 1997.

The Commission further finds that it is appropriate to extend the exemptive relief from Rule 11Ac1–2 under the Act until the earlier of December 31, 1997 or until such time as the calculation methodology for the BBO is based on a price/size/time algorithm pursuant to the 1997 Extension Request or other mutual agreement among the Participants approved by the Commission. The Commission further finds that it is appropriate to extend the exemptive relief from Rule 11Aa3–1 under the Act, that requires transaction reporting plans to include market identifiers for transaction reports and last sale data, to the BSE through December 31, 1997. The Commission believes that the extensions of the exemptive relief provided to vendors and the BSE, respectively are consistent with the Act, the Rules thereunder, and specifically with the objectives set forth in Sections 12(f) and 11A of the Act and in Rules 11Aa3–1 and 11Aa3–2 thereunder.

VII. Conclusion

It is therefore ordered, pursuant to Sections 12(f) and 11A of the Act and (c)(2) of Rule 11Aa3–2 thereunder, that the Participants' request to extend the effectiveness of the Joint Transaction Reporting Plan, as amended, for Nasdaq/National Market securities traded on an exchange on an unlisted or listed basis through December 31, 1997, and certain exemptive relief until such time as the calculation method for the BBO is based on a price/size/time algorithm, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(29).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17670 Filed 7–7–97; 8:45 am]

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[12] *See* June 1997 Extension Request, *supra* note 2. *See also* March 1997 Extension Request, *supra* note 5.

[13] *See* June 1997 Extension Request, *supra* note 2.

[14] *See* June 1997 Extension Request, *supra* note 2. *See also* March 1997 Extension Request, *supra* note 5. In the event that Nasdaq develops the technological capability to afford market makers simultaneous electronic access to all market maker quotes at the same price level, the Nasdaq Board believes that the methodology used to determine the quoted size of the Nasdaq market must be reconsidered to accommodate reflection of the fully accessible size displayed on Nasdaq. *Id.*

NASD Rule 4613(a)(1)(C) allows market makers to reduce their minimum quotation size from 1000 to 100 shares in the first fifty Nasdaq securities subject to the Commission's Limit Order Display Rule. *See* Securities Exchange Act Release No. 38512 (April 15, 1997), 62 FR 38512 (April 21, 1997). The NASD has proposed that the Rule be expanded to apply to 100 additional Nasdaq securities. *See* Securities Exchange Act Release No. 38513 (April 15, 1997), 62 FR 19369 (April 21, 1997).

[15] *Id.*

[16] The Commission requests that all comments be submitted no later than October 3, 1997 so that the Commission may have adequate time to consider all comments prior to December 31, 1997, the date by which the Commission intends to determine whether to approve the Plan on a permanent basis.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38784; File No. 600–22]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Order Granting Approval of Extension of Temporary Registration as a Clearing Agency

June 27, 1997.

On February 28, 1997, the MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') an application pursuant to Section 19(a)[1] of the Securities Exchange Act of 1934 (''Act'') requesting that the Commission grant MBSCC permanent registration as

[1] 15 U.S.C. 78s(a).

a clearing agency under Section 17A [2] of the Act. Because MBSCC's current temporary registration expires on June 30, 1997, the Commission is extending MBSCC's temporary registration as a clearing agency through March 31, 1998, while it completes its review of MBSCC's application for permanent registration. The Commission is publishing this notice and order to solicit comments from interested persons and to extend MBSCC's temporary registration as a clearing agency through March 31, 1998.

On February 2, 1987, the Commission granted MBSCC's application for registration as a clearing agency pursuant to Sections 17A(b) [3] and 19(a)(1) [4] of the Act and Rule 17ab2–1(c) [5] thereunder for a period of eighteen months.[6] Subsequently, the Commission has issued orders that extended MBSCC's temporary registration as a clearing agency. The last extension order extends MBSCC's temporary registration through June 30, 1997.[7]

As discussed in detail in the original order granting MBSCC's registration, one of the primary reasons for MBSCC's registration was to enable it to provide for the safe and efficient clearance and settlement of transactions in mortgage-backed securities. Since the original temporary registration order, MBSCC has implemented several improvements to its operating and financial standards and continues to work towards enhancing the safety and efficiency of its operations. For example, over the past year MBSCC has modified its rules to explicitly state that MBSCC has a lien on all property placed in its possession by its participants in order to ensure that MBSCC can cover a participant's unpaid obligations to MBSCC.[8] In addition, MBSCC has established the Comparison Only System (''COS'') which is a limited system that allows principals to compare trade data.[9]

MBSCC has functioned effectively as a registered clearing agency for over ten years. Accordingly, in light of MBSCC's past performance and the need for continuity of the services MBSCC provides to its participants, the Commission believes that it is necessary and appropriate in the public interest and for the prompt and accurate clearance and settlement of securities transactions to extend MBSCC's temporary registration through March 31, 1998. During this temporary registration period, the Commission will continue its review of MBSCC's application for permanent registration. Any comments received during MBSCC's temporary registration will be considered in conjunction with the Commission's consideration of whether to grant MBSCC permanent registration as a clearing agency under Section 17A(b) [10] of the Act.

Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the request for permanent registration as a clearing agency that are filed with the Commission, and all written communications relating to the extension between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. 600–22.

Conclusion

On the basis of the foregoing, the Commission finds that extending MBSCC's temporary registration as a clearing agency is consistent with the Act and in particular with Section 174 [11] of the Act.

It is therefore ordered, pursuant to Section 19(a) of the Act, that MBSCC's temporary registration as a clearing agency (File No. 600–22) be, and hereby is, extended through March 31, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17671 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–M

[2] 15 U.S.C. 78q–1.

[3] 15 U.S.C. 78q–1(b).

[4] 15 U.S.C. 78s(a)(1).

[5] 17 CFR 240.17Ab2–1(c).

[6] Securities Exchange Act Release No. 24046 (February 2, 1987), 52 FR 4218.

[7] Securities Exchange Act Release Nos. 25957 (August 2, 1988), 53 FR 29537; 27079 (July 31, 1989), 54 FR 32412; 28492 (September 28, 1990), 55 FR 41148; 29751 (September 27, 1991), 56 FR 50602; 31750 (January 21, 1993), 58 FR 6424; 33348 (December 15, 1993), 58 FR 68183; 35132 (December 21, 1994), 59 FR 67743; and 37372 (June 26, 1996), 61 FR 35281.

[8] Securities Exchange Act Release No. 38598 (May 9, 1997), 62 FR 27091 [File No. MBS–96–08].

[9] Securities Exchange Act Release No. 38461 (April 1, 1997), 62 FR 16634 [File No. MBS–97–03].

[10] 15 U.S.C. 78q–1(b).

[11] 15 U.S.C. 78q–1.

[12] 17 CFR 200.30–3(a)(50)(i).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38789; File No. SR–CBOE–97–26]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Listing of Regular and Long-Term Index Options and FLEX Options on the Dow Jones Industrial Average

June 30, 1997.

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b) (1), notice is hereby given that on June 23, 1997, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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

CBOE hereby proposes to amend certain of its rules to provide for the listing and trading on the Exchange of options on the Dow Jones Industrial Average™ (''DJIA'' or ''Index''), a broad-based index designed by Dow Jones & Company, Inc. (''Dow Jones™'').[1] Options on the DJIA™ will be cash-settled and will have European-style exercise provisions. The Exchange also proposes to amend its rules to provide for the trading of Flexible Exchange Options (''FLEX Options'') on the DJIA. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

[1] ''Dow Jones,'' and ''Dow Jones Industrial Average™'' are trademarks of Dow Jones & Company, Inc. and have been licensed for use for certain purposes by CBOE. CBOE's options based on the Dow Jones Industrial Average are not sponsored, endorsed, sold or promoted by Dow Jones, and Dow Jones makes no representation regarding the advisability of investing in such products.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled, European-style stock index options on the DJIA. The DJIA is a price-weighted index of 30 of the largest, most liquid stocks traded on organized U.S. securities markets.[2] Options initially will be based on one-one hundredth of the DJIA. Options on an underlying level of one-tenth of the DJIA may be introduced at a later date. The purpose of offering options based on either one-one-hundredth or one-tenth is to offer contracts which appeal to both retail and institutional investors. Each contract would have a different ticker symbol to eliminate any potential confusion.

Index Design. The DJIA has been designed to measure the performance of certain high capitalization stocks. The DJIA has been calculated by Dow Jones & Company since 1896 and is the most commonly watched index of the U.S. stock market. The DJIA is a price-weighted index with each stock affecting the Index in proportion to its market price. Each stock in the Index is eligible for options trading.

Exhibit B illustrates the capitalization and weighting of the DJIA component securities, as well as shares outstanding and prices on June 5, 1997. On that date, the 30 stocks ranged in capitalization from $5.9 billion to $200.0 billion. The total market capitalization of the Index was $1.7 trillion, the average capitalization of the firms in the Index was $57.0 billion and the median capitalization was $40.6 billion. The largest stock accounted for 6.30% of the total weight of the Index, while the smallest accounted for 1.46%. The top 5 components accounted for 26.18% of the weight of the Index.

Calculation. The DJIA is a price-weighted index. The level of the Index reflects the total price of the component stocks divided by the Index Divisor. The DJIA was first calculated on May 26, 1896 and the index value was 40.94 on that date. The Index had a closing value of 7305.29 on June 5, 1997. The daily calculation of the DJIA Index is computed by dividing the aggregate price of the companies in the Index by the Index Divisor. The Divisor keeps the Index comparable over time and is adjusted periodically to maintain the Index. The values of the Index will be calculated by Dow Jones & Company or its designee and will be disseminated at 15-second intervals during regular CBOE trading hours to market information vendors via the Options Price Reporting Authority (''OPRA'') or the Consolidated Tape Association (''CTA'').

Maintenance. Dow Jones is responsible for maintenance of the DJIA. Index maintenance includes monitoring and completing the adjustments for company additions and deletions, stock splits, stock dividends (other than an ordinary cash dividend), and stock price adjustments due to company restructuring or spinoffs. If required, the Index Divisor will be adjusted to account for any of the above changes. Generally, index components are replaced infrequently. The editors of the Wall Street Journal are responsible for component additions and deletions. These changes are announced in the Wall Street Journal and through the Dow Jones New Service generally three to five days prior to implementation. The DJIA has been composed of 30 stocks since 1928 and it is expected that it will remain at 30 stocks.

Index Option Trading. In addition to regular Index options, the Exchange may provide for the listing of long-term index option series (''LEAPS®''). For LEAPS, the underlying value would be computed at one-tenth or one-one-hundredth of the DJIA, as applicable. Reduced-value LEAPS will not be available based on one-one-thousandth of the DJIA. The current and closing index value of any such reduced-value LEAP will, after such initial computation, be rounded to the nearest one-hundredth. The Exchange will also provide for the trading of FLEX Options on the Index.

Strike prices for options based on one-one-hundredth of the Index will be set to bracket the Index in ½ point increments or greater. These ½ point increments correspond to 5-point increments in other broad-based index options, such as the S&P 100 and S&P 500, because the size of the contract will be approximately one-tenth of the size of the option contracts on those other broad-based indexes. Strike prices for options based on one-tenth of the Index will be set in 5-point increments. The trading hours for options on the Index will be from 8:30 a.m. to 3:15 p.m. Chicago time. Options based on the DJIA will be listed in up to three near-term months plus up to three months from the March quarterly cycle.

The Exchange is also proposing to add an interpretation to Rule 6.42 to establish the minimum increment for bids and offers in the DJIA at sixteenths of a dollar. Rule 6.42 currently requires bids and offers to be expressed in eighths of $1, except for those series trading below $3. Exhibit C presents proposed contract specifications for options on the DJIA.

FLEX Option Trading. The Exchange is proposing changes to its FLEX rules to provide for the trading of FLEX options on the DJIA. The proposed changes include an amendment to the FLEX Option position limits. The change would apply the same limits to positions in options on the DJIA that exist for positions in other indexes in the FLEX program; the limits are 200,000 contracts on the same side of the market. For purposes of determining compliance with these limits, every 10 option contracts based on the one-one hundredth of the DJIA should be counted as one contract.

Exercise and Settlement. The proposed options on the Index will expire on the Saturday following the third Friday of the expiration month. Trading in the expiring contract month will normally cease at 3:15 p.m. (Chicago time) on the business day preceding the last day of trading in the component securities of the Index (ordinarily the Thursday before expiration Saturday, unless there is an intervening holiday). The exercise settlement value of the Index at option expiration will be calculated by Dow Jones[3] based on the opening prices of the component securities on the business day prior to expiration. If a stock fails to open for trading, the last available price on the stock will be used in the calculation of the Index, as is done for currently listed indexes.[4]

[2] Exhibit B to the proposed rule filing contains the component securities of the DJIA and their respective weights, and is available at CBOE or at the Commission, as noted in Section IV beow.

[3] Phone conversation between Eileen Smith, Director, Research and Product Development, CBOE, and Heather Seidel, Attorney, Market Regulation, Commission, on June 30, 1997.

[4] The Commission notes that pursuant to Article XVII, Section 4 of the Options Clearing Corporation's (''OCC'') by-laws, OCC is empowered

Continued

When the last trading day is moved because of Exchange holidays (such as when CBOE is closed on the Friday before expiration), the last trading day for expiring options will be Wednesday and the exercise settlement value of Index options at expiration will be determined at the opening of regular Thursday trading.

Surveillance. The Exchange will use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in Index options, Index LEAPS, and FLEX Options on the DJIA.

Position Limits. The Exchange proposes to establish position limits for options on the DJIA at 1,000,000 contracts on either side of the market for option contracts that are based on one-one hundredth of the value of the DJIA and 100,000 for contracts based on one-tenth of the value of the DJIA. Positions in options based on either level of the DJIA will be aggregated for purposes of determining compliance with position limits; positions in options based on one-tenth of the value of the DJIA must be multiplied by a factor of 10, then aggregated with options based on one-one hundredth of the value of the DJIA. The broad-based index hedge exemption will be 2,500,000 contracts for options based on one-one hundredth of the DJIA and 250,000 contracts for options based on one-tenth of the DJIA. These limits are roughly equivalent, in dollar terms, to the limits applicable to options on the S&P 500, a broad-based A.M.-settled index option.

Exchange Rules Applicable. As modified herein, the Rules in Chapter XXIV will be applicable to options on the DJIA. Broad-based margin rules will apply to the Index. The Exchange is proposing to amend Chapter XXIV, Rule 24.14, Disclaimers, to identify Dow Jones and Company, Inc. as the index reporting authority for the DJIA and other Dow Jones products.

Capacity. CBOE believes it has the necessary systems capacity to support new series that would result from the introduction of options on the DJIA. CBOE has also been informed that OPRA also has the capacity to support the new series.[5] In making this determination, the Exchange notes that OPRA has made, and is in the process of making, significant enhancements to its capacity. These enhancements include: upgrades to computers; additional lines to firms, vendors and exchanges; and the introduction of new technology incorporating high speed data transmission. All of these enhancements will be in place prior to the scheduled introduction of these options contracts and will give more than sufficient capacity to deal with these and other new products.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[6] in general and furthers the objectives of Section 6(b)(5)[7] in particular in that it will permit trading in options based on the DJIA pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–97–26 and should be submitted by July 29, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17663 Filed 7–7–97; 8:45 am]

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to fix an exercise settlement amount in the event it determines a current index value is unreported or otherwise unavailable. Further, OCC has the authority to fix an exercise settlement amount whenever the primary market for the securities representing a substantial part of the value of an underlying index is not open for trading at the time when the current index value (*i.e.*, the value used for exercise settlement purposes) ordinarily would be determined. *See* Securities Exchange Act Release No. 37315 (June 17, 1996), 61 FR 42671 (order approving SR–OCC–95–19).

[5] *See* Exhibit D.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38791; File No. SR–CBOE–97–28]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Listing of Regular Options, Full and Reduced Value Long-Term Index Options, and FLEX Options on the Dow Jones Utility Average

June 30, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 23, 1997, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange hereby proposes to amend certain of its rules to provide for the listing and trading on the Exchange of options on the Dow Jones Utility Average™ (''DJUA'' or ''Index''), a narrowbased index designed by Dow Jones & Company, Inc. (''Dow Jones)™+++)[3] Options on the DJUA will be cash-settled and will have European-style exercise provisions. The Exchange also proposes to amend its rules to provide for the trading of Flexible Exchange Options (''FLEX Options'') on the DJUA.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled, European-style stock index options on the DJUA. The DJUA is a price-weighted index of 15 of the largest, most liquid U.S. utility industry stocks.[4] Options will be based on the full value of the DJUA level.

Index Design. The DJUA has been designed to measure the performance of certain high capitalization utility stocks. The DJUA has been calculated by Dow Jones & Company, Inc. since January 1929 and is the one of the most commonly watched indexes of the U.S. stock market. The DJUA is a price-weighted index with each stock affecting the Index in proportion to its market price. Each stock in the Index is eligible for options trading. The Exchange believes that options on the DJUA meet the generic listing criteria for options on narrow-based indexes which would have entitled the Exchange to file for approval of the listing of this product with the Commission under Exchange Rule 24.2(b) as a stated policy, practice, or interpretation within the meaning of paragraph (3)(A) of subsection 19(b) of the Exchange Act.

On June 5, 1997, the 15 stocks ranged in capitalization from $2.1 billion to $14.1 billion. The total market capitalization of the Index was $107.5 billion, the average capitalization was $7.2 billion and the median capitalization of the firms in the Index was $6.9 billion. The largest stock accounted for 13.18% of the total weighting of the Index, while the smallest accounted for 3.01%. The top five stocks in the Index accounted for 49.8% of the total weighting of the Index.

Calculation. The DJUA is a price-weighted index. The level of the Index reflects the total price of the component stocks divided by the Index Divisor. The DJUA was first calculated on January 2, 1929 and the index value was 85.64 on that date. The Index had a closing value of 221.11 on June 5, 1997. The daily calculation of the DJUA is computed by dividing the aggregate price of the companies in the Index by the Index Divisor. The Divisor keeps the Index comparable over time and is adjusted periodically to maintain the Index. The values of the Index will be calculated by Dow Jones & Company or its designee and will be disseminated at 15-second intervals during regular CBOE trading hours to market information vendors via the Options Price Reporting Authority or the Consolidated Tape Association.

Maintenance. Dow Jones is responsible for maintenance of the DJUA. Index maintenance includes monitoring and completing the adjustments for company additions and deletions, stock splits, stock dividends (other than an ordinary cash dividend), and stock price adjustments due to company restructuring or spinoffs. If required, the Index Divisor will be adjusted to account for any of the above changes. Generally, index components are replaced infrequently. The editors of the Wall Street Journal are responsible for component additions and deletions. These changes are announced in the Wall Street Journal and through the Dow Jones News Service prior to implementation. Currently the DJUA has 15 components, and it is expected that it will remain at 15 components.

Index Option Trading. In addition to regular Index options, the Exchange may provide for the listing of long-term index option series (''LEAPS®'') and reduced-value LEAPS on the Index. For reduced-value LEAPS, the underlying value would be computed at one-tenth of the Index level. The current and closing index value of any such reduced-value LEAP will, after such initial computation, be rounded to the nearest one-hundredth. The Exchange will also provide for the trading of FLEX Options on the Index.

Strike prices will be set to bracket the index in 2½ point increments or greater. The minimum tick size for series trading below $3 will be 1/16th and for series trading above $3 the minimum tick will be 1/8th. The trading hours for options on the Index will be from 8:30 a.m. to 3:02 p.m. Chicago time.

FLEX Option Trading. The Exchange is proposing changes to its FLEX rules to provide for the trading of FLEX options on the DJUA. The proposed changes include an amendment to the FLEX Option position limits. Position limits would be as established by the Exchange but in no event would be greater than five times the limits for standard options on the DJUA.

Exercise and Settlement. The proposed options on the Index will expire on the Saturday following the third Friday of the expiration month. Trading in the expiring contract month will normally cease at 3:02 p.m. (Chicago time) on the business day preceding the last day of trading in the component securities of the Index (ordinarily the Thursday before expiration Saturday, unless there is an intervening holiday). The exercise settlement value of the Index at option expiration will be calculated by Dow Jones based on the opening prices of the component securities on the business day prior to expiration. If a stock fails to open for trading, the last available price on the stock will be used in the calculation of the index, as is done for currently listed indexes.[5] When the last

[3] ''Dow Jones™,+++ and ''Dow Jones Utility Average™,+++ are trademarks of Dow Jones & Company, Inc. and have been licensed for use for certain purposes by the Chicago Board Options Exchange, Inc. CBOE's options based on the Dow Jones Utility Average are not sponsored, endorsed, sold or promoted by Dow Jones, and Dow Jones makes no representation regarding the advisability of investing in such products.

[4] A list of the component stocks and their relative weights was submitted by the Exchange as Exhibit B to the rule filing. Exhibit B is available at the Exchange and at the Commission at the address in Section IV, *infra*.

[5] The Commission notes that pursuant to Article XVII, Section 4 of the Options Clearing Corporation's (''OCC'') by-laws, OCC is empowered to fix an exercise settlement amount in the event it determines a current index value is unreported or otherwise unavailable. Further, OCC has the authority to fix an exercise settlement amount whenever the primary market for the securities representing a substantial part of the value of an underlying index is not open for trading at the time when the current index value (*i.e.*, the value used

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trading day is moved because of Exchange holidays (such as when CBOE is closed on the Friday before expiration), the last trading day for expiring options will be Wednesday and the exercise settlement value of Index options at expiration will be determined at the opening of regular Thursday trading.

Surveillance. The Exchange will use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in Index options, Index LEAPS, and FLEX Options on the DJUA.

Position Limits. Options on the DJUA would be subject to the position limits for industry index options set forth in Rule 24.4A. Currently, standard options on the DJUA would qualify for a position limit of 15,000 contracts under the terms of Rule 24.4A.

Exchange Rules Applicable. As modified herein, the Rules in Chapter XXIV will be applicable to Options on the DJUA. Narrow-based margin rules will apply to the Index as set forth in Rule 24.11.

Capacity. CBOE believes it has the necessary systems capacity to support new series that would result from the introduction of Options on the DJUA. CBOE has also been informed that the Options Price Reporting Authority (''OPRA'') also has the capacity to support the new series. In making this determination, the Exchange notes that OPRA has made, and is in the process of making, significant enhancements to its capacity. These enhancements include: upgrades to computers; the addition of lines to firms, vendors and exchanges; and the introduction of new technology incorporating high speed data transmission. All of these enhancements will be in place prior to the scheduled introduction of these options contracts and will give more than sufficient capacity to deal with these and other new products.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[6] of the Act in general and furthers the objectives of Section 6(b)(5)[7] in particular in that it will permit trading in options based on the DJUA pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange.

All submissions should refer to File No. SR–CBOE–97–28 and should be submitted by July 29, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17665 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–M

for exercise settlement purposes) ordinarily would be determined. *See* Securities Exchange Act Release No. 37315 (June 17, 1996), 61 FR 42671 (order approving SR–OCC–95–19).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38790; File No. SR–CBOE–97–27]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Listing of Regular Options, Full and Reduced Value Long-Term Index Options, and FLEX Options on the Dow Jones Transportation Average

June 30, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 23, 1997, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange hereby proposes to amend certain of its rules to provide for the listing and trading on the Exchange of options on the Dow Jones Transportation Average™ (''DJTA'' or Index''), a narrow-based index designed by Dow Jones & Company, Inc. (''Dow Jones™'').[3] Options on the DJTA will be cash-settled and will have European-style exercise provisions. The Exchange also proposes to amend its rules to provide for the trading of Flexible Exchange Options (''FLEX Options'') on the DJTA.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[13] ''Dow Jones™,'' and ''Dow Jones Transportation Average™'' are trademarks of Dow Jones & Company, Inc. and have been licensed for use for certain purposes by the Chicago Board Options Exchange, Inc. CBOE's options based on the Dow Jones Transportation Average are not sponsored, endorsed, sold or promoted by Dow Jones, and Dow Jones makes no representation regarding the advisability of investing in such products.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled, European-style stock index options on the DJTA. The DJTA is a price-weighted index of 20 of the largest, most liquid U.S. transportation industry stocks.[4] Options will be based on one-tenth of the DJTA level.

Index Design. The DJTA has been designed to measure the performance of certain high capitalization transportation stocks. The DJTA has been calculated by Dow Jones & Company since 1896 and is one of the most commonly watched indexes of the U.S. stock market. The DJTA is a price-weighted index with each stock affecting the Index in proportion to its market price. Each stock in the Index is eligible for options trading. The Exchange believes that in all but one minor respect, options on the DJTA meet the generic listing criteria for options on narrow-based indexes which may be filed with the Commission under Exchange Rule 24.2(b) as a stated policy, practice, or interpretation within the meaning of paragraph (3)(A) of subsection 19(b) of the Exchange Act. One of the 20 stocks in the Index (XTRA Corp.) does not meet the trading volume criteria set forth in Paragraph (b)(3) of CBOE Rule 24.2.

On June 5, 1997, the 20 stocks ranged in capitalization from $352 million to $16.7 billion. The total market capitalization of the Index was $101.9 billion, the average capitalization was $5.1 billion and the median capitalization of the firms in the Index was $2.5 billion. The largest stock accounted for 9.87% of the total weight of the Index, while the smallest accounted for 1.98%. The top five stocks in the Index accounted for 45.01% of the total weight of the Index.

Calculation. The DJTA is a price-weighted index. The level of the index reflects the total price of the component stocks divided by the Index Divisor. The DJTA was first calculated on September 8, 1896 and the index value was 48.55 on that date. The Index had a closing value of 2683.55 on June 5, 1997. The daily calculation of the DJTA is computed by dividing the aggregated price of the companies in the Index by the Index Divisor. The Divisor keeps the Index comparable over time and is adjusted periodically to maintain the Index. The values of the Index will be calculated by Dow Jones & Company or its designee and will be disseminated at 15-second intervals during regular CBOE trading hours to market information vendors via the Options Price Reporting Authority (''OPRA'') or the Consolidated Tape Association.

Maintenance. Dow Jones is responsible for maintenance of the DJTA. Index maintenance includes monitoring and completing the adjustments for company additions and deletions, stock splits, stock dividends (other than an ordinary cash dividend), and stock price adjustments due to company restructuring or spinoffs. If required, the Index Divisor will be adjusted to account for any of the above changes. Generally, index components are replaced infrequently. The editors of the Wall Street Journal are responsible for component additions and deletions. These changes are announced in the Wall Street Journal and through the Dow Jones News Service generally three to five days prior to implementation. The Index is currently composed of 20 stocks and it is expected that it will remain at 20.

Index Option Trading. In addition to regular Index options, the Exchange may provide for the listing of long-term index option series (''LEAPS®'') and reduced-value LEAPS on the Index. For reduced-value LEAPS, the underlying value would be computed at one-one-hundredth of the Index level, or one-tenth of the value of full-value options. The current and closing index value of any such reduced-value LEAP will, after such initial computation, be rounded to the nearest one-hundredth. The Exchange will also provide for the trading of FLEX Options on the Index.

Strike prices will be set to bracket the index in 2½ point increments or greater. The minimum tick size for series trading below $3 will be 1/16th and for series trading above $3 the minimum tick will be 1/8th. The trading hours for options on the Index will be from 8:30 a.m. to 3:02 p.m. Chicago time.

FLEX Option Trading. The Exchange is proposing changes to its FLEX rules to provide for the trading of FLEX options on the DJTA. The proposed changes include an amendment to the FLEX Option position limits. Position limits would be as established by the Exchange but in no event would be greater than five times the limits for standard options on the DJTA.

Exercise and Settlement. The proposed options on the Index will expire on the Saturday following the third Friday of the expiration month. Trading in the expiring contract month will normally cease at 3:02 p.m. (Chicago time) on the business day preceding the last day of trading in the component securities of the Index (ordinarily the Thursday before expiration Saturday, unless there is an intervening holiday). The exercise settlement value of the Index at option expiration will be calculated by Dow Jones based on the opening prices of the component securities on the business day prior to expiration. If a stock fails to open for trading, the last available price on the stock will be used in the calculation of the index, as is done for currently listed indexes.[5] When the last trading day is moved because of Exchange holidays (such as when CBOE is closed on the Friday before expiration), the last trading day for expiring options will be Wednesday and the exercise settlement value of Index options at expiration will be determined at the opening of regular Thursday trading.

Surveillance. The Exchange will use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in Index options, Index LEAPS, and FLEX Options on the DJTA.

Position Limits. Options on the DJTA would be subject to the position limits for industry index options set forth in Rule 24.4A. Currently, standard options on the DJTA would qualify for a

[4] A list of the component stocks and their relative weights was submitted by the Exchange as Exhibit B to the rule filing. Exhibit B is available at the Exchange and at the Commission at the address in Section IV, *infra.*

[5] The Commission notes that pursuant to Article XVII, Section 4 of the Options Clearing Corporation's (''OCC'') by-laws, OCC is empowered to fix an exercise settlement amount in the event it determines a current index value is unreported or otherwise unavailable. Further, OCC has the authority to fix an exercise settlement amount whenever the primary market for the securities representing a substantial part of the value of an underlying index is not open for trading at the time when the current index value (*i.e.,* the value used for exercise settlement purposes) ordinarily would be determined. *See* Securities Exchange Act Release No. 37315 (June 17, 1996), 61 FR 42671 (order approving SR–OCC–95–19).

position limit of 15,000 contracts under the terms of Rule 24.4A.

Exchange Rules Applicable. As modified herein, the Rules in Chapter XXIV will be applicable to Options on the DJTA. Narrow-based margin rules will apply to the Index as set forth in Rule 24.11.

Capacity. CBOE believes it has the necessary systems capacity to support new series that would result from the introduction of Options on the DJTA. CBOE has also been informed that OPRA also has the capacity to support the new series. In making this determination, the Exchange notes that OPRA has made, and is in the process of making, significant enhancements to its capacity. These enhancements include: upgrades to computers; the addition of lines to firms, vendors and exchanges; and the introduction of new technology incorporating high speed data transmission. All of these enhancements will be in place prior to the scheduled introduction of these options contracts and will give more than sufficient capacity to deal with these and other new products.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[6] of the Act in general and furthers the objectives of Section 6(b)(5)[7] in particular in that it will permit trading in options based on the DJTA pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange.

All submissions should refer to File No. SR–CBOE–97–27 and should be submitted by July 29, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17666 Filed 7–7–97; 8:45 am]

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[6] 15 U.S.C. § 78f(b).

[7] 15 U.S.C. § 78f(b)(5).

[8] 17 C.F.R. 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38795; File No. SR–CHX–97–17]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Tier 1 Listing Standards

June 30, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 25, 1997, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article XXVIII, rule 14 of the Exchange's Rules relating to Tier 1 listing standards. The text of the proposed rule change is available at the Office of the Secretary, CHX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspect of such statements.

A. Self-Regulatory Organization's Statement of the Purposes of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The National Securities Markets Improvement Act of 1996[3] amended Section 18 of the Securities Act of 1933[4] to provide for exclusive federal registration of securities listed, or authorized for listing, on the New York Stock Exchange (''NYSE''), the American Stock Exchange (''Amex'') or listed on the National Market System of the Nasdaq Stock Market (''Nasdaq/NMS''), or any other national securities exchange designated by the Commission by rule to have substantially similar listing standards to those markets. The CHX petitioned the SEC in February of this year to adopt a rule finding the CHX's Tier 1 listing standards to be substantially similar to those of the NYSE, Amex or Nasdaq/NMS. If the SEC adopts such a rule, any security listed on the CHX under its Tier 1

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Pub. L. No. 104–290, 110 Stat. 3416 (1996)

[4] 15 U.S.C. 77s.

standards would be exempt from registration in all fifty states.

The SEC has recently published for comment proposed Rule 146(b) which would designate various exchanges' listing standards as being substantially similar to those of the NYSE, Amex or Nasdaq/NMS. The SEC has indicated that it preliminarily believes that the only deficiency in the CHX Tier 1 standards, which precludes it from designating the CHX Tier 1 securities as qualifying, is that there is no minimum share price requirement for continued listing on Tier 1. If such deficiency was corrected, the SEC indicated that it would consider including CHX's Tier 1 securities in the final Rule 146(b).

As a result of the above, the CHX is proposing to amend Article XXVIII, rule 14 of the Exchange rules to add a minimum share price requirement for continued listing of common stock on Tier 1. The proposed amendment is virtually identical to Amex's requirement. In essence, the proposed amendment states that an issuer that has a common stock listed under Tier 1 that is selling for a substantial period of time at a low price per share must effect a reverse split within a reasonable period of time after being notified that the Exchange deems such action to be appropriate. The proposed amendment then sets forth examples of pertinent factors which the Exchange will review in determining whether a reverse split is appropriate. If the issuer fails to effect a reverse split, then the Exchange would initiate a proceeding to delist the issuer's common stock from Tier 1.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act [5] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, and Others

No written comments were either solicited or received.

[5] 15 U.S.C. 78f(b).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that my be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–97–17 and should be submitted by July 29, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. [6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17668 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38794; File No. SR–NASD–97–01]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Permanent Approval to Proposed Rule Change Relating to Entry and Cancellation of SelectNet Orders

June 30, 1997.

I. Introduction

On January 8, 1997, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder [2] a proposed rule change to clarify the obligations of NASD members regarding the use of the SelectNet Service. The proposed rule change was published for comment in Securities Exchange Act Release No. 38149 (January 10, 1996), 62 FR 1942 (January 14, 1997) (''Notice of Proposed Rule Change''). The Commission subsequently approved a portion of this proposed rule change on a temporary basis.[3] No comments were received on the Notice of Proposed Rule Change. The Commission is now approving the proposed rule change in its entirety on a permanent basis.

II. Description of the Proposal

The NASD has proposed a new Conduct Rule, Rule 3380, to prohibit members from cancelling or attempting to cancel a broadcast or preferenced order entered into Nasdaq's SelectNet Service (''SelectNet'') until a minimum period of ten seconds has elapsed (''10-second rule'').[4] The Commission temporarily approved the 10-second rule with respect to SelectNet

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 38185 (January 21, 1997), approving until July 1, 1997, a new Conduct Rule to prohibit members from cancelling or attempting to cancel a preferenced order entered into SelectNet until a minimum period of ten seconds has elapsed and from entering conditional orders preferenced to electronic communications networks (''ECNs'').

[4] Conduct Rule 3380(a) is proposed to read: Cancellation of a Select Net Order: No member shall cancel or attempt to cancel an order, whether preferenced to a specific market maker or electronic communications network, or broadcast to all available members, until a minimum time period of ten seconds has expired after the order to be cancelled was entered. Such ten second time period shall be measured by the Nasdaq processing system processing the SelectNet order.

preferenced orders,[5] but deferred action on the proposed 10-second rule with respect to SelectNet broadcast orders. Consequently, there is currently no minimum time that must elapse before a SelectNet broadcast order can be cancelled. The Commission is now permanently approving the 10-second rule with respect to both preferenced and broadcast orders.

Conduct Rule 3380 has also been proposed by the NASD to prohibit the entry into SelectNet of any order covered by Rule 4623 that is preferenced to an ECN with conditions regarding the response to the order (*e.g.*, all or none orders or non-negotiable orders)[6] This proposal was previously approved on a temporary basis and is now being approved on a permanent basis.

III. Discussion

In August 1996, the Commission adopted new Rule 11Ac1–4 (''Limit Order Display Rule'') and amendments to Rule 11Ac1–1 (''Quote Rule'') that went into effect on January 20, 1997.[7] Under an amendment to the Quote Rule, some ECNs are now entering quotations in the Nasdaq Stock Market in a manner which heretofore was reserved for registered market makers.[8] To facilitate the ECN Display Alternative envisioned by the Order Execution Rules, Nasdaq has established linkages with four ECNs utilizing the SelectNet system.[9] The ECNs thereby have a mechanism to display their best market makers' as well as other customers' quotes into the public quotation stream.[10] A critical portion of the Nasdaq SelectNet linkage is that it allows NASD members that are not subscribers to a particular ECN to access the ECN's priced orders that are being displayed in the Nasdaq quote montage. An NASD member accesses an ECN's displayed order by entering a preferenced order into SelectNet directed to a particular ECN at its displayed price.[11]

The Commission believes that it is important to the successful operation of the ECN Display Alternative via the SelectNet linkage that the ECNs be afforded a reasonable opportunity to respond to orders preferenced through SelectNet before those orders are cancelled. Because of the current design of the SelectNet linkage, ECNs may execute a subscriber order based on the receipt of a SelectNet preferenced order and subsequently receive a cancellation of that SelectNet preferenced order. In addition, cancellations of SelectNet orders immediately after entry creates significant additional message traffic that may hinder the operation of the linkage.

Likewise, the Commission believes that SelectNet orders preferenced to a particular market maker must also be accessible for a minimal length of time to allow for responses to be generated by that market maker. The existing possibility that SlectNet orders may be immediately cancelled, decreases market makers' incentive to attempt to accept SelectNet orders directed to them. Therefore, it is important that market makers have a reasonable period to ensure that when they accept a SelectNet preferenced order it will not be cancelled during the transmission of their acceptance.

The NASD has stated that, since the implementation of the 10-second rule for preferenced SelectNet orders, cancellations of such orders has declined by 43.8%.[12] At the same time, SelectNet share volume as a percentage of total Nasdaq share volume has increased by 502.3%. According to the NASD, the percentage of that volume attributable to preferenced orders has increased 142%.[13] Thus, the requirement that a preferenced SelectNet order have a minimum life of 10 seconds has not limited the use of preferenced orders in SelectNet.

The Commission believes that the implementation of the 10-second rule for preferenced orders has not hindered, and may have improved, the operation of SelectNet. This is illustrated by the increase in SelectNet volume since the 10-second rule went into effect. Thus, the Commission is approving the 10-second rule on a permanent basis with respect to SelectNet preferenced orders.

The Commission is also extending the 10-second rule to SelectNet broadcast orders. The Limit Order Display Rule requires the public display of certain customer limit orders and the ECN Amendment requires the public display of market maker's and specialist's better priced orders. While the Order Execution Rules have improved transparency, they have also resulted in increased quotation traffic on Nasdaq. The Commission believes, however, that the quotation traffic resulting from the entry of broadcast orders into SelectNet that are immediately cancelled does not improve transparency. In fact, the Commission believes that the entry of a broadcast order that is subsequently and immediately cancelled creates artificial transparency, which is contrary to the goals of the Order Execution Rules. The appearance of activity in a security and the multiple quotation changes caused by broadcast orders that are immediately cancelled only serve to mislead the market. Moreover, orders that are entered into SelectNet exclusively for the sole purpose of generating quotation traffic are not contributing to price discovery. As the NASD has explained, SelectNet orders are displayed on a four line window in the Nasdaq Workstation II. The constant inputting of broadcast orders that are immediately cancelled causes the SelectNet screen to flicker or scroll so rapidly that market makers can not effectively review any SelectNet orders. The constant flickering of orders on the SelectNet may hinder the execution of legitimate SelectNet orders.

The Commission believes that a minimum life of ten seconds for a SelectNet broadcast order would ensure that these orders are accessible long enough to contribute to the price discovery process and to afford other SelectNet participants the opportunity to react. The Commission, therefore, is approving the proposal to require that a broadcast order can not be cancelled until a minimum period of ten seconds

[5] *See* Securities Exchange Act Release No. 38185 (January 21, 1997), 62 FR 3935 (January 27, 1997).

[6] NASD Rule 4623 concerns the operation of electronic communications networks. Conduct Rule 3380(b) is proposed to read: Prohibition Regarding The Entry of Conditional Orders: No member shall enter an order into SelectNet that is preferenced to an electronic communications network covered by Rule 4623 that has any conditions regarding responses to the order, *e.g.*, preferenced SelectNet orders sent to an electronic communications networks shall not be all or none, or subject to minimum execution size above a normal unit of trading, or deemed non-negotiable.

[7] *See* Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996) (''Adopting Release'') adopting the Limit Order Display Rule and amendments to the Quote Rule (collectively the ''Order Execution Rules'').

[8] Rule 11Ac1–1(c)(5) requires a market maker to display in its quote any better priced order the market maker places into an electronic communications network (''ECN Amendment''). Alternatively, the ECN Amendment provides an exception to the market maker's display obligation that depends upon the ECN itself displaying into the consolidated system the best-priced orders entered therein by a market maker or specialist, and allowing brokers and dealers to access such orders (''ECN Display Alternative'').

[9] The four ECNs are B-Trade; Instinet; Island; and Terra Nova Trading System.

[10] Under the ECN Display Alternative, ECNs must provide the best prices and sizes that market makers and specialists have entered in the ECN to the public quotation system for inclusion in the consolidated quotation. *See* Order Execution Rules Adopting Release at 121, *supra* note 7.

[11] *See* Order Execution Rules Adopting Release at 121, *supra* note 7, noting that the ability of non-subscribers to access market makers' and specialists' orders entered into an ECN is a fundamental requirement of the ECN Display Alternative.

[12] *See* Letter to Katherina A. England, Assistant Director, Division of Market Regulation, SEC, from Thomas R. Gira, Associate General Counsel, The Nasdaq Stock Market, Inc., dated June 26, 1997.

[13] Id.

has expired. In addition to the problems caused by immediately cancelled orders, orders that are sent to ECNs with conditions imposed also create response difficulties for ECNs.[14] Therefore, Nasdaq has proposed to prohibit members from entering conditional orders into SelectNet when those orders are preferenced to an ECN.[15] The Commission temporarily approved Conduct Rule 3380(b), prohibiting the entry of conditional order preferenced to an ECN, to eliminate impediments to the operation of the linkage with ECNs. The Commission acknowledges that conditional preferenced orders involve difficult programming issues and that the ECNs have been unable to modify their systems to accept conditional orders via the SelectNet linkage. The Commission continues to believe that this impediment to the operation of the linkage should be avoided and therefore is approving Conduct Rule 3380(b) on a permanent basis.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD, and in particular Sections 15A(b)(6), 15A(b)(9), and 15A(b)(11). In addition, the Commission finds that the rule change is consistent with the Congressional objectives for the National Market System, set out in Section 11A of the Exchange Act, of achieving more efficient and effective market operations, fair competition among brokers and dealers, and the economically efficient execution of investor orders in the best market. The Commission further believes that allowing preferenced on broadcast orders to be entered into SelectNet and immediately cancelled impedes the operation of the Order Execution Rules.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (NASD–97–01) be and hereby is approved. The 10-second minimum life requirement for a preferenced order in SelectNet is effective immediately and the 10-second minimum life requirement for a broadcast order in SelectNet shall be effective July 7, 1997. The prohibition of conditional orders preferenced to ECNs is effectively immediately.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17669 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–M

[14] The Commission earlier this year approved an NASD Rule change to prohibit the entry of all-or-none orders in the Small Order Execution System. *See* Securities Exchange Act Release No. 38156 (January 10, 1997), 62 FR 2415 (January 16, 1997).

[15] For example, an all or none order, an order subject to a minimum execution size above a normal unit or trading, or an order deemed non-negotiable.

[16] 15 U.S.C. § 78s(b)(2) (1988).

[17] 17 CFR 200.30–3(a)(12) (1966).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38786; File No. SR–NYSE–97–17]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Exchange's Wireless Data Communications Initiatives

June 30, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 28, 1997,[1] the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to modify certain aspects of its program for the use of wireless data communications technology that allows a member in a trading crowd or elsewhere on the trading floor to communicate with other locations on the floor by means of a hand-held wireless device.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 1995, the Commission approved a proposed rule change of the Exchange[2] that allowed the Exchange to introduce wireless data communications technology onto the Exchange trading floor. The Exchange believes that such technology expedites, and makes more efficient, the process by which members receive and execute orders. The technology involves the floor-based use of wireless hand-held data communications devices. To effect that initiative, the Exchange undertook to develop and install a wireless data communications infrastructure on its floor. It determined to allow private vendors, as well as the Exchange itself, to offer hand-held device services to Exchange members.

As described at length in the 1995 Filing, the Exchange's plan has been to introduce the new technology in four phases:

(1) In Phase I, the Exchange supervised and monitored three ''proof-of-concept'' pilot programs on the floor of the Exchange.

(2) In Phase II, the Exchange monitored and supervised additional, more structured, pilot testing of independent wireless data communications services, including that offered by the Exchange.

(3) In Phase III, the Exchange will conduct on the floor a preproduction pilot test of its wireless data communications system infrastructure, will supervise the installation and testing of the infrastructure and will move its own wireless data communications system to the infrastructure. In addition, the Exchange will continue to allow pilot testing of private vendors' wireless data communications services.

(4) In Phase IV, the Exchange will direct the production rollout of the wireless data communications infrastructure and the migration of vendors to the infrastructure.

The Exchange had completed Phase I prior to the time of its submission of the 1995 Filing. Since then, the Exchange

[1] Amendment No. 1 was filed on June 17, 1997, the substance of which is incorporated into the notice. *See* letter from Steven J. Abrams, Attorney, Milbank, Tweed, Hadley & McCloy, to Heather Seidel, Attorney, Market Regulation, Commission, dated June 17, 1997 (''Amendment No. 1'').

[2] Securities Exchange Act Release No. 35931 (June 30, 1995), 60 FR 35767 (July 11, 1995) (''1995 Filing'').

has completed Phase II and recently entered into Phase III.

Specifically, the purposes of the proposed rule change are: (1) To modify the types of wireless data communications that the Exchange will permit over the infrastructure; (2) to clarify that a vendor cannot provide wireless data communications services to Exchange members unless it is a member organization of the Exchange; and (3) to introduce the forms of agreement and provisions pursuant to which the Exchange will allow vendors and member organizations to provide wireless data communications services to members on the trading floor of the Exchange in the production roll-out environment.

First, the Exchange proposes to modify the types of wireless communications permitted over the infrastructure. The 1995 Filing specified as follows:

> A vendor's Phase II pilot program must restrict wireless data communications to communications between a hand-held device used by a member on the floor and a terminal in a floor booth location. The Exchange will prohibit all floor-based wireless data communications between any other points.

Exchange members have told the Exchange that adding communications between two hand-held devices located on the floor to the permitted uses of hand-held devices would make the Exchange's wireless data communications initiative far more useful.

The Exchange limited communications during the Phase II pilot programs to communications between a booth terminal and a floor-based hand-held device and will continue that limitation during Phase III pilot programs. However, the Exchange believes that the success of the pilot program experience justifies that ultimate addition of communications between two hand-held devices on the floor, both because of the efficiencies that such communications will permit and because the pilot testing has demonstrated that the Exchange's wireless data communications infrastructure has the capacity to accommodate those communications.

By permitting communications between two hand-held devices located at two different locations on the Exchange floor, the Exchange feels that it will expedite, and make more efficient, the communication of information among members on the trading floor. A member may rely on the information it receives on the floor through a hand-held wireless device to make trading decisions, without having to rely on such conventional trading tools as paper tickets and telephones.

As during the pilot programs, the Exchange will continue to prohibit wireless data communications either from a booth terminal or from a location on the trading floor to a location off of the floor. However, the same as under the pilot programs, a member subscribing to a wireless data communications service, whether from the Exchange or from a private vendor, may effect communications between a floor booth terminal and a member's off-floor system in the same ''wired'' manner as it can today, subject to applicable rules and policies. In addition, the subscribing member's booth terminal may interface with the Exchange's Common Message Switch (''CMS'') in order to allow the member to enter orders into the Exchange's SuperDOT System complex. That interface would not differ from today's booth/CMS interfaces and would be subject to existing CMS interface standards.

Next, the Exchange proposes to only provide access to its wireless communications infrastructure to vendors that are member organizations. The only vendors that participate in wireless data communications service pilot tests during Phases I and II were a member organization of the Exchange and a party affiliated with a member organization of the Exchange. The Exchange has determined that, because only member organizations are subject to the Exchange Constitution, Exchange Rules, and Exchange oversight, it will only provide access to its wireless data communications infrastructure to vendors that are member organizations.

The Exchange anticipates that some member organizations that are interested in vending those services will enter into contracts with non-member organizations (*e.g.*, traditional wireless data device vendors that desire to function as agents or contractors of the member organization) and that those contracts will delegate many of the service functions to those other entities. The Exchange is willing to permit that use of agents and contractors, so long as the member organization remains responsible for the performance of those functions and guarantees the performance of the agents and contractors.

Additionally, the Exchange included as part of the 1995 Filing, a form of agreement (the ''Pilot Program Vendor Form'') pursuant to which the Exchange would allow vendors of wireless data communications services to provide those services to Exchange members for the purposes of the Phase I and Phase II pilot testing. Now that the pilot testing period is completed, the Exchange has derived from the Pilot Program Vendor Form two forms of agreement that are designed for use by member organizations that wish to provide wireless data communications services to members in the Exchange's production roll-out wireless data communications environment. One of those forms (the ''Associated Member Form'') allows a member organization to provide such services to members that are officers, partners and employees of the member organization. The other form (the ''Revised Vendor Form'') allows a member organization to provide such services to other members.

The primary differences of substance between the Pilot Program Vendor Form and the Revised Vendor Form (a copy of which is attached to the filing as *Exhibit A*) are listed below. Because the Exchange will use the Revised Vendor Form in an environment in which the Exchange will already have completed the development and installation of its wireless data communications infrastructure, the Revised Vendor Form eliminates: (1) References to the creation and installation of the infrastructure; (2) permission to use radio bands other than that which the Exchange provides through its infrastructure; (3) a requirement that members migrate to the infrastructure once it becomes available; and (4) a limited Exchange obligation to support the communications equipment of private vendors.

Also, the Revised Vendor Form clarifies that only member organizations may vend wireless data communications services on the Exchange's floor, but allows the member organization to delegate functions to agents and contractors, so long as the member organization guarantees the performance of the agents and contractors. The Revised Vendor Form will allow communications between members using hand-held devices at two different locations on the trading floor, as well as between a member using a hand-held device on the floor and a member at a booth terminal, as the Exchange permitted in the pilot program.

In addition, the Exchange will have insisted that, because the Exchange limited the scope of the Phase I and II pilot programs and will similarly limit Phase III pilot programs, each participating vendor refrain from discriminating among the members to whom it was willing to provide its pilot service through the end of Phase III. However, the completion of the infrastructure means that the technology

necessary to allow every member to enjoy wireless data communications services will be available, whether from a vending member organization or from the Exchange. In Phase IV, the production roll-out phase, the Exchange will therefore allow vending member organizations to enter into such wireless data communications arrangements with members as they may see fit. For instance, a member organization may vend a wireless data communication service to Exchange members, but may offer preferential terms and conditions to members with which it is affiliated. As a result, the Revised Vendor Form will eliminate: (1) The several provisions found in the Pilot Program Vendor Form that require the vendor to provide wireless data communications services only on unbiased, non-discriminatory grounds; and (2) the provision that limits the scope of any pilot program to 25 members.

The Revised Vendor Form will eliminate the provision that prohibits a vendor from representing that it is the sole vendor of wireless data communications services on the Exchange floor, because the Exchange feels certain that all members will be aware that the Exchange and certain member organizations will provide service alternatives. Finally, because the Exchange will allow vendors to have access to the Exchange's infrastructure during Phase IV (unlike Phases I and II) and because the Exchange may not have the same degree of communication with vending member organizations throughout Phase IV as it has had during the earlier phases, it proposes to strengthen its contractual safeguards by adding to the Revised Vendor Form a provision that prohibits a vending member organization from introducing its service, or from modifying its equipment or transmission methodology, until the Exchange has seen the service or the modification operate satisfactorily. For similar reasons, the Revised Vendor Form grants the Exchange the right to test a service and related equipment.

The form of vendor agreement requires the vendor to prepare a description of its service for attachment to the form. *Attachment A* to the form sets forth the information that the Exchange requires the vendor to include in the service description. The Exchange proposes to eliminate, from that required information, information that completion of the infrastructure makes irrelevant. In addition, the Exchange proposes to add to those required items of information the vendor's method and location for storing devices when not in use. Furthermore, the Exchange proposes to clarify that among the rules and regulations with which the vendor is required to comply are all health and safety standards.[3]

As an important element of the Pilot Program Vendor Form, the Exchange required a vendor of a Phase I or II pilot program to provide its service to a member only pursuant to a written contract with the member. The Exchange required that contract to govern six elements of the vendor-member relationship [4] and to include certain provisions designed to protect the interests of the Exchange and its members. The Exchange set forth those requirements in an *Attachment B* to the Pilot Program Vendor Form. For the purposes of the Revised Vendor Form, the Exchange is proposing to amend those contract requirements in the manner set forth in *Attachment B* to *Exhibit A* (the ''Revised Vendor-Member Agreement Terms''). The amendments: reflect the fact that the Exchange will now permit communications between members using hand-held devices at two different locations on the floor; remove the requirement that the vendor-member agreement must govern the six prescribed elements of the relationship; and remove the Exchange-imposed termination requirements for terminations by the vendor or the subscribing member.

For the production roll-out phase, the Exchange has prepared the Associated Member Form for use by a member organization that wishes to provide wireless data communications services on the Exchange's trading floor solely to officers, partners and employees of the member organization that are Exchange members.[5]

The Associated Member Form contains provisions that are almost identical in substance to those found in the Revised Vendor Form, except that the Associated Member Form requires the member organization to take responsibility for the actions of its members and to assure that its members will comply with all provisions of the Form as well as with relevant laws, rules and regulations. For that reason, the Exchange does not propose to require the member organization to enter into an agreement with a subscriber to its wireless data communications service if the subscriber is an Exchange member that is an officer, partner or employees of the member organization. As a result, the Exchange does not propose to impose on the member organization a set of terms and conditions—for application between the member organization and its members—that parallel those set forth in *Exhibit B* to the Revised Vendor Form.

As in respect of Phase II, the Exchange reserves the right to limit the number of vendors that may provide wireless data communications systems on the floor during Phase IV, based on the ability of the Exchange to maintain its regulatory oversight responsibilities in a satisfactory manner. In addition, as the Exchange gains experience with the use of wireless data communications technology on its floor, it may determine that additional restrictions, such as in respect of permissible transmissions or hardware, are warranted.

The Exchange does not currently plan to charge vendors or Exchange members or member organizations for the privilege of providing wireless data communications services during Phase IV, although it reserves its right to do so. If the Exchange does determine to impose Phase IV charges or any other charges, it would first seek Commission approval of any such charge.

2. Statutory Basis

The Exchange believes that the bases under the Act for the proposed rule change are: (i) The requirement under Section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and that are not designed to permit unfair discrimination between customers, issuers, brokers or dealers; and (ii) the requirement under Section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

[13] The service description as so amended (the ''Revised Vendor Service Description'') is set forth in *Attachment A* to *Exhibit A*.

[4] Responsibility for losses; training; system maintenance and support; technological limitations; the availability of equipment and spare parts; and service charges.

[5] A copy of the Associated Member Form is attached to the filing as *Exhibit B.* Attached as *Attachment A* to that form is a service description (the ''Associated Member Service Description''), modified from the Revised Vendor Service Description as necessary to reflect the associated member context.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or.

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–97–17 and should be submitted by July 29, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[6] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38785; File No. SR–Phlx–97–15]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to the Minimum Size Guarantee

June 30, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 28, 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. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange pursuant to Rule 19b–4 of the Act, proposes to amend Phlx Rule 1015 (Quotation Guarantees); Phlx Rule 1033 (Bids and Offers—Premium); and Floor Procedure Advice (''Advice'') A–11 (Responsibility to Make Ten-Ups Markets), to reflect that the minimum size guarantee applicable to Phlx equity and index options may be larger than ten contracts. References to ten-up markets in these provisions are proposed to be replaced with ''minimum size guarantee.'' Advice A–11 will thus be retitled ''Responsibility to Make Markets of the Minimum Size Guarantee.''

The Exchange also proposed that broker-dealer (''BD'') orders for less than the minimum size guarantee that are represented at the trading post by a Floor Broker be treated the same as orders of ROTs for that amount (*i.e.*, such bids/offers will not be disseminated and will have no standing in the crowd).

In addition, the Exchange proposes to reorganize Phlx Rule 1015 by adding sub-paragraphs (1) and (2) to paragraph (a) to differentiate the requirements applicable to floor traders from the agency provisions. The Exchange is also proposing to require that broker-dealer electronic messages (sometimes used in lieu of floor tickets) be marked B/D. Lastly, the Exchange is clarifying that the best quoted bid or offer (''BBO'') referred in this Rule is the Exchange's displayed BBO.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C, below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to Phlx Rule 1033(a), the Exchange requires that public orders be filled to a minimum depth of at least ten contracts at the BBO. This is often referred to as the ''ten-up'' requirement. Phlx Rule 1015 and Advice A–11 delineate the obligations of floor traders respecting Exchange quotation guarantees. Since 1987, these provisions have been intended to benefit customers by establishing ten contracts as the minimum depth to which such orders are entitled an execution at the best bid or offer.[3] The intent was also to encourage floor traders to be more competitive and make size markets. In order for these purposes to be achieved, the Commission recognized that the floor traders' markets cannot be exhausted by competitors to the detriment of customers.[4]

In recent years, higher minimum guarantees have been established in certain options—higher than the traditional minimum size guarantee of ten contracts. These higher guarantees correspond to the maximum size of orders eligible for the Phlx Automated Options Market (''AUTOM'') system's automatic execution feature, AUTO–X.

[3] *See* Securities Exchange Act Release Nos. 24580 (June 11, 1987) 52 FR 23120 (June 17, 1987) (File No. SR–Phlx–87–09), and 26669 (March 27, 1989), 54 FR 13282 (March 31, 1989) (File No. SR–Phlx–89–02).

[4] *See* Securities Exchange Act Release No. 34400 (July 19, 1994), 59 FR 38011 (July 26, 1994) (File No. SR–Phlx–91–45).

Currently, the maximum order size permissible for AUTO–X is 50 contracts.[5]

Under this proposal, the ten-up requirement would be replaced by the higher minimum size guarantee for purposes of Phlx Rule 1015 and Advice A–11.[6] For example, in an option for which the minimum size guarantee is 20 contracts, Phlx Rule 1015 would require that a floor trader (*i.e.*, Specialists and ROTs) at the BBO be responsible for not just ten contracts, but the entire minimum size guarantee of 20 contracts. Where the BBO consists of more than one ROT, those ROTs together are responsible for 20 contracts.

Second, ROT orders (represented by Floor Brokers) for less than the minimum size guarantee are not currently disseminated as the BBO. However, ROT bids/offers must nevertheless be firm for the entire minimum size guarantee. The Exchange proposes to amend sub-paragraph (iv) of Rule 1015 to treat broker-dealer orders for less than the minimum size guarantee the same as ROT orders by not displaying them.[7]

Currently, the reason for not including ROT orders for less than ten contracts is that the BBO must be firm for the amount of the minimum size guarantee. Pursuant to the Phlx Rule 1015 and Advice A–11, an order availing upon the BBO will be filled by the ROT order, but if the ''availing'' order is greater than the ROT order, the difference up to the minimum size guarantee in that option must be filled by the floor traders with the immediately prior best bid or offer. For instance, if the market is 2–1/4–3/8, with an ROT order to sell 5 contracts at 3/8 comprising the offer, then the BBO is really 2–1/4–1/2, because the ROT order is not part of the BBO. If it were, the floor traders offering at ½ would be required to fill the other five contracts of an incoming order to buy 10 at 3/8, where the minimum size guarantee is ten contracts. Not including ROT orders less than the minimum size guarantee prevents this outcome. Nevertheless, this outcome does result under current rules when customer or broker-dealer orders for less than the minimum size guarantees comprise the BBO. This proposal would treat BD orders for less than the minimum size guarantee the same as ROT orders. The Phlx asserts that BDs, unlike customers, are not entitled to the ten-up guarantee and thus should not generate quote distortions to the detriment of floor traders, who must honor the size difference.

The purpose of this change is to prevent floor traders with the immediate prior best bid or offer from having to fill the remainder (up to the minimum size guarantee) at the better price as a result of a non-customer bid/offer creating the BBO. Thus, only where a bid/offer for less than the minimum guarantee is on behalf of a customer shall it be reflected as the BBO, requiring floor traders to supply the additional contracts. According to the Phlx, this proposal should encourage larger minimum size guarantees by freeing floor traders from the fear that they will be frequently providing guarantees better than their own true market to make up the size difference for broker-dealer orders at a better price.

In the course of preparing these amendments to Phlx Rule 1015 and Advice A–11, an Exchange review of these provisions revealed that certain organizational changes are needed to update and clarify them. Thus, the Exchange proposes to reorganize Phlx Rule 1015 by adding sub-paragraphs (1) and (2) to paragraph (a) to differentiate the requirements applicable to floor traders from the agency provisions. In addition, the Exchange is proposing to require that broker-dealer electronic messages (sometimes used in lieu of floor tickets) be marked B/D. Lastly, the Exchange is clarifying that the BBO referred in this Rule is the Exchange's displayed BBO.

The Exchange represents that the proposal at hand is similar to the rules and policies of other exchanges. For instance, market maker bids/offers for less than 20 contracts on the Pacific Exchange are represented in the trading crowd, but not disseminated. Similarly, broker-dealer proprietary orders that are represented by a Floor Broker for less than 10 contracts in the S&P 100 Index option (''OEX'') are not disseminated on the Chicago Board Options Exchange.[8]

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade and protect investors and the public interest by recognizing that in order to preserve option customer size guarantees, broker-dealer orders for less than the minimum size guarantee should not affect the displayed BBO, because such broker-dealers do not have the concurrent obligation, as do floor traders, to honor that market up to the guaranteed size for the Exchange's customers. The proposed rule change does not permit unfair discrimination between customers, issuers, brokers and dealers, because the proposal is intended to ensure the fair operation of display requirements and preserve customer guarantees, without unfairly burdening the floor traders who must honor such guarantees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The self-regulatory organization does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be

[5] *See* Securities Exchange Act Release No. 36601 (December 18, 1995), 60 FR 66817 (December 26, 1995) (File No. SR–Phlx–95–39).

[6] Similarly, Phlx Rule 1033(a) will expressly refer to the minimum size guarantee requirements of Phlx Rule 1015.

[7] *See* Securities Exchange Act Release No. 28722 (December 28, 1990), 56 FR 542 (January 7, 1991) (File No. SR–Phlx–89–57).

[8] *See, e.g.,* Securities Exchange Act Release No. 36880 (February 23, 1996), 61 FR 7839 (February 29, 1996) (File No. SR–CBOE–95–70).

available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–97–15 and should be submitted by July 29, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38792; File No. SR–Phlx–97–24]

Self-Regulatory Organizations; Order Granting Accelerated Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 Thereto by the Philadelphia Stock Exchange, Inc. To Adopt an AUTOM Rule and To Request Permanent Approval for the AUTOM Pilot Program

June 30, 1997.

I. Introduction

On May 2, 1997, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rule 1080, Philadelphia Stock Exchange Automated Options Market (''AUTOM'') and Automatic Execution System (''AUTO–X''), codifying and amending the policies and procedures concerning AUTOM and to obtain permanent approval for the AUTOM pilot program. On June 30, 1997, the Phlx submitted Amendment No. 1 to the proposed rule change.[3]

The proposed rule change was published for comment in the **Federal Register** on June 3, 1997.[4] No comments were received on the proposal. This order grants accelerated approval to the proposal, as amended.

II. Description of the Proposal

AUTOM is the Exchange's electronic order delivery and reporting system, that provides for the automatic entry and routing of Exchange-listed equity options and index options orders to the Exchange trading floor. AUTOM has operated on a pilot basis since 1988.[5] Since that time, AUTOM has been extended several times, generally in one-year increments.[6] AUTOM also has been amended several times during the operation of the pilot.[7]

Currently, the Exchange has no rule governing the use of its AUTOM system. Option orders entered by Exchange member organizations into AUTOM are routed to the appropriate specialist unit on the Exchange trading floor. Orders delivered through AUTOM may be executed manually or automatically; however, only certain orders are eligible for AUTOM's automatic execution feature, AUTO–X, as provided in the proposed rule. Equity option and index option specialists are required by the Exchange to participate in AUTOM and its features and enhancements.

The proposal delineates the types of orders eligible for AUTOM. Generally, only agency orders may be entered.[8] However, broker-dealer orders for U.S. Top 100 Index (''TPX'') options may be entered into AUTOM, but are not eligible for AUTO–X. In addition, with respect to order size, orders up to the maximum number of contracts permitted by the Exchange may be entered. Currently, orders up to 100 contracts are eligible for AUTOM,[9] except the maximum order size for TPX options is 500 contracts.[10] Separate maximum order sizes apply to AUTO–X, as discussed below. Moreover, the Exchange's Options Committee may determine to accept additional types of orders for entry into AUTOM as well as to discontinue accepting certain types of orders.[11]

AUTO–X is a feature of AUTOM that automatically executes public customer market and marketable limit orders up to the number of contracts permitted by the Exchange for certain strike prices and expiration months in equity options

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[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Philip H. Becker, Senior Vice President and Chief Regulatory Officer, Phlx, to Michael Walinskas, Senior Special Counsel, Division of Market Regulation, SEC, dated June 27, 1997 (''Amendment No. 1''). In Amendment No. 1, the Phlx amended the proposal by: (1) Clarifying the Exchange's current policy with respect to the eligibility of options for AUTO–X; (2) deleting the sentence defining ''agency order''; (3) deleting the reference to ''user or account type'' with respect to the Options Committees authority to restrict the use of AUTO–X; (4) deleting references to ''exemptions'' with respect to disengaging AUTO–X; and (5) clarifying several aspects of the proposal.

[4] *See* Securities Exchange Act Release No. 38683 (May 27, 1997), 62 FR 30366 (June 3, 1997) (''Release No. 38683'').

[5] *See* Securities Exchange Act Release No. 25540 (March 31, 1988), 53 FR 11390 (April 6, 1988) (SR–Phlx–88–10).

[6] *See* Securities Exchange Act Release Nos. 25868 (June 30, 1988), 53 FR 25563 (SR–Phlx–88–22 extended through December 31, 1988); 26354 (December 13, 1988), 53 FR 51185 (SR–Phlx–88–33 extended through June 30, 1989); 26522 (February 3, 1989), 54 FR 6465 (SR–Phlx–89–01 extended through December 31, 1989); 27599 (January 9, 1990), 55 FR 1751 (SR–Phlx–89–03 extended through June 30, 1990); 28265 (July 26, 1990), 55 FR 31274 (SR–Phlx–90–16 extended through December 31, 1990); 28978 (March 15, 1991), 56 FR 12050 (SR–Phlx–90–34 extended through December 31, 1991); 32559 (June 30, 1993), 58 FR 36496 (SR–Phlx–93–03 extended through December 31, 1993); 33405 (December 30, 1993), 59 FR 790 (SR–Phlx–93–57 extended through December 31, 1994); 35183 (December 30, 1994), 60 FR 2420 (SR–Phlx–94–41 extended through December 31, 1995); 36582 (December 13, 1995), 60 FR 65364 (SR–Phlx–95–78 extended through December 31, 1996); and 38104 (December 31, 1996), 62 FR 1017 (SR–Phlx–96–51 extended through June 30, 1997).

[7] *See* Securities Exchange Act Release Nos. 25868 (June 30, 1988), 53 FR 25563 (SR–Phlx–88–22 AUTOM extended to 37 options); 26354 (December 13, 1988), 53 FR 51185 (SR–Phlx–88–33 expanded from 5 to 10 contracts in all strikes and months); 26522 (February 3, 1989), 54 FR 6465 (SR–Phlx–89–01 adding 25 additional equity options totaling 62); 27599 (January 9, 1990), 55 FR 1751 (SR–Phlx–89–03 approving AUTO–X for market and marketable limit orders in three strikes and all months up to ten contracts in 12 equity options and day limit orders deliverable through AUTOM); 28516 (October 3, 1990), 55 FR 41408 (SR–Phlx–90–18 expanding from 10 to 100 contracts); 28978 (March 15, 1991), 56 FR 12050 (SR–Phlx–90–34 extending AUTO–X to all equity options and AUTOM to accept GTC and cabinet orders); 29782 (October 3, 1991), 56 FR 55146 (SR–Phlx–91–19 extending AUTO–X to all strike prices and expiration months); 29662 (September 9, 1991), 56 FR 46816 (SR–Phlx–91–31 extending AUTO–X to 20 contracts for Duracell options to match CBOE/Amex/NYSE); 29837 (October 18, 1991), 56 FR 36496 (SR–Phlx–91–33 expanding AUTO–X from ten to 20 contracts); 32906 (September 15, 1993), 58 FR 15168 (SR–Phlx–92–38 expanding AUTO–X from 20 to 25 contracts); 34920 (October 31, 1994), 59 FR 55510 (SR–Phlx–94–40 codifying AUTOM for index options); 35033 (November 30, 1994), 59 FR 63152 (SR–Phlx–94–32 adopting the Wheel); 35601 (April 13, 1995), 60 FR 19616 (SR–Phlx–95–18 codifying order types); 35781 (May 30, 1995), 60 FR 30131 (SR–Phlx–95–29 expanding AUTO–X to 50 contracts for TPX only); 35782 (May 30, 1995), 60 FR 30136 (SR–Phlx–95–30 extending AUTOM from 100 to 500 contracts); 36429 (October 27, 1995), 60 FR 55874 (SR–Phlx–95–35 permitting broker-dealer orders in AUTOM for TPX only); 36467 (November 8, 1995), 60 FR 57615 (SR–Phlx–95–33 limiting AUTO–X in XOC); 36601 (December 18, 1995), 60 FR 66817 (SR–Phlx–95–39 expanding AUTO–X from 25 to 50 contracts); and 37977 (November 25, 1996) 61 FR 63889 (SR–Phlx–96–49 amending Wheel provisions).

[8] *See* Amendment No. 1, *supra* note 3.

[9] *See* Securities Exchange Act Release No. 28516 (October 3, 1990), 55 FR 41408 (October 11, 1990) (SR–Phlx–90–18).

[10] *See* Securities Exchange Act Release No. 35782 (May 30, 1995), 60 FR 30136 (June 7, 1995) (SR–Phlx–95–30). Although the Exchange received approval to expand the maximum AUTOM order size to 500 contracts, the Exchange's Board of Governors has limited implementation to TPX only.

[11] The Commission notes that if the Exchange desires to amend the types of orders eligible for AUTOM, it should contact the Division of Market Regulation to determine if a filing with the Commission pursuant to Section 19(b) of the Act is necessary.

and index options, unless the Options Committee determines otherwise. AUTO–X automatically executes eligible orders using the Exchange disseminated quotation and then automatically routes execution reports to the originating member organization. AUTOM orders not eligible for AUTO–X are executed manually in accordance with Exchange rules. Manual execution of AUTO–X eligible orders will also occur when AUTO–X is not engaged.

In 1995, the Exchange received Commission approval to limit the availability of AUTO–X for certain, high-priced series of National Over-the-Counter Index options (''XOC'').[12] The proposal restores these XOC series to AUTO–X eligibility. The proposal also provides that the Options Committee may, for any period, restrict the use of AUTO–X [13] on the Exchange in any option or series.[14] Currently, orders up to 50 contracts, subject to the approval of the Options Committee, are eligible for AUTO–X.[15] In addition, the Options Committee may, in its discretion, increase the size of orders in one or more classes of multiply-traded equity options eligible for AUTO–X to the extent necessary to match the size of orders in the same options eligible for entry into the automated execution system of any other options exchange, provided that the effectiveness of any such increase shall be conditioned upon the Exchange filing with the Commission a proposed rule change pursuant to Section 19(b)(3)(A) of the Act.[16]

In the event extraordinary circumstances [17] exist in connection with a particular class of options, two Floor Officials [18] may determine to disengage AUTO–X with respect to that option, in accordance with Exchange procedures. To ensure proper notification to AUTOM users, a specialist must promptly notify the Surveillance Post of any AUTOM-related approval by two Floor Officials to disengage AUTO–X with respect to that option.[19] In the event extraordinary conditions exist floor-wide, two Exchange Floor Officials, the Chairperson of the Options Committee or his designee [20] may unanimously determine to disengage the AUTO–X feature floor-wide. In the event that AUTO–X is disengaged, AUTO–X eligible orders will be executed manually pursuant to general AUTOM provisions. The Exchange's Emergency Committee, pursuant to Rule 98, may take other action respecting AUTOM in extraordinary circumstances.

The proposal requires a specialist to accept eligible orders delivered through AUTOM. A specialist must comply with the obligations of Rule 1014, as well as other Exchange rules, in the handling of AUTOM orders. A specialist is responsible for engaging AUTO–X with respect to an assigned option within three minutes after completing an opening or reopening rotation of that option. A specialist must respond to all messages communicated through AUTOM, including order entry, execution and cancellation and replacement of orders as well as administrative messages. A specialist is responsible for the remainder of an AUTOM order where a partial execution occurred.[21] Lastly, a specialist is responsible for ensuring the visibility to the trading crowd of both the screens displaying incoming AUTO–X orders as well as the bids/offers for the at-the-money strike prices in displayed options.[22]

In the proposed rule, the Exchange disclaims any liability from losses arising from the acts, errors or omissions of its agents, employees and members in connection with AUTOM. The proposal also apportions responsibility between the specialists and the member organizations for losses arising from the failed transmission of order messages routed through AUTOM. Under the terms of the proposal, a member organization who initiates the transmission of an order message to the floor through AUTOM is responsible for that order message up to the point that a legible and properly formatted copy of the order message is received on the trading floor by the specialist unit. Thereafter, the specialist who is registered in the option specified in the order message is responsible for the contents of the order message received and is responsible for the order until one of the following occurs: (i) An execution report for the entire amount of the order is properly sent; (ii) a cancellation acknowledgement is properly set; or (iii) an order properly expires.

Proposed Commentary .01 to the rule reflects the existence of Automatic Quotation (''Auto-Quote''), another feature of AUTOM. Auto Quote is the Exchange's electronic options pricing system, which enables specialists to automatically monitor and instantly update quotations. Commentary .02 states that the Electronic Order Book is the Exchange's automated specialist limit order book, which automatically routes all unexecuted AUTOM orders [23] to the Electronic Order Book and displays orders real-time in order of price/time priority. Orders not delivered through AUTOM may also be entered onto the Electronic Order Book.

Finally, the proposal incorporates the provisions of Floor Procedure Advice F–24, concerning the Wheel, into the proposed AUTOM rule. The Wheel is an automated mechanism for assigning floor traders (*i.e.* specialists and ROTs

[12] *See* Securities Exchange Act Release No. 36467 (November 8, 1995), 60 FR 57615 (November 16, 1995) (SR–Phlx–95–33 limiting AUTO–X eligibility to XOC series where the bid is $10 or less) (''Release No. 36467'').

[13] In Amendment No. 1, the Phlx identified the Exchange's current policy with respect to the use of AUTO–X. Specifically, the Exchange's current policy provides that all series and all option are eligible for AUTO–X. In addition, the Exchange recognizes that substantial changes to this policy would require a filing with the Commission pursuant to Rule 19b–4. *See* Amendment No. 1, *supra* note 3.

[14] In Amendment No. 1, the Exchange deleted the reference to ''user or account type'' contained in Release No. 38683. *See* Amendment No. 1, *supra* note 3. The Commission notes that the Exchange should review its Floor Procedure Advices to ensure that provisions regarding AUTO–X participation and restrictions are consistent with the corresponding provisions in the Exchange's rules, as proposed herein.

[15] *See* Securities Exchange Act Release No. 36601 (December 18, 1995), 60 FR 66817 (December 26, 1995) (SR–Phlx–95–39).

[16] 15 U.S.C. 78s(b)(3)(A). The Commission expects the Phlx, in such filings with the Commission, to demonstrate that the Exchange's systems capacity is sufficient and that the specialist and Registered Options Traders (''ROTs''), respectively, have the capital necessary to handle the proposed increase in order size.

[17] The Phlx defines extraordinary circumstances to include fast market conditions, systems malfunctions and other circumstances that limit the Exchange's ability to disseminate or update market quotations in a timely and accurate manner. The Phlx intends to incorporate this definition into the AUTOM Rule at a later date. *See* Amendment No. 1, *supra* note 3.

[18] The Phlx has a written policy, contained in its manual for new Floor Officials, to prevent Floor Officials from approving a specialist's request to disengage AUTO–X with respect to a particular option where another Floor Official previously has denied the request. Telephone conversation between Edith Hallahan, Director and Special Counsel, Regulatory Services, Phlx, and Deborah Flynn, Attorney, Division of Market Regulation, SEC (June 19, 1997).

[19] In Amendment No. 1, the Phlx deleted all references to ''exemptions'' to clarify that it is the specialist's responsibility to notify the Exchange of Floor Official approval and relocated this provision to the section of the rule entitled ''Specialist Obligations.'' *See* Amendment No. 1, *supra* note 3.

[20] Amendment No. 1 clarifies that three individuals are needed to disengage AUTO–X floor-wide: two Floor Officials *and* the Chairperson of the Options Committee (or his designee). *See* Amendment No. 1, *supra* note 3.

[21] The specialist's responsibility extends to filling an order, as well as maintaining any unexecuted portion of the order on the limit order book. *See* Amendment No. 1, *supra* note 3.

[22] This provision essentially requires the specialist to select a reasonable location for the screens in the trading station area. *See* Amendment No. 1, *supra* note 3.

[23] Amendment No. 1 clarified that *all* unexecuted AUTOM orders are automatically routed to the order book. *See* Amendment No. 1, *supra* note 3.

signed on the Wheel for a particular option class), on a rotating basis, as contra-side participants to AUTO–X orders.[24]

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[25] The Commission believes the proposal, as amended, is consistent with the requirements of Sections 6 and 11A of the Act[26] in general, and in particular, with Sections 6(b)(5) and 11A(a)(1)(B) of the Act.[27]

The Commission believes that the proposal, as amended, is consistent with Section 6(b)(5) of the Act[28] because permanent approval of the AUTOM system should facilitate the operation of Phlx's options trading floor, which will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in options. The Commission notes that the Phlx has been operating AUTOM as a pilot program for nearly a decade and the Commission has not received any negative comments regarding the AUTOM pilot program since its implementation. As the Exchange represents that it has not experienced any significant problems regarding the operation of AUTOM[29] and believes that the AUTOM system is capable of handling a significant increase in additional orders,[30] the Commission believes that it is appropriate to approve the AUTOM systems on a permanent basis at this time.

The Commission notes that the adoption of Rule 1080 will incorporate into one rule all rules applicable to the operation of the AUTOM system. The Commission believes that it is important to incorporate all of the rules relating to AUTOM into the Exchange's rules so that the rules are more easily accessible to Phlx members and other market participants. The Commission notes that many of the proposed provisions consist of rules that either previously were approved explicitly by the Commission or codify existing practice that has developed pursuant to approved guidelines. The Commission believes that such provisions of the proposal do not substantially alter the Exchange's current interpretations and policies governing AUTOM, but rather, clarify existing operational procedures and codify into the Exchange's rules improvements that have been made to the AUTOM system. These provisions include the types of orders eligible for AUTOM and AUTO–X, respectively; the provisions of Floor Procedure Advice F–24, AUTO–X Contra-Party Participation (the Wheel); requirements that specialists participate in AUTOM; and the commentaries describing Auto-Quote and the Electronic Order Book.

Several other provisions of the rule change proposal are new. For example, the Commission notes that the Exchange's proposed AUTOM rule includes a general disclaimer from liability arising from the operation of AUTOM. Specifically, the proposal provides that, ''[i]n accordance with Exchange By-Law Article XII, Section 12–11, the Exchange shall not be liable for any loss, expense or damage resulting from or claimed to have resulted from the acts, errors or omissions of its agents, employees or members in connection with AUTOM, or of the AUTOM system.'' In addition, the proposed rule apportions between the specialists and the Exchange member organizations any losses that may be sustained as to orders entered into AUTOM.

The Commission believes that the general disclaimer language contained in the proposed rule is specifically limited by Article XII, Section 12–11 of the Phlx's By-Laws,[31] which applies solely to damages sustained by a member or a member organization. Accordingly, the Commission believes that the general disclaimer provision contained in this rule does not extend to customer-related losses. Moreover, the Commission notes that the proposed rule change provides the Exchange with virtually the same protection from liability available to the other exchanges.[32] The Commission also notes that the Phlx represents that the general disclaimer provision cannot be used to limit its liability for intentional misconduct or for any violations of the federal securities laws.[33] The Commission believes that the proposal, as amended, may serve to facilitate transactions in securities, while also protecting investors and the public interest.

The Commission notes that the proposal, as amended, establishes procedures for disengaging AUTO–X.[34] Moreover, the Commission notes that the proposal sets forth the specialist's obligations with respect to the operation of AUTOM and AUTO–X. The Commission believes that the provision requiring specialists to receive orders through AUTO–X except under ''extraordinary circumstances,'' coupled with the requirement that the specialist obtain the prior approval of two Floor Officials to disengage AUTO–X, should help to ensure that AUTO–X eligible public customer orders will continue to be executed and thereby, contribute to the depth and liquidity of the Phlx's markets. The Commission believes that as a general rule, automatic execution systems should remain operational at all times. However, if the existence of extraordinary circumstances warrants the decision of two concurring Floor Officials to disengage AUTO–X, the Exchange should ensure that AUTO–X eligible orders are rerouted to the trading floor for prompt manual execution at current market prices. The term ''extraordinary circumstances'' has been defined to include fast market conditions, systems malfunctions and other circumstances that limit the Phlx's ability to disseminate or update market quotations in a timely and accurate manner.[35] This provision is similar to the definition utilized by the Chicago Board Options Exchange (''CBOE'') for its automatic options execution system.[36]

Further, the Commission notes that the proposed rule would grant to the Phlx's Options Committee the discretion

[24] The floor-wide roll-out of the Wheel was completed the week of April 21, 1997.

[25] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78f and 78k–1.

[27] 15 U.S.C. 78f(b)(5) and 78k–1(a)(1)(B).

[28] 15 U.S.C. 78f(b)(5).

[29] *See* Proposing Release, *supra* note 4 at 10.

[30] The Phlx estimates that the average peak utilization of the AUTOM system is approximately 50% of capacity. *See* Letter from Theresa McCloskey, Vice President, Regulatory Services, Phlx, to Michael Walinskas, Senior Special Counsel, Division of Market Regulation, SEC, dated June 9, 1997.

[31] Phlx By-law Section 12–11 provides, ''[t]he Corporation shall not be liable for any damages sustained by a member or member organization growing out of the use or enjoyment by such member or member organization of the facilities afforded by the Corporation to members for the conduct of their business.''

[32] *See* American Stock Exchange Rule 60; New York Stock Exchange Rule 123B(e).

[33] *See* Amendment No. 1, *supra* note 3.

[34] The Commission notes the proposed procedures require: (1) the specialist to obtain approval from two concurring Floor Officials in order to disengage AUTO–X with respect to a particular option; (2) the specialist to notify the Surveillance Post of the Floor Officials' approval; and (3) three individuals (two Floor Officials and the Options Committee Chairperson or his designee) to disengage AUTO–X floor-wide.

[35] *See supra* note 17.

[36] *See CBOE Rule 8.51(a)(4).*

to restrict the use of AUTO–X.[37] Currently, all classes and series of Phlx options are eligible for AUTO–X. The Commission believes that the discretion granted to the Options Committee to restrict the use of AUTO–X should be exercised only in limited situations. For example, the Commission believes the Exchange's proposal to restrict[38] and now to reinstate the AUTO–X eligibility of high-priced XOC series to be a limited situation within the discretion of the Options Committee. The authority granted through this proposal to the Phlx Options Committee does not include the authority to make substantial changes that would affect a substantial number of classes or series of options eligible for AUTO–X.[39] The Commission therefore believes that the proposed rule's grant of such limited authority to the Options Committee[40] is consistent with Section 6(b)(5) of the Act.[41]

The Commission also notes that Amendment No. 1 deletes the definition of ''agency order'' for the purposes of the AUTOM rule in Release No. 38683,[42] which contained an interpretation of the term, ''public customer.'' The original proposed definition of ''public customer,'' for AUTOM purposes, would have restricted use of the AUTOM system in a manner not necessarily consistent with the definition of ''public customer'' contained in Phlx's Guaranteed Quote rule for options.[43]

The Commission believes that the proposal, as amended, is consistent with Section 11A(a)(1)(B) of the Act[44] because development and implementation of the AUTOM system should provide for more fair, accurate, and efficient handling and reporting of orders in eligible options. The Commission further believes the proposal should facilitate the Phlx's efforts to provide an orderly market and to encourage small investor participation in the options markets by facilitating the use of ATUO–X, an automated system which enhances the Exchange's ability to execute small public customer orders in a timely, accurate and efficient manner. Therefore, the Commission believes the proposal, as amended, is consistent with Section 11A(a)(1)(B) of the Act[45] because AUTOM is intended to improve, through the use of new data processing and communications techniques, the efficiency with which transactions in Phlx equity and index options are executed.

Finally, the Commission finds good cause for approving the proposed rule change and Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register** in order to permit the Phlx to continue to operate AUTOM on an uninterrupted basis. The proposed rule change will grant permanent approval to the AUTOM pilot program which is scheduled to expire on June 30, 1997. Moreover, the Commission notes that the proposed rule change reflects input received from several Exchange committees and floor members based on their experiences with AUTOM and AUTO–X to date. The Commission also notes that the AUTOM pilot, for the most part, has operated and evolved over the past 10 years providing the public an opportunity to comment on its commencement and subsequent enhancements. In addition, the Commission did not receive any public comments on this proposed rule change, which was noticed for the full 21-day period. The Commission also finds good cause for approving Amendment No. 1 to the proposed rule change on an accelerated basis. The Commission believes that the modifications to the proposal contained in Amendment No. 1 are substantially similar to the provisions of rules of other exchanges. As the proposed rule change and Amendment No. 1 thereto will grant permanent approval to a pilot program that has operated for nearly a decade, the Commission believes that the adoption of the proposal should assist the Exchange in facilitating a fair and orderly market by codifying and clarifying the responsibilities of the market participants. Therefore, the Commission believes that granting accelerated approval of the proposed rule change, as amended, is consistent with Section 6 and 19(b)(2) of the Act.[46]

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1 to the proposed rule. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–97–24 and should be submitted by July 29, 1997.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[47] that the proposed rule change (SR–Phlx–97–24), including Amendment No. 1, is approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[48]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–17667 Filed 7–7–97; 8:45 am]

BILLING CODE 8010–01–M

[37] The proposed rule, as amended, states, ''[t]he Options Committee may for any period restrict the use of AUTO–X on the Exchange in any option or series.''

[38] *See* Release No. 36467, *supra* note 12.

[39] The Exchange represents that it ''understands that substantial changes to this policy, such as restricting AUTO–X to only in-the-money series, would require a filing pursuant to Rule 19b-4.'' *See* Amendment No. 1, *supra* note 3. The Commission believes that if the Phlx desires to make substantial changes to the number of classes/series of options available on AUTO–X, the Exchange should submit a filing for Commission approval pursuant to Section 19(b) of the Act.

[40] *See* Amendment No. 1, *supra* note 3.

[41] 15 U.S.C. 78f(b)(5).

[42] *See* Release No. 38683, *supra* note 4.

[43] *See* Phlx Rule 1015.

[44] 15 U.S.C. 78k–1(a)(1)(B).

[45] 15 U.S.C. 78k–1(a)(1)(B).

[46] 15 U.S.C. 78f and 78s(b)(2).

[47] 15 U.S.C. 78s(b)(2).

[48] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 2568]

Advisory Committee on International Economic Policy; Notice of Closed Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet 9:00 am–1:00 pm on Tuesday, July 22, 1997, in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC 20520. The meeting will be hosted by Committee Chairman Mike Gadbaw and by Assistant Secretary of State for Economic and Business Affairs, Alan P. Larson.

The closed briefings that the Department of State will arrange for ACIEP members will involve discussions of classified or business proprietary information, pursuant to the Federal Advisory Committee Act, 5 USC App. II section 10(d), and the Government in the Sunshine Act 5

U.S.C. sections 552b(c)(1), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(9)(B).

For further information, contact Ann Alexandrowicz, ACIEP Secretariat, U.S. Department of State, Bureau of Economic and Business Affairs, Room 6828, Main State, Washington, DC 20520. She may be reached at telephone number (202) 647–7727 or fax number (202) 647–5713.

Dated: June 30, 1997.

Shaun E. Donnelly,

Acting Assistant Secretary for Economic and Business Affairs.

[FR Doc. 97–17754 Filed 7–7–97; 8:45 am]

BILLING CODE 4710–07–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee for Capital Goods (ISAC 2)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of meeting.

SUMMARY: The Industry Sector Advisory Committee for Capital Goods (ISAC 2) will hold a meeting on July 17, 1997 from 9:00 a.m. to 2:00 p.m. The meeting will be open to the public from 12:30 p.m. to 1:30 p.m. and closed to the public from 9:00 a.m. to 12:30 p.m. and 1:30 p.m. to 2:00 p.m.

DATES: The meeting is scheduled for July 17, 1997, unless otherwise notified.

ADDRESSES: The meeting will be held at the Department of Commerce in Room 1414, located at 14th Street and Constitution Avenue NW., Washington, DC, unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Megan Pilaroscia, Department of Commerce, 14th St. and Constitution Ave. NW., Washington, DC 20230, (202) 482–0609 or Suzanna Kang, Office of the United States Trade Representative, 600 17th St NW., Washington, DC 20508, (202) 395–6120.

SUPPLEMENTARY INFORMATION: The ISAC 2 will hold a meeting on July 17, 1997 from 9:00 a.m. to 2:00 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code and Executive Order 11846 of March 27, 1975, the Office of the U.S. Trade Representative has determined that part of this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. During the discussion of such matters, the meeting will be closed to the public from 9:00 a.m. to 12:30 p.m. and 1:30 p.m. to 2:00 p.m. The meeting will be open to the public and press from 12:30 p.m. to 1:30 p.m. when other trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

Clayton Parker,

Acting Assistant United States Trade Representative, Intergovernmental Affairs and Public Liaison.

[FR Doc. 97–17730 Filed 7–7–97; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 9, 1997 [62 FR 17277].

DATES: Comments must be submitted on or before August 7, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Street, Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Ave., SW., (202) 267–9895, Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Part 161—Notice and Approval of Airport Noise and Access Restrictions.

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2120–0563.

Affected Public: Airport Operators proposing voluntary agreements and/or mandatory restrictions on Stage 2 and Stage 3 aircraft operations and aircraft operators that request reevaluation of a restriction.

Abstract: The Airport Noise and Capacity Act of 1990, Public Law 101–508, mandates the formulation of a national noise policy. One part of that mandate is the development of a national program to review noise and access restrictions on the operation of Stage 2 and Stage 3 aircraft.

Estimated Annual Burden Hour: 31,905.

Number of Respondents: 18.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on July 1, 1997.

Vanester M. Williams,

Clearance Officer, United States, Department of Transportation.

[FR Doc. 97–17723 Filed 7–7–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Coordinating Council on Thursday, August 6, 1997. The following designations are made for each item: (A) is an ''Action'' item; (I) is an ''Information item;'' and (D) is a ''Discussion'' item. The agenda includes the following: (1) Call to Order and Introductions (I); (2) Statements of Anti-Trust Compliance and Conflict of

Interest (A); (3) Approval of Last Meeting's Minutes (A); (4) Federal Reports (I & D); (5) President's Report (I & D); (6) Professional Capacity Building Update (I & D); (7) DSRC Initiative Update (I & D); (8) Standards Needs Timeline (I & D); (9) ATIS Interoperability for Priority Corridors (I & D); (10) ITS Awareness Campaign Update (I & D); (11) International Report (I); (12) AHS Demonstration Update (I); (13) Roundtable Discussion of Committee and Task Force Activities—Committee and Task Force Chairs (I & D); (14) Coordinating Council Workshop Report-out (A); (a.) Future Direction of ITS; (b.) ITS America's Future Role; (c.) ITS Planning and Integration; (15) Other Business.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Coordinating Council of ITS AMERICA will meet on Thursday, August 6, 1997, 10 a.m.—2 p.m. (Eastern Standard Time).

ADDRESSES: San Diego Marriot Mission Valley, 8757 Rio San Diego Dr., San Diego, California 92108. Phone no. (800) 842–5329. Fax no. (619) 692–0769.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue, SW., Suite 800, Washington, D.C. 20024. Persons needing further information or to request to speak at this meeting should contact Kenneth Faunteroy at ITS AMERICA by telephone at (202) 484–4130, or by FAX at (202) 484–3483. The DOT contact is Mary Pigott, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5:00 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: July 2, 1997.

Jeffrey Lindley,

Deputy Director, ITS Joint Program Office.

[FR Doc. 97–17769 Filed 7–2–97; 3:51 pm]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on Tuesday, August 12, 1997. The meeting begins at 8:30 a.m. with a Business Session (Voting Board Members and Key Staff Only). The letter designations that follow each item mean the following: (I) is an Information item; (A) is an Action item; (D) is a Discussion item. This meeting includes the following items: (1) Introductions and ITS America Antitrust Policy and Conflict of Interest Statements (I); (2) Report of the Membership Committee (I); (3) Report of the Administrative Policy and Finance Committee (I); (4) President's Report (I); (5) ITS America Association (A); (6) Other Business. The General Session begins at 9:30 a.m., is open to all members and observers, and includes the following: (7) Welcome to California (I); (8) Review of ITS America Antitrust Policy and Conflict of Interest Statements (A); (9) Review and Approval of Previous Meeting's Minutes (A); (10) Federal Reports (I/D); (11) Coordinating Council Report (A/D); (12) State Chapters Council Report (A/D); (13) ITS Awareness Campaign (A); (14) Board Retreat Report-Out; (a.) Topic #1—Future Direction of ITS; (b.) Topic #2—ITS America's Role (A); (15) State Infrastructure Banks Update (I/D); (16) China Trade Mission Update (I/D); (17) Fourth ITS World Congress and Annual Meeting Report (I/D); (18) Report from Japan (I); (19) Other Program Business; (20) Adjournment until October 20, 1997, Board of Directors Meeting in conjunction with the Fourth ITS World Congress at the ICC Berlin in Berlin, Germany. Additional information: Nominating Committee Report.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Board of Directors of ITS AMERICA will meet on Tuesday, August 12, 1997, from 8:30 a.m.–12:00 p.m.

ADDRESSES: San Diego Marriot Mission Valley, 8757 Rio San Diego Dr., San Diego, California, 92108. Phone no. (800) 842–5329. Fax no. (619) 692–0769.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue SW, Suite 800, Washington, D.C. 20024. Persons needing further information or who request to speak at this meeting should contact Kenneth Faunteroy at ITS AMERICA by telephone at (202) 484–4130 or by FAX at (202) 484–3483. The DOT contact is Mary C. Pigott, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued: July 2, 1997.

Jeffrey Lindley,

Deputy Director, ITS Joint Program Office.

[FR Doc. 97–17770 Filed 7–7–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33419]

South Kansas and Oklahoma Railroad, Inc.—Acquisition Exemption—Kansas Eastern Railroad, Inc.

South Kansas and Oklahoma Railroad, Inc., a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate 94.8 miles of rail line from the Kansas Eastern Railroad, Inc. between milepost 343.7, at Columbus, KS, and milepost 438.5, at Severy, KS.

The transaction was expected to be consummated on or shortly after June 27, 1997.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33419, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell,

Esq., BALL JANIK LLP, 1455 F Street, N.W., Washington, DC 20005.

Decided: July 1, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–17828 Filed 7–7–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

[Treasury Order Number 150–30]

Temporary Arrangements for the Internal Revenue Service; Authority Delegation

Dated: June 30, 1997.

Pursuant to the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and sections 7801(a) and 7803 of the Internal Revenue Code of 1986, and notwithstanding Treasury Order (TO) 101–05, it is ordered that the following arrangements shall be temporarily in effect with respect to the Internal Revenue Service.

1. The Deputy Commissioner, Internal Revenue Service, shall report through the Deputy Secretary to the Secretary, and shall be authorized to use the title of, and sign all correspondence as, Acting Commissioner of Internal Revenue.

2. All duties and powers carried out by the Commissioner of Internal Revenue prior to the effective date of this Order shall be carried out by the Acting Commissioner of Internal Revenue.

3. *Redelegation.* Nothing in this Order prohibits redelegation of the duties and powers assigned by this Order.

5. *Effective Date.* The foregoing arrangements are effective as of May 31, 1997. To the extent that any action heretofore taken consistent with this Order may require ratification, it is hereby approved and ratified.

6. *Cancellation.* This temporary Order shall terminate without any further action when a new Commissioner of Internal Revenue executes the oath of office.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 97–17743 Filed 7–7–97; 8:45 am]

BILLING CODE 4810–25–P

federal register

Tuesday
July 8, 1997

Part II

Department of Health and Human Services

Administration for Children and Families

Announcement of the Availability of Financial Assistance and Request for Applications To Support Child Welfare Training Projects; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. CB 97–11]

Announcement of the Availability of Financial Assistance and Request for Applications To Support Child Welfare Training Projects

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Announcement of the availability of financial assistance and request for applications to support child welfare training projects.

SUMMARY: The Children's Bureau (CB) within the Administration on Children, Youth and Families (ACYF), Administration for Children and Families, announces the availability of fiscal year 1997 funds for competing new discretionary grants to public and private non-profit accredited institutions of higher learning to develop and improve educational and training programs and to assist child welfare agencies to enhance skills and build capacity of staff to achieve planned outcomes.

This announcement contains forms and instructions for submitting an application.

CLOSING DATE: The closing time and date for the receipt of applications under this announcement is 4:30 p.m. (Eastern Time Zone), on August 22, 1997. Applications received after 4:30 p.m. of the closing date will be classified as late. Post marks and other similar documents DO NOT establish receipt of an application.

DEADLINE: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447. Attention: Children's Bureau Discretionary Training Funds Program (Specify Priority Area 1, 2, 3, or 4).

Applications hand-carried by applicants, applicant courier, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline receipt date, between the hours of 8:00 a.m. and 4:30 p.m. (EST), at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). Attention: Children's Bureau Discretionary Training Funds Program (Specify Priority Area 1, 2, 3, or 4). Any application received after 4:30 p.m. on the deadline date will not be considered for competition. Applicants using express/overnight services should allow for two working days prior to the deadline date for receipt of applications.

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt. Envelopes containing applications must clearly indicate the specific priority area that the application is addressing.

Late applications: Applications which do not meet the above criteria are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

FOR FURTHER INFORMATION CONTACT: The ACYF Operations Center, Technical Assistance Team (telephone number 1–800–351–2293) is available to answer questions regarding application requirements and to refer you to the appropriate contact person in ACYF for programmatic questions.

INTENT TO APPLY: If you plan to submit an application, within two weeks of the receipt of this announcement, send a post card or call in the following information: the name, address and telephone number of the contact person; the name of the organization; and the priority area(s) in which you may submit an application to: Administration on Children Youth and Families, Operations Center, 3030 Clarendon Boulevard, Suite 240, Arlington, VA 22201, ATTN: Child Welfare Training Program. The telephone number is 1–800–351–2293. This information will be used to determine the number of expert reviewers needed and to update the mailing list of persons to whom the program announcement is sent.

SUPPLEMENTARY INFORMATION: This program announcement consists of five parts. Part I provides information on the Children's Bureau. Part II describes the review process and funding decisions, additional requirements for the grant applications, and the programmatic priorities for which applications are being requested. Part III provides information on the application requirements. Part IV describes the evaluation criteria. Part V provides the instructions for the development and submission of applications.

Outline of Announcement

Part I: General Information
- A. Background
- B. Statutory Authority Covered Under This Announcement

Part II: Review Process and Priority Areas
- A. Eligible Applicants
- B. Review Process and Funding Decisions
- C. Evaluation Process
- D. Structure of Priority Area Descriptions
- E. Available Funds
- F. Grantee Share of Project Costs
- G. Priority Areas
- H. Priority Area Descriptions

Part III. Application Requirements
- A. Objectives and Needs for Assistance
- B. Results and Benefits
- C. Approach
- Priority Area 1
- Priority Area 2
- Priority Area 3
- Priority Area 4
- D. Staff Background and Organizational Experience
- E. Budget Appropriateness

Part IV: Evaluation Criteria
- A. Criterion 1: Objectives and Need for Assistance
- B. Criterion 2: Results and Benefits Expected
- C. Criterion 3: Approach
- D. Criterion 4: Staff Background and Organizational Experience
- E. Criterion 5: Budget Appropriateness

Part V: Instructions for the Development and Submission of Applications for FY 1997
- A. Availability of Forms
- B. Paperwork Reduction Act of 1995
- C. Required Notification of the State Single Point of Contact
- D. Deadline for Submission of Applications
- E. Instructions for Preparing the Application and Completing Application Forms
- 1. SF 424 Page 1, Application Cover Sheet
- 2. SF 424A—Budget Information, Non-Construction Programs
- 3. Project Summary Description
- 4. Program Narrative Statement
- 5. Organizational Capability Statement
- 6. Assurances/Certifications
- F. Checklist for a Complete Application
- G. The Application Package

Part I. General Information

A. Background

The Administration on Children, Youth and Families administers national Federal programs for children

and youth; works with States, Tribes, and local communities to develop services which support and strengthen family life and protect children; seeks joint ventures with the private sector to enhance the lives of children and their families; and provides information and other assistance related to child welfare programs.

The concerns of ACYF extend to all children from birth through adolescence, with particular emphasis on children who have special needs. Many of the programs administered by the agency focus on children from low-income families; children and youth in need of protective services, foster care, adoption or other child welfare services; preschool children, including children with disabilities; abused and neglected children; runaway and homeless youth; and children from American Indian and migrant families.

Within ACYF, the Children's Bureau plans, manages, coordinates, and supports child welfare services programs. It administers the Foster Care and Adoption Assistance Program, the Child Welfare Services State Grants Program, the Family Preservation and Support Program, the Independent Living Program, the Child Welfare Services Training Program, the Adoption Opportunities Program, and the Abandoned Infants Assistance Program.

The Children's Bureau programs are designed to promote the welfare of all children, including disabled, homeless, dependent, abused or neglected children and their families. The programs also encourage strengthening of the family unit to help alleviate unnecessary separation of children from their families and reunify families where possible, when separation has occurred. Where reunification is not possible, rapid movement into adoption or other form of permanency placement is necessary.

B. Statutory Authority Covered Under This Announcement

Section 426 of the Social Security Act, as amended. 42 U.S.C. 626, CFDA: 93.648. Under this section, funds are authorized each fiscal year for grants to public or other non-profit institutions of higher learning for special projects for training personnel for work in the field of child welfare, including traineeships with such stipends and allowances as may be permitted by DHHS.

Part II. Review Process and Priority Areas

A. Eligible Applicants

Each priority area description contains information about the types of agencies and organizations which are eligible to apply under that priority area. Each application will be screened for applicant organization eligibility as specified under the selected priority area. Applications from ineligible organizations will not be considered or reviewed in the competition, and the applicant will be so informed.

Only agencies and organizations, not individuals, are eligible to apply under this Announcement. All applications developed jointly by more than one agency or organization must identify only one lead organization and official applicant. Participating agencies and organizations can be included as co-participants, subgrantees or subcontractors. For-profit organizations are eligible to participate as subgrantees or subcontractors with eligible non-profit organizations under all priority areas.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations as described in Section 501(c)(3) of the IRS code, or by providing a copy of the current valid IRS tax exemption certification, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

B. Review Process and Funding Decisions

Timely applications received by the deadline date which are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons outside the Federal government, will use the appropriate evaluation criteria listed later in this section to review and score the applications. The results of this review are a primary factor in making funding decisions.

The ACYF reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is in the best interest of the Federal government or the applicants. ACYF may also solicit comments from ACF Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with those of the expert reviewers, will be considered by ACYF in making funding decisions.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ACYF may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Process

A panel of at least three reviewers (primarily experts from outside the Federal government) will review the applications. To facilitate this review, applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement. Applicants are encouraged to use job titles and not specific names in developing the application budget. However, the specific salary rates or amounts for staff positions identified must be included in the application budget.

The reviewers will determine the strengths and weaknesses of each application using the evaluation criteria listed below, provide comments and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight.

D. Structure of Priority Area Descriptions

Each priority area description is composed of the following sections:

Eligible Applicants: This section specifies the type of organization eligible to apply under the particular priority area. Specific restrictions are also noted, where applicable.

Purpose: This section presents the basic focus and/or broad goal(s) of the priority area.

Background Information: This section briefly discusses the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACYF or others are noted, where applicable.

Minimum Requirements for Project Design: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and other organizational or community involvement. This section also asks for specific information on the proposed

project. Inclusion and discussion of these items is important since they will be used by the reviewers in evaluating the applications against the evaluation criteria. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.

Project Duration: This section specifies the maximum allowable length of time for the project period and refers to the amount of time for which Federal funding is available, including any extensions.

Federal Share of Project Cost: This section specifies the maximum amount of Federal support for the project for the first budget year.

Matching Requirement: This section specifies the minimum non-Federal contribution, either through cash or in-kind match, required in relation to the maximum Federal funds requested for the project. The applicant must assure that the proposed budget meets or exceeds the cost sharing or match requirement. Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, a grantee with $100,000 grant award (Federal funds) should commit no less than $33,334 each budget period, i.e., 25 percent of the $133,334 in total project costs.

Anticipated Number of Projects To Be Funded: This section specifies the number of projects ACYF anticipates it will fund under the priority area.

Please note that applications that do not comply with the specific priority area requirements in the section on ''Eligible Applicants'' will not be reviewed. Applicants should also note that non-responsiveness to the section ''Minimum Requirements for Project Design'' will result in a low evaluation score by the reviewers. Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description scores lower than one more clearly focused on, and directly responsive to, that specific priority area.

E. Available Funds

The ACYF intends to award new grants resulting from this announcement during the fourth quarter of fiscal year 1997, subject to the availability of funds. The size of the actual awards will vary.

Under this announcement, approximately $3.5 million is available for FY 1997. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term ''budget period'' refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term ''project period'' refers to the total time a project is approved for support, including any extensions.

Where appropriate, applicants may propose project periods which are shorter than the maximums specified in the various priority areas. Non-Federal share contributions may exceed the minimums specified in the various priority areas when the applicant is able to do so. However, if the proposed match exceeds the minimum requirement, the grantee must meet its proposed level of match support before the end of the project period. Applicants should propose only that non-Federal share they can realistically provide since any unmatched Federal funds will be disallowed by ACF.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon satisfactory performance by the grantee, availability of funds from future appropriations, and a determination that continued funding is in the best interest of the Government.

F. Grantee Share of Project Costs

Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $300,000 in Federal funds (based on an award of $100,000 per budget period), must include a match of at least $100,000 (25 percent of the total cost of the project). If approved for funding, grantee will be held accountable for commitments of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

G. Priority Areas

Priority Area 1: Interdisciplinary Training For Public Agency Workers and Supervisors to Improve Child Welfare Services.

Priority Area 2: Training for Managers to Support Outcome-based Management in Child Welfare.

Priority Area 3: Cross-Program Training of Public Agency Workers to Conduct Intake for Comprehensive Family Needs Assessment, Including Stress and Strength Areas, and Service Requirements.

Priority Area 4: Training for Determining Adult Relatives as Preferred Caretakers in Permanency Planning.

H. Priority Area Descriptions

Priority Area 1—Interdisciplinary Training For Public Agency Workers and Supervisors to Improve Child Welfare Services

Eligible Applicants: Public or non-profit institutions of higher education with accredited social work education programs, or other accredited bachelor or graduate level programs leading to a degree relevant to work in child welfare.

Purpose: To develop a competency-based interdisciplinary training curriculum and a training plan to enhance and strengthen the capacity of child welfare workers and supervisors to respond to complex family problems of child abuse and neglect resulting from substance abuse, mental illness, and domestic violence, which require effective interdisciplinary service coordination necessary to achieve child safety and permanency goals.

Background Information: A Departmental study in progress indicates that children who have caretakers with substance abuse and mental health problems are more likely to be placed in foster care than children who do not have caretakers with such problems. Preliminary analysis of this data also found that 54% of the caretakers had substance abuse and 55% mental health problems. Domestic violence was the presenting problem in 11% of the IV–E foster care and non-IV–E foster care cases who were involved in the child welfare system.

Families and children in the child welfare system exhibit multiple problems, requiring specialized community-based services. Because of the increasingly complex nature of the family problems, the public agency staff are continuously challenged to provide comprehensive services such as medical, legal, psychological, educational and/or training necessary to address diverse family needs. Families

need an integrated service strategy to address their multiple problem areas. This effort necessitates the use of a multi-disciplinary team approach to achieve child safety and permanency goals.

The capacity of the public agencies to make sound decisions regarding safety and permanency is contingent upon the staffs' ability to understand the predisposing family conditions that contribute to the entry of children into the foster care system. An understanding of the family dynamics and issues of substance abuse, mental health and domestic violence as social problems is critical to determining appropriate services needed to achieve family preservation goals.

Interdisciplinary training is an important way to build staff capacity to facilitate effective collaboration between child welfare and other professionals who also serve the same population. Interdisciplinary service coordination is therefore critical to the success of a case plan. This process also requires a holistic on-going assessment, treatment strategy, and monitoring to evaluate the progress made by families. It requires skills in asking the right questions that go beyond the presenting problems to determine underlying psycho-social problems that require solutions. It requires an understanding of various disciplines which are governed by their own theoretical systems, service philosophies and intervention approaches and how to collaborate with these disciplines on behalf of the families in the child welfare system.

The Family Preservation and Support Services Act of 1993 emphasized the importance of service integration to stabilize families and enhance environmental opportunities for normal child development. In recent years, the Department has supported curriculum development projects that emphasize interdisciplinary collaboration. For example, in 1991, the National Center on Child Abuse and Neglect funded 94 interdisciplinary training projects that focused on linkages between substance abuse and child maltreatment. During the same period, the Office of Community Services' collaborative grants project also highlighted the need to develop inter-program training curricula to improve coordination between the child support enforcement programs and domestic violence programs. In 1991, the funding of the cooperative agreement between the Children's Bureau and the Florida International University and the funding of 11 interdisciplinary child welfare training grants also indicate the importance of this priority area. In FY 1997, under the Abandoned Infants Assistance Program, the Children's Bureau will continue to fund several demonstrations that will focus on comprehensive services for the abandoned infants and infants at risk of abandonment and their families who are affected by substance abuse and the human immunodeficiency virus.

While the need for interdisciplinary training for public child welfare workers and supervisors has been recognized, few training programs have been developed with sufficient emphasis on multi-disciplinary coordination in areas of substance abuse, mental health and domestic violence. This priority area will specifically focus on developing curricula and training to enhance increasing knowledge and practice skills in the areas of: (1) substance abuse, mental health and domestic violence as social problems; (2) developing assessment, interdisciplinary coordination and monitoring skills to evaluate progress in family situations; and (3) integrating various professional disciplines' framework and programs (e.g., health, mental health, juvenile justice, law enforcement, substance abuse counseling, child care, Child Support Enforcement, Head Start, and Temporary Assistance to Needy Families programs) which are governed by their own theoretical systems, service philosophies and intervention approaches. Funding from this priority area is expected to be used to develop an interdisciplinary training curriculum, to deliver training, and to evaluate the effectiveness of the training provided to the child welfare staff.

Minimum Requirements for Project Design: To compete successfully under this priority area, the applicant must:

- Demonstrate knowledge and understanding of interdisciplinary training issues specific to the substance abuse, mental health, and domestic violence problems found in the child welfare population throughout the country. Discuss how the proposed project will build on the existing knowledge and evaluations of such projects and will add innovative dimensions to achieve the interdisciplinary training goals.
- Describe past and/or current collaborative efforts between the educational programs and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.
- Discuss an approach to developing a theoretical and practice-based curriculum that integrates substance abuse, mental health, and domestic violence issues as these relate to child abuse and neglect. Describe the need for such training for the public child welfare staff in specific and child welfare professionals in general. Also describe the contents of the proposed interdisciplinary training curriculum.
- Describe the proposed curriculum and discuss how it builds on, expands, and strengthens the existing curriculum approaches/ models. The applicant must explain the preliminary planning and coordination activities with other disciplines in the development and execution of the training curriculum. Discuss the approach to teaching a competency-based interdisciplinary curriculum and the use of other disciplines to teach in various components of the training curriculum to achieve the project objectives.
- Describe how the public child welfare agency staff and community agencies providing services to families with substance abuse and domestic violence problems will be involved in the development of the curriculum.
- Describe who the trainees will be; how many at each level of the child welfare services tier are expected to be trained over the life of the project; selection criteria for trainee recruitment; and specific strategies for recruiting minority and Tribal agency trainees. There should also be a consideration to include individuals from the community agencies that provide services to the child welfare population.
- Describe any interactive and long distance training, including video technology, if any, that will be part of this effort.
- Describe coordination with the public agency in evaluating the interdisciplinary training curriculum, including the timelines.
- Submit a work plan which describes the timelines for each task to be accomplished to match the scope of the project. It must also describe the timeframes for: the development of the proposed interdisciplinary training curriculum; coordination with various disciplines in the proposed tasks; training the public agency staff; evaluation of the project; and submission of the interim progress and final reports and the final products.
- Describe the proposed plan for the evaluation of the project. Discuss how the effectiveness of the competency-based interdisciplinary curriculum will be assessed.
- Describe the applicant's experience in developing and providing interdisciplinary training in child welfare. Also describe the applicant's history and relationship with the targeted public child welfare agency. Include a discussion of the relevant

programs, administrative and fiscal management experience.

• Identify and provide a brief description of key staff who are proposed to work in this project, indicating their education, experience in working in similar programs and training/teaching experiences that are relevant to achieving the project goals. Include their resumes.

• Describe the qualifications and experience of the individuals who will assist in: developing the curriculum; training of the public agency staff; and evaluating the project. Include their resumes.

• Identify and describe the administrative and organizational interface required in this project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also include interagency agreements and commitments obtained from the participating entities.

• Provide assurance that at least one key staff from the university and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant and participate in a four-day annual meeting in Washington, D.C.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The Federal share is not to exceed $150,000 for the first 12 month budget period or $450,000 for a three year project period.

Matching Requirements: For each budget period with an award of $150,000 (Federal funds), the non-Federal share would be no less than $50,000 (i.e., 25 percent of the total project cost of $200,000). The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through a cash contribution. Funds from this grant cannot be used to match title IV–E training funds.

Anticipated Number of Projects: It is anticipated that four or five projects will be funded, depending on availability of funds.

Length of Proposal: The length of the narrative, including the appendices, must be limited to 60 pages.

CFDA Number: 93.648 Child Welfare Training Program Grants: Section 426 of the Social Security Act.

Priority Area 2—Training for Managers To Support Outcome-based Management in Child Welfare

Eligible Applicants: Public or non-profit institutions of higher education with accredited social work education programs, or other accredited bachelor or graduate level programs leading to a degree relevant to work in child welfare.

Purpose: To support and promote management capabilities in the use of the child welfare program data to: (1) identify outcomes to be achieved; (2) create ownership of the data by the staff; (3) develop a strategy for the planned use of the data to track performance; and (4) identify training needs to build staff capacity to improve program outcomes. To achieve this objective, this priority will focus on developing a training curriculum to build managerial capacity for effectively using the child welfare program data for the purposes of developing and instituting an outcome-based management strategy that will focus on program outcomes, tracking performance at all agency levels, and removing barriers to achieving child welfare outcomes.

Background Information: Public sector agencies are increasingly exploring ways to improve management practices which focus on results rather than process. Managing for results and outcome-based management have become central to demonstrating the effectiveness of an agency in managing its child welfare program in terms of child safety, permanency, and well-being goals.

Although specifically mandated for federal agencies, the Government Performance Review Act provides guidelines for developing measurable outcomes that can be used to evaluate an agency's success in achieving its mission and goals. The American Humane Association, an affiliate of the American Public Welfare Association, holds roundtable discussions to increase knowledge and understanding of outcome measures and the elements of effective outcome-based models in child welfare. The Family Preservation and Support Services Program also requires States to describe the goals to be accomplished and the methods to be used to measure progress toward accomplishing these goals. Other performance and outcome-based management models used successfully by industries could also have practical applications for child welfare agencies.

Theoretically, continuous improvement strategies are built upon ongoing monitoring of results and understanding factors that influence outcomes. A results-orientated management plan should be based on decisions resulting from the review of various sources of State/federal or other systems data, including internal and external program and fiscal audits; data obtained from the periodic review and monitoring of the outcomes on the front-lines of the agency; cost-effectiveness reports; and finally an assessment of funding sources and their impact on program outcomes.

To enable child welfare agencies to strengthen the transition toward results-oriented performance, it is essential that they determine ways to enhance and build capacity of the management staff in this area. It is also desirable for child welfare agencies to take advantage of the new technologies and information sources, such as SACWIS (Statewide Automated Child Welfare Information Systems), AFCARS (Adoption and Foster Care Analysis and Reporting System) and NCANDS (National Child Abuse and Neglect Data System) to enhance management practices and to measure the service outcomes of the child welfare agency. Although these data are not yet available for all States, they reflect certain commonalities that could be useful for developing effective management measures. Other child welfare data sources could also be explored for management decisions.

Outcomes can also be planned in accordance with the public laws and regulations which govern foster care and adoption assistance and family preservation and support services programs. Additionally, child welfare practice knowledge should also provide critical information for developing outcome-based and results-oriented management plans. Training of the top and mid-level managerial staff who are involved in the decision making process is therefore critical to promoting outcome-based management in child welfare.

Minimum Requirements for Project Design: In order to compete successfully under this priority area, the applicant must:

• Demonstrate knowledge and understanding of the theory and principles of outcome-based management practices in general and their current applications in public child welfare agencies throughout the country, including the linkages between program outcomes and effective practices. Discuss how the proposed training project will build on the existing knowledge and evaluations of these management practices. Discuss the innovative dimensions of the proposed training approach which focuses on capacity building to improve the child welfare program outcomes. Discuss the use of relevant fiscal and program data to develop performance goals, use of such analysis for developing effective management practices toward achieving interim and final performance goals, and evaluating barriers to achieving the intended goals.

• Describe past and/or current collaboration between the applicant and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.

• Discuss the proposed approach to developing a theoretical and practice-based curriculum that focuses on outcome-based management as it relates to child welfare agencies. Describe the need for such training for the public agencies' managers. Also describe the contents of the proposed outcome-based management training curriculum.

• Describe the proposed training curriculum and discuss how it builds on, expands, and strengthens existing curricula to promote outcome-based management approaches/models. The applicant must explain the preliminary planning and coordination activities with the public child welfare agency in developing and executing the training curriculum. Also discuss the approach to teaching such a curriculum and the use of other disciplines, if any, to teach various components of the curriculum to achieve the project objectives.

• Describe the use of new technologies, federal/State data systems, other relevant information sources and reports, monitoring systems, etc., as components of the proposed training curriculum.

• Describe how the public child welfare agency staff will be involved in the development of the curriculum.

• Describe who the trainees will be; how many at each level of the managerial tier are expected to be trained over the life of the project; the criteria for selection of trainees; how the trainees will be recruited; and specific strategies which will be used to recruit minority and Tribal agency trainees.

• Describe any interactive and long distance training, including video technology, if any, that will be part of this effort.

• Describe coordination with the public agency in evaluating the outcome-based management training curriculum, including the timelines.

• Submit a work plan which describes the timelines for each task to be accomplished to match the scope of the project. It must also describe the timeframes necessary for: the development of the proposed training curriculum development; coordination with the public child welfare agency; coordination and use of other disciplines in the curriculum development and training tasks; training of the public agency staff; evaluation of the project, and submission of the interim progress and final reports, and the final products.

• Describe the proposed plan to evaluate the project. Discuss how the effectiveness of the competency-based training curriculum will be assessed.

• Describe the applicant's experience in developing and providing outcome-based training relevant to public child welfare agencies. Also describe the applicant's history and relationship with the targeted public child welfare agency. Include a discussion of the relevant programs and administrative and fiscal management experience.

• Identify and provide a brief description of key staff who are proposed to work in this project, indicating their education, experience in working in similar programs and training/teaching experiences relevant to achieving the project goals. Include their resumes.

• Describe the qualifications and experience of the individuals who will assist in the development of the curriculum, training of the public agency staff, and evaluation of the project. Include their resumes.

• Identify and describe the administrative and organizational interface required in this project (State agency, academic departments, other disciplines, institutions, etc.). Also include interagency agreements and commitments obtained from the participating entities.

• Provide assurance that at least one key staff from the applicant agency and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant and participate in a four-day annual grantee meeting in Washington, D.C.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The Federal share is not to exceed $150,000 for the first 12 month budget period or $450,000 for a three year project period.

Matching Requirements: For each budget period with an award of $150,000 (Federal funds), the non-Federal share would be no less than $50,000 (i.e., 25 percent of the total project cost of $200,000). The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through a cash contribution. Funds from this grant cannot be used to match title IV–E training funds.

Anticipated Number of Projects: It is anticipated that three to five projects will be funded, depending on availability of funds.

Length of Proposal: The length of the narrative, including the appendices, must be limited to 60 pages.

CFDA Number: 93.648 Child Welfare Training Program Grants: Section 426 of the Social Security Act.

Priority Area 3—Cross-Program Training of Public Agency Workers To Conduct Intake for Comprehensive Family Needs Assessment, Including Stress and Strength Areas, and Service Requirements

Eligible Applicants: Public or non-profit institutions of higher education with accredited social work education programs, or other accredited bachelor or graduate level programs leading to a degree relevant to work in child welfare.

Purpose: To develop a competency-based cross-program training curriculum and a training plan to enhance child welfare workers' ability and skills to conduct comprehensive assessments of family needs at the intake level. The objective of this priority is to build capacity of the workers to identify and assess all family conditions, including socio-economic factors, family strengths, and areas of stress which contribute to child abuse and neglect and which require referrals and coordination with other human service programs.

Background Information: Families and children in the child welfare system exhibit multiple problems, requiring referrals to programs that specialize in responding to specific needs. However, there appears to be a single-factor assessment approach (i.e., primary focus being risks to child safety) to evaluating child abuse and neglect. This practice method limits the child welfare worker's ability to conduct a ''holistic'' assessment of the family situation and to develop a comprehensive case plan to achieve family sufficiency, child safety, and family preservation goals. Many families which experience child abuse and neglect will be asked to focus simultaneously on economic self-sufficiency and family preservation. Critical to achieving self-sufficiency is the parents' ability to keep children safe.

Child abuse and neglect is a multi-problem phenomenon. Complex psycho-social factors contribute to child abuse and neglect. Numerous studies have also found significant relationships between socio-economic conditions and the parents' ability to provide safe environment for the children. Child abuse and neglect resulting from unemployment, lack of job skills, absence of child support, need for child care and transportation, and homelessness are well documented and require corrective measures. A comprehensive case plan therefore should include attention to all elements

of family needs as well as strengths and a referral plan to access services to meet basic and concrete needs as well.

Recent major public policy changes demand new expectations from the parents and caretakers of children in need. The Temporary Assistance for Needy Families (TANF) program, a consolidated Child Care and Development Block Grant program, and stricter Child Support Enforcement provisions (enacted under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)) emphasize family responsibility toward achieving self-sufficiency. Rapid entry into employment using child care assistance and tracking biological fathers to obtain child support are directed to support families in their self-sufficiency efforts.

The public agency staff (i.e., child welfare and TANF) are continuously challenged to provide comprehensive services in efforts to address diverse family needs. Intake is a critical point for identifying and assessing conditions that bring a family to the child welfare agency. It is also a cross point for determining the types of assistance which might be necessary prior to and after the removal of the child from the family home. Skills in conducting comprehensive assessment require knowledge and understanding of all contributing factors, an understanding of the programs designed to address basic needs, and coordination with the collaborating agencies.

Capacity building for effective holistic, family-centered assessment at intake requires an understanding of the basic principles of such a practice approach. Skills must include making sound, goal-oriented case plan decisions based on such assessments, including a multi-program team approach to achieve child safety and family self-sufficiency goals. Cross-program training therefore is key to developing practice skills to assure collaboration built on the mutual understanding of each other's roles, responsibilities, and expected performance outcomes.

The provisions under title IV–B, subpart 2, Family Preservation and Support Services emphasize service integration to stabilize families and enhance environmental opportunities for normal child development. The Temporary Assistance for Needy Families (TANF) program, consolidation of funding of child care to meet the needs of diverse working and welfare families, and stricter child support enforcement laws—all enacted under the 1996 welfare reform—emphasize cross-program coordination to achieve the family self-sufficiency goal.

Although there are no systematic studies, there is sufficient anecdotal evidence to suggest that the same families are being served concurrently by different programs. This is generally accomplished by the families themselves who have basic needs that must be fulfilled. Cross-program coordination can be more effectively achieved if the child welfare, TANF, and Child Support Enforcement program workers have a shared framework and a systematically coordinated approach to the intake process to identify all the stress areas that need to be addressed. Such a practice approach is critical to a successful case plan.

Holistic intake assessments require learned skills to ask the right questions that go beyond the presenting problems. It also requires an understanding of relevant human service program policies that govern each program's method of assistance and performance. While the need for cross-program training for public child welfare workers has been recognized, few training programs sufficiently emphasize the need to develop holistic intake assessment skills in child welfare practice.

This priority area will specifically focus on developing curriculum and training to enhance and increase knowledge and understanding of: (1) TANF, child care, child support programs which are governed by their own policies and intervention approaches; and (2) elements of holistic assessment, cross-program coordination and monitoring to evaluate progress in family situations. Funding for this priority area is expected to be used to: develop an inter-program training curriculum; deliver training; and evaluate the effectiveness of the training.

Minimum Requirements for Project Design: In order to compete successfully under this priority area, the applicant must:

- Demonstrate knowledge and understanding of cross-program training issues specific to TANF, child care, and child support programs that may be relevant to child welfare and used in other programs throughout the country. Discuss how the proposed project will build on the existing knowledge of such projects and will add innovative dimensions to achieve the cross-training of child welfare workers.
- Describe past and/or current collaborative efforts between the educational programs and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.
- Discuss an approach to developing a practice-based curriculum that focuses on the importance of holistic intake skills relevant to the child abuse and neglect population. Describe the need for such training for the public child welfare staff in specific and child welfare professionals in general. Also describe the contents of the proposed cross-program training curriculum.
- Describe the proposed curriculum and discuss how it builds on, expands, and strengthens the existing curriculum approaches/models. The applicant must explain the preliminary planning and coordination activities with other programs in the development and execution of the training curriculum. Discuss the approach to teaching a cross-program and holistic intake approach and the use of other program staff to teach various components of the training curriculum to achieve the project objectives.
- Describe how the public child welfare agency staff and the TANF, child care and child support program staff will be involved in the development of the curriculum.
- Describe who the trainees will be; how many at each level of child welfare services tier are expected to be trained over the life of the project; the criteria for selection of trainees; how the trainees will be recruited; and specific strategies which will be used to recruit minority and Tribal agency trainees. There should also be a consideration to include individuals from the aforementioned programs that provide services to the child welfare population.
- Describe any interactive and long distance training, including video technology if any, that will be part of this effort.
- Describe coordination with the public agency in evaluating the cross-program training curriculum, including the timelines.
- Submit a work plan which describes the timelines for each task to be accomplished. It must describe: the timeframes for the proposed cross-program training curriculum development; coordination with the various programs; training of the public agency staff, evaluation of the project; and submission of the interim progress and final reports and the final products.
- Describe the proposed plan for the evaluation of the project. Discuss how the effectiveness of the competency-based cross-program curriculum directed to enhance intake skills will be assessed.
- Describe the applicant's experience in developing and providing inter-

program training in child welfare. Also describe the applicant's history and relationship with the targeted public child welfare agency. Include a discussion of the relevant programs, administrative and fiscal management experience.

• Identify and provide a brief description of key staff who are proposed to work in this project, indicating their education, experience in working in similar programs and training/teaching experiences that are relevant to achieving the project goals. Include their resumes.

• Describe the qualifications and experience of the individuals who will assist in the development of the curriculum, participate in the training of the public agency staff, and conduct evaluation of the project. Include their resumes.

• Identify and describe the administrative and organizational interface required in this project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also include interagency/inter-program agreements and commitments obtained from the participating entities.

• Provide assurance that at least one key staff from the university and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant and participate in a four-day annual meeting in Washington, D.C.

Federal Share of Project Costs: The Federal share is not to exceed $100,000 for the first 12 month budget period or $300,000 for a three year project period.

Matching Requirements: For each budget period with an award of $100,000 (Federal funds), the non-Federal share would be no less than $33,334 (i.e., 25 percent of the total project cost of $133,334). The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through a cash contribution. Funds from this grant cannot be used to match title IV–E training funds.

Anticipated Number of Projects: It is anticipated that four or five projects will be funded, depending on availability of funds.

Length of Proposal: The length of the narrative, including the appendices, must be limited to 60 pages.

CFDA Number: 93.648 Child Welfare Training Program Grants: Section 426 of the Social Security Act.

Priority Area 4—Training for Determining Adult Relatives as Preferred Caretakers in Permanency Planning

Eligible Applicants: Public or non-profit institutions of higher education with accredited social work education programs, or other accredited bachelor or graduate level programs leading to a degree relevant to work in child welfare.

Purpose: To develop a competency-based training curriculum and a training plan to facilitate the implementation of the new title IV–E State plan requirement to consider giving preference to adult relatives over non-relatives when determining a placement for a child. The objective of such a training is to provide knowledge and skills necessary for making decisions regarding the appropriateness of relative/kinship care placements in foster care and permanency planning.

Background Information: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) amended § 471(a) of the Social Security Act (the Act) by adding subsection (18) which provides that ''* * * the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child provided the relative caregiver meets all relevant State child protection standards.'' The Children's Bureau and the Assistant Secretary for Planning and Evaluation are engaged in research and demonstration projects that focus on the relative care policy. The President's Adoption 2002 initiative requires States to further study the legal guardianship issue, which has particular significance for relative care. Several States are currently experimenting with the relative care policy under the Child Welfare demonstration authority provided by Congress and governed by § 1129 of the Social Security Act. The Child Abuse Prevention and Treatment Act (CAPTA), as amended in 1996, has also authorized grants in support of innovative programs and projects in kinship care.

Placement with relatives has long been recognized as a viable alternative in permanency planning for foster care children. Historically, for various reasons, parents have placed children with relatives as temporary or permanent, formal or informal arrangements, without seeking assistance from public agencies. Although relatives were not specifically precluded as foster parents under Pub. L. 96–272, this group of potential caretakers were not considered as priority placements. The provision in PRWORA is the first statutory recognition of the preference for relatives in placement of children—a practice already in use in many jurisdiction. The recent rapid increase in the number of children entering the foster care system has also increased demand for foster parents.

States must revise their title IV–E State plans to include the PRWORA provision that they shall consider giving preference to relatives when placing children out-of-home, provided such home meets all the child protection standards applicable to non-relative foster parents. In enacting this law, Congress also took into consideration that relative placements could be in the best interest of the child because of the existing relationship ties.

The new provision does not intend for States to conduct exhaustive searches for relatives—a process that could delay the prompt placement of children. Rather, in situations where a relative is identified as an appropriate caregiver, the State is required to consider giving preference to that relative. Further, to receive title IV–E assistance on behalf of a child, the relative caretaker's home must meet all the child protection standards and must be licensed or approved in accordance with sections 471(a)(10) and 472(c) of the Act. These standards apply primarily to title IV–E eligible children.

The Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96–272) which provides the framework for Federal child welfare programs, requires the State to make ''reasonable efforts'' to maintain the family. States must also pursue safe reunification of the children with their parents as quickly as possible when they are removed from the family. These as well as all the other protections and requirements of the law, such as case plans and case reviews, judicial and administrative reviews to determine the future status of the child, and safeguarding all information concerning individuals assisted under the title IV–E plan, must also apply to children placed in relative foster care. Should it be found that the family situation has not improved within a reasonable period of time and it is therefore not feasible to return the child home, an alternate plan for permanency must also be developed in relative placement cases.

Additionally, relative care has generated new challenges for the foster care system. One of the fundamental issues is how to use relative care in a manner that promotes permanency without jeopardizing the potential for reunification with birth parents. Agencies must determine where relative

care fits in the continuum of services in the child welfare system. These concerns are also central to implementing this PRWORA provision. The issues of child safety, relative-parent relationship, supports for the relative caretakers and the parent during the reunification period, making ''reasonable efforts'' prior to such placements, the need for continued State involvement, termination of parental rights, and adoption decisions are equally critical in relative care placement decisions and permanency planning.

Capacity building for effective implementation of the Pub. L. 104–193 provision will necessitate knowledge and skills specific to the requirements of this provision. It also requires a focus on the process and procedures for determining the appropriateness of the child's relative as a foster parent. The training will need to address problems and issues that are unique to relative placements and different from non-relative foster placements. Skills must also include making sound judgments regarding relative placements and their implications for permanency planning.

Minimum Requirements for Project Design: In order to compete successfully under this priority area, the applicant must:

- Demonstrate knowledge and understanding of title IV–E program requirements, State IV–E program practices relevant to relative/kinship care throughout the country, and the new provision of Pub. L. 104–193. Discuss how the proposed project will build on the existing knowledge of the statute and State practices, and how the applicant will address the new requirements regarding preferential treatment of relatives in situations where a child must be removed from the family home.
- Describe past and/or current collaboration between the educational programs and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.
- Discuss an approach to developing a practice-based curriculum that focuses on the implementation of the provision of Pub. L. 104–193. Describe the need for such training for the public child welfare staff in specific and child welfare professionals in general.
- Describe the contents of the proposed curriculum and discuss how it will build and expand on the current policies and procedures used to identify and license foster care families. The applicant must explain the preliminary planning and coordination activities with the State child welfare agency. Discuss the approach to teaching the curriculum contents and the use of various staff to teach the curriculum components to achieve the project objectives.
- Describe how the public child welfare agency staff will be involved in developing the curriculum.
- Describe who the trainees will be; how many at each level of the child welfare services tier are expected to be trained over the life of the project; the criteria for the selection and recruitment of the trainees; and specific strategies to recruit minority and Tribal agency trainees.
- Describe any interactive and long distance training, including video technology if any, that will be part of this effort.
- Describe coordination with the public agency in evaluating the relative placement training curriculum, including the timelines.
- Submit a work plan which describes the timelines for each task to be accomplished. It must describe: the timeframes for the proposed curriculum development; coordination with the public agency; training of the public agency staff; evaluation of the project; and submission of the interim progress and final reports and the final products.
- Describe the proposed plan for the evaluation of the project. Discuss how the effectiveness of the competency-based curriculum under this priority will be assessed.
- Describe the applicant's experience in developing and providing training in child welfare. Also describe the applicant's history and relationship with the targeted public child welfare agency. Include a discussion of the relevant programs, administrative and fiscal management experience.
- Identify and provide a brief description of key staff who are proposed to work in this project, indicating their education, experience in working in similar programs and training/teaching experiences that are relevant to achieving the project goals. Include their resumes.
- Describe the qualifications and experience of the individuals who will assist in the development of the curriculum, participate in the training of the public agency staff, and conduct evaluation of the project. Include their resumes.
- Identify and describe the administrative and organizational interface required in this project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also include interagency/inter-program agreements and commitments obtained from the participating entities.
- Provide assurance that at least one key staff from the university and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant as well as participate in a four-day annual meeting in Washington, D.C.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The Federal share is not to exceed $100,000 for the first 12 month budget period or $300,000 for a three year project period.

Matching Requirements: For each budget period with an award of $100,000 (Federal funds), the non-Federal share would be no less than $33,334 (i.e., 25 percent of the total project cost of $133,334). The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through a cash contribution. Funds from this grant cannot be used to match title IV-E training funds.

Anticipated Number of Projects: It is anticipated that four or five projects will be funded, depending on availability of funds.

Length of Proposal: The length of the narrative, including the appendices, must be limited to 60 pages.

CFDA Number: 93.648 Child Welfare Training Program Grants: Section 426 of the Social Security Act.

Part III. Application Requirements

Applicants are required to use the Standard Forms, Certifications, Disclosures and Assurances provided under Appendix A. Applications submitted for funding under this announcement are considered New Applications; and therefore, applicants should follow instructions for New Applications.

New applications must respond to the instructions under Program Narrative, Item A—Project Description—Component, and Item D—Budget and Budget Justification. In preparing the program narrative statement, the applicant should provide the information that the panel will use to evaluate and rank the proposal. The information should be concise and complete when addressing the activities for which Federal funds are being requested. Supporting documents should be included in order to present the information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experiences, and

other information considered to be relevant.

Under Item A—Project Description—Component, the applicant must address the specific information requested under each priority area in this program announcement.

Section A.1—Project Summary/Abstract— This should be a one page or less summary of the project and placed directly after the table of contents. This page will not count against the page limitation.

Section A.5—Evaluation—Provide a narrative that describes a way to evaluate: (1) the results of the proposed project on the existing training curriculum as well as the impacts resulting from the training of the child welfare staff on the quality of service and child welfare outcomes; and (2) the process outcomes of the project. State how the evaluation will determine the extent to which the project objectives have been achieved and which accomplishments of the objectives can be attributed to the project itself. Discuss the criteria to be used to evaluate the results. Also explain the methodology that will be used to determine the training needs specific to the project; the impact to be accomplished from the proposed training curriculum; and the benefits to be achieved. Describe the procedures the applicant will employ to determine whether the project is being conducted in a manner consistent with the work plan and discuss the impact of the project effectiveness.

Section A.6—Geographic Location—should be addressed under the Objective and Needs for Training.

Section A.7—Additional Information—should be addressed under the Staff Background and Organizational Experience. Letters of support should be included in the appendices.

Section B.—Non-competing Continuation Applications—Does not apply to this announcement.

Section C.—Supplemental Requests—Does not apply to this announcement.

Section D.—Budget and Budget Justification—provide a line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in block 15 of the SF 424.

Provide a narrative budget justification which describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

Applicants must address the following requirements in their application to be considered responsive to the **Federal Register** announcement. These requirements have been organized according to the evaluation criteria discussed in Part III.

A. Objectives and Needs for Assistance

1. State the objectives for the priority project and indicate how these objectives relate to the public child welfare agency training issues to be addressed and demonstrate that there is a need for the project and is based on an assessment of the public agency training needs. Provide letters of support for the project from the State/local public agencies.

2. Identify the public agency staff to be trained under the proposed project and describe the training needs of the target population. Provide an estimated number of public agency staff to be trained under the project.

3. Identify the geographic location of the public agency staff to be served by the project.

B. Results and Benefits

1. Identify the specific results or outcomes that can be expected as a result of the proposed training curriculum and training of the public agency staff in this project.

2. Identify the kinds of qualitative and quantitative data the project staff will collect to measure progress and impacts from the project design and implementation. In discussing the evaluation approach, discuss the methods and procedures to be used to determine the extent to which the project achieved the stated objectives.

3. Provide assurance that the program will provide interim progress and final reports, or any other report required by ACYF. These reports must discuss the process and the outcomes specific to the development of the training curriculum, training of the public agency staff, and evaluation of the project in terms of the objectives of the project.

4. Describe how the project results will benefit the national technical assistance strategy for public agency staff training to achieve the child welfare program goals and outcomes.

C. Approach

Priority Area 1

Applications submitted under this priority area are to include approaches and strategies for developing a competency-based interdisciplinary training curriculum and a training plan to enhance and strengthen the capacity of child welfare workers and supervisors to respond to complex family problems of child abuse and neglect resulting from substance abuse, mental illness, and domestic violence, which require effective interdisciplinary service coordination necessary to achieve child safety and permanency goals. Applicants must:

1. Demonstrate knowledge and understanding of interdisciplinary training issues specific to the substance abuse, mental health, and domestic violence problems found in the child welfare population throughout the country. Discuss how the proposed project will build on the existing knowledge and evaluations of such projects and add innovative dimensions to achieve the interdisciplinary training goals.

2. Describe past and/or current collaboration between the educational programs and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.

3. Discuss an approach to developing a theoretical and practice-based curriculum that focuses on the substance abuse, mental health, and domestic violence issues as these relate to child abuse and neglect. Describe the need for such training for the public child welfare staff, specifically, and child welfare professionals in general. Also describe the contents of the proposed interdisciplinary training curriculum.

4. Describe the proposed curriculum and discuss how it builds on, expands, and strengthens the existing curriculum approaches/models. The applicant must explain the preliminary planning and coordination activities with other disciplines in the development and execution of the training curriculum. Discuss the approach to teaching a competency-based interdisciplinary curriculum and the use of other disciplines to teach in various components of the training curriculum to achieve the project objectives.

5. Describe how the public child welfare agency staff, community agencies providing services to families with substance abuse and domestic violence problems will be involved in developing the curriculum.

6. Describe who the trainees will be; how many at each level of the child welfare services tier are expected to be trained over the life of the project; criteria for selection and recruitment of the trainees; and specific strategies to be used to recruit minority and Tribal agency trainees. There should also be a

consideration to include individuals from the community agencies that provide services to the child welfare population.

7. Describe any interactive and long distance training, including video technology if any, that will be part of this effort.

8. Describe coordination with the public agency in evaluating the interdisciplinary training curriculum, including the timelines.

9. Submit a work plan which describes the timelines for each task to be accomplished. It must describe: the timeframes for the proposed interdisciplinary training curriculum development; coordination with the various disciplines in various tasks; training of the public agency staff; evaluation of the project; and submission of the interim progress and final reports and the final products.

10. Describe the proposed plan for the evaluation of the project. Discuss how the effectiveness of the competency-based interdisciplinary curriculum will be assessed.

11. Identify and describe the administrative and organizational interface required in this project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also include interagency agreements and commitments obtained from the participating entities.

12. Provide assurance that at least one key staff from the university and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant and participate in a four-day annual meeting in Washington, D.C.

For Priority Area 2

Applications submitted under this priority area are to include approaches and strategies to support and promote management capabilities in the use of the child welfare program data to: (1) identify outcomes to be achieved, (2) create ownership of the data by the staff, (3) develop a strategy for the planned use of the data to track performance, and (4) identify training needs to build staff capacity to improve program outcomes. To achieve this objective, this priority will focus on developing a training curriculum to build managerial capacity for making effective use of the child welfare program data for the purposes of developing and instituting an outcome-based management strategy that will focus on developing program outcomes, tracking performance at all agency levels; and removing barriers to achieving child welfare outcomes. Applicants must:

1. Demonstrate knowledge and understanding of the theory and principles of outcome-based management practices in general and their current applications in public child welfare agencies throughout the country, including the linkages between program outcomes and effective practices. Discuss how the proposed training project will build on the existing knowledge and evaluations of these management practices. Discuss the innovative dimensions of the proposed training approach which focuses on capacity building to improve the child welfare program outcomes. Include discussion of the use of relevant fiscal and program data to: develop performance goals; develop effective management practices for achieving interim and final performance goals; and evaluate barriers to achieving the intended goals.

2. Describe past and/or current collaboration between the applicant and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.

3. Discuss the proposed approach to developing a theoretical and practice-based curriculum that focuses on outcome-based management related to child welfare agencies. Describe the need for such training for public agencies' managers. Also describe the contents of the proposed outcome-based management training curriculum.

4. Describe the proposed training curriculum and discuss how it builds on, expands, and strengthens the existing curricula to promote outcome-based management approaches/models. The applicant must explain the preliminary planning and coordination activities with the public child welfare agency in developing and executing the training curriculum. Also discuss the approach to teaching such a curriculum and the use of other disciplines, if any, to teach various components of the curriculum to achieve the project objectives.

5. The proposed training curriculum should describe the use of new technologies, federal/State data systems, other relevant information sources and reports, monitoring systems etc. as components of the training curriculum.

6. Describe how the public child welfare agency staff will be involved in curriculum development.

7. Describe who the trainees will be; how many at each level of the managerial tier are expected to be trained over the life of the project; the criteria for selection and recruitment of trainees; and specific strategies to recruit minority and Tribal agency trainees.

8. Describe any interactive and long distance training, including video technology if any, that will be part of this effort.

9. Describe coordination with the public agency in evaluating the outcome-based management training curriculum, including the timelines.

10. Submit a work plan which describes the timelines for each task to be accomplished. It must describe: the timeframes for developing the training curriculum; coordination with the public child welfare agency; coordination and use of other disciplines in the curriculum development and training tasks; training of the public agency staff; evaluation of the project; and submission of the interim progress and final reports, and the final products.

11. Describe the proposed plan for the evaluation of the project. Discuss how the effectiveness of the competency-based training curriculum will be assessed.

12. Identify and describe the administrative and organizational interface required in this project (State agency, academic departments, other disciplines, institutions, etc.). Also include interagency agreements and commitments obtained from the participating entities.

13. Provide assurance that at least one key staff from the applicant agency and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant and participate in a four-day annual grantee meeting in Washington, D.C.

Priority Area 3

Applications submitted under this priority area are to include approaches and strategies for developing a competency-based cross-program training curriculum and a training plan to enhance child welfare workers' ability and skills to conduct comprehensive assessments of family needs at the intake level. The objective of this priority is to build capacity of the workers to identify and assess all family conditions, including socio-economic factors, family strengths, and areas of stress which contribute to child abuse and neglect and require referrals and coordination with other human service programs. Applicants must:

1. Demonstrate knowledge and understanding of cross-program training issues specific to TANF, child care, and child support programs that may be relevant to child welfare and used in

other programs throughout the country. Discuss how the proposed project will build on the existing knowledge of such projects and add innovative dimensions to the cross-program training of child welfare workers.

2. Describe past and/or current collaboration between the educational programs and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.

3. Discuss an approach to developing a practice-based curriculum that focuses on the importance of holistic intake skills relative to the child abuse and neglect population. Describe the need for such training for the public child welfare staff, specifically, and child welfare professionals in general.

4. Describe the proposed curriculum and discuss how it builds on, expands, and strengthens the existing curriculum approaches/ models. The applicant must explain the preliminary planning and coordination activities with other programs in the development and execution of the training curriculum. Discuss the approach to teaching a cross-program and holistic intake approach and the use of other program staff to teach various components of the training curriculum.

5. Describe how the public child welfare agency staff and the TANF, child care and child support program staff will be involved in the development of the curriculum.

6. Describe who the trainees will be; how many at each level of the child welfare services tier are expected to be trained over the life of the project; criteria for selection and recruitment of trainees; and specific strategies to recruit minority and Tribal agency trainees. There should also be a consideration to include individuals from the aforementioned programs involved in providing services to the child welfare population.

7. Describe any interactive and long distance training, including video technology if any, that will be part of this effort.

8. Describe coordination with the public agency in evaluating the cross-program training curriculum, including the timelines.

9. Submit a work plan which describes the timelines for each task to be accomplished to match the scope of the project. It must also describe the timeframes for the proposed cross-program training curriculum development, coordination with the various programs, conducting training of the public agency staff, evaluation of the project, and submission of the interim progress and final reports and the final products.

10. Describe the proposed plan for the evaluation of the project. Discuss how the effectiveness of the competency-based cross-program curriculum directed to enhance intake skills will be assessed.

11. Identify and describe the administrative and organizational interface required in this project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also include interagency/inter-program agreements and commitments obtained from the participating entities.

12. Provide assurance that at least one key staff from the university and one from the public child welfare agency would jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant as well as participate in a four-day annual meeting in Washington, D.C.

Priority Area 4

Applications submitted under this priority area are to include approaches and strategies for developing a competency-based training curriculum and a training plan to facilitate the implementation of the new title IV-E State plan requirement to consider giving preference to adult relatives over non-relatives when determining a placement for a child. The objective of such a training is to provide knowledge and skills necessary for making decisions regarding the appropriateness of relative/kinship care placements in foster care and permanency planning. Applicants must:

1. Demonstrate knowledge and understanding of title IV–E program requirements, State IV–E program practices relevant to relative/kinship care throughout the country, and the new provision of Pub. L. 104–193. Discuss how the proposed project will build on the existing knowledge of the statute and State practices, and how the applicant will address the new requirements regarding preferential treatment of relatives in situations where a child must be removed from the family home.

2. Describe past and/or current collaboration between the applicant, educational programs and the public (State/local and Tribal) agencies. Describe how this project will build on existing partnerships with such agencies.

3. Discuss the proposed approach to developing a practice-based curriculum that focuses on the implementation of the provision of Pub. L. 104–193. Describe the need for such training for the public child welfare staff in specific and child welfare professionals in general.

4. Describe the contents of the proposed curriculum and discuss how it will build and expand on the current policies and procedures used to identify and license foster care families. The applicant must explain the preliminary planning and coordination activities with the State child welfare agency. Discuss the approach to teaching the curriculum contents and the use of various staff to teach the curriculum components to achieve the project objectives.

5. Describe how the public child welfare agency staff will be involved in the development of the curriculum.

6. Describe who the trainees will be; how many at each level of the child welfare services tier are expected to be trained over the life of the project; criteria for selection and recruitment of trainees; and specific strategies to recruit minority and Tribal agency trainees.

7. Describe any interactive and long distance training, including video technology, if any, that will be part of this effort.

8. Describe coordination with the public agency in evaluating the training curriculum, including the timelines.

9. Submit a work plan which describes the timelines for each task to be accomplished. It must describe: the timeframes for the proposed curriculum development; coordination with the public agency; training of the public agency staff; evaluation of the project; and submission of the interim progress and final reports and the final products.

10. Describe the plan for the evaluation of the project. Discuss how the effectiveness of the competency-based curriculum under this priority will be assessed.

11. Identify and describe the administrative and organizational interface required in this project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also include interagency/inter-program agreements and commitments obtained from the participating entities.

12. Provide assurance that at least one key staff from the university and one from the public child welfare agency will jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant and participate in a four-day annual meeting in Washington, D.C.

D. Staff Background and Organizational Experience

1. Describe the applicant's experience in developing and providing training in child welfare. Also describe the applicant's history and relationship with the targeted public child welfare agency. Include a discussion of the relevant programs, administrative and fiscal management experience.

2. Identify and provide a brief description of key staff who are proposed to work in this project, indicating their education, experience in working in similar programs and training/teaching experiences that are relevant to achieving the project goals. Include their resumes.

3. Describe the qualifications and experience of the individuals who will assist in the development of the curriculum, participate in the training of the public agency staff and conduct evaluation of the project. Include their resumes.

E. Budget Appropriateness

1. Provide a detailed line-item budget. In the proposed budget, applicants must include sufficient funds for at least one key staff from the university and one from the public child welfare agency to jointly attend a one-day meeting in the HHS Regional office shortly after the award of the grant as well as participate in a four-day annual meeting in Washington, D.C.

2. Describe how the budget reflects the implementation of a high quality, ongoing work to be performed under the project at a reasonable cost. Include a discussion regarding the appropriateness of staff compensation levels. Also explain the efforts the applicant has made to secure funds from various sources for matching the applicant's share of the project costs.

Part IV. Evaluation Criteria

In considering how applicants will carry out the responsibilities addressed under Part III of this announcement, competing applications will be reviewed and evaluated against the following four criteria. The point values following each criterion indicate the maximum numerical weight each criterion will be accorded in the review process.

A. Criterion 1: Objectives and Need for Assistance (20 Points)

The extent to which the applicant:

- Discusses the project objectives and indicates how these objectives relate to the public child welfare agency training issues;
- Addresses the project goals of curriculum development and training of the public child welfare agency staff;
- Proposes objectives and the need for assistance to: (1) support existing training and curriculum building efforts; and (2) address the need for training of the public agency staff to achieve child welfare program goals of child protection, safety, and permanency planning and placement;
- Draws on the existing knowledge, experience, research, and extant data, if available, in support of the project objectives;
- Describes the training needs of the target population. Provides an estimated number of public agency staff to be trained under the project. Identifies the geographic location of the public agency staff to be served by the project; and
- Proposes strategies to address the training needs of the target population.

B. Criterion 2: Results or Benefits Expected (10 Points)

The extent to which the applicant:

- Identifies the specific results and benefits to be derived from the project and links these to the stated objectives;
- Discusses the outcomes that can be expected as a result of the proposed training curriculum and training of the public agency staff in this project;
- Describes the types of data to be collected and how it will be utilized to measure progress towards the stated results or benefits;
- Discusses how the lessons learned from the project will benefit approaches to training public agency staff, and improve management and operations practices to accomplish child welfare program performance standards; and
- Describes how the project results will benefit a national technical assistance strategy for training public agency staff in efforts to achieve the child welfare program goals and outcomes.

Information provided in response to Part II of this announcement will be used to evaluate applicants on this criterion.

C. Criterion 3: Approach (40 Points)

The extent to which the applicant:

- Demonstrates knowledge and understanding of the training issues and strategies to support and enhance the public child welfare agency staff capabilities to achieve child welfare outcomes;
- Discusses an approach to developing a theoretical and practice-based curriculum that addresses the training needs of the public agency staff;
- Describes the proposed curriculum and discusses how it builds on, expands, and strengthens the existing curriculum approaches/models. The applicant explains the preliminary planning and coordination activities with other disciplines in developing and executing the training curriculum. Discusses the approach to teaching a competency-based curriculum and training to achieve the project objectives;
- Describes past and/or current collaboration between the applicant and educational programs and the public (State/local and Tribal) agencies. Discusses how this project will build on existing partnerships with such agencies;
- Outlines a sound and workable plan of action relevant to the stated objectives and the scope of the project, and details how the proposed work will be accomplished;
- Addresses the training outcomes for the public agency staff and identifies factors which might facilitate or impede the work, giving acceptable reasons for taking the proposed approach;
- Lists the proposed activities in a chronological order, showing a reasonable schedule of accomplishments and target dates;
- Identifies and describes the administrative and organizational interface required in the project (State agency, community agencies, academic departments, other disciplines, institutions, etc.). Also includes interagency agreements and commitments obtained from the participating entities;
- Describes who the trainees will be; how many at each level of the child welfare services tier are expected to be trained over the life of the project; the criteria for selection and recruitment of trainees; and specific strategies for recruiting minority and Tribal agency trainees;
- Identifies the type of data to be collected and maintained and discusses the criteria to be used to evaluate the results and success of the project; and
- Describes the evaluation methodology to be used to determine whether the project objectives have been met and the general impact on curriculum development, staff training and effectiveness of program services. Discusses how the effectiveness of the competency-based curriculum will be assessed.

Information provided in Part II of this announcement will also be used to evaluate applicants on this criterion.

D. Criterion 4: Staff Background and Organizational Experience (20 Points)

The extent to which the applicant:

• Demonstrates that the proposed project director and key project staff have the ability, experience and background to effectively and efficiently administer a project of this size and scope and complexity, including the development of training curriculum and training of public agency child welfare agency staff;

• Describes the relationship between the proposed project and other work planned, anticipated or underway by the applicant with Federal assistance;

• Details the organization's experience in addressing the training needs in the public agencies; and

• Describes the adequacy of the applicant's management plan in achieving the project goals.

Information provided in response to Part II of this announcement will be used to evaluate applicants on this criterion.

E. Criterion 5: Budget Appropriateness (10 Points)

The extent to which the applicant justifies the following:

• Costs are reasonable in view of the activities to be conducted and expected results and benefits;

• Salaries and fringe benefits reflect the level of compensation appropriate for the proposed staff responsibilities; and

• The non-Federal contribution of the project costs.

Part V. Instructions for the Development and Submission of Application for FY 1997

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority areas under which the application is to be submitted. The priority area descriptions are in Part II and the application requirements are in Part III.

A. Availability of Forms

Eligible applicants interested in applying for funds must submit all the required forms included at the end of this announcement in Appendix A—ACF Uniform Discretionary Grant Application Form (ACF/UDGAF). This material is also included in the application kit provided by contacting the ACF Operations Center at 1–800–351–2293 (phone) or 1–800–351–4490 (fax). Applicants are required to use the Standard Forms, Certifications, Disclosures and Assurances provided under Appendix A—ACF Uniform Discretionary Grant Application Form (ACF/UDGAF). Under the ACF/UDGAF, applications submitted for funds under this announcement are considered NEW APPLICATIONS. Applicants should follow instructions in the ACF/UDGAF for NEW APPLICATIONS.

In order to be considered for a grant under this announcement, an application must be submitted on the Standard Form 424 which has been approved by the Office of Management and Budget (OMB) under Control Number 0970–0139. A copy has been provided (see Appendix A). Each application must be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

A copy of the governing body's authorization for this person to sign this application as official representative must be on file in the applicant's office.

Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, ''Assurances: Non-Constructions Programs'' (approved by OMB under Control Number 0348–0040). Applicants must sign and return the Standard Form 424B with the application. Applicants must provide certification regarding lobbying (approved by OMB under Control Number 0348–0046). Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their application.

Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must also understand that they will be held accountable for the smoking prohibition included within P.L. 103–227, Part C Environmental Tobacco Smoke (also known as the Pro-Children's Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with the forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

B. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (P.L. 104–13), the Department is required to submit to the Office of Management and Budget for review and approval any reporting or program announcements. All information collections within this program announcement are approved under the Uniform Discretionary Grant Application Form under OMB Control Number 0970–0139 (expiration date August 31, 1997). The estimated burden per response is 20 hours. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

C. Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicant's from these twenty-three jurisdictions areas need not take action regarding Executive Order 12372.

Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), an SPOC has 45 days from the application deadline to comment on proposed new or competing continuation awards. SPOCs are encouraged to eliminate the

submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to the ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447.

A list of Single Points of Contact for each State and territory is included as Appendix B of this announcement.

D. Deadline for Submission of Applications

The closing time and date for the receipt of applications under this announcement is 4:30 p.m. (Eastern Time Zone), on August 22, 1997. Applications received after 4:30 p.m. of the closing date will be classified as late. Post marks and other similar documents DO NOT establish receipt of an application.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447. Attention: Children's Bureau Discretionary Training Funds Program (Specify Priority Area 1, 2, 3, or 4). Any application received after 4:30 p.m. on the deadline date will not be considered for competition. Applicants using express/overnight services should allow for two working days prior to the deadline date for receipt of applications.

Applications hand-carried by applicants, applicant courier, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline receipt date, between the hours of 8:00 a.m. and 4:30 p.m. (EST), at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). Attention: Children's Bureau Discretionary Training Funds Program (Specify Priority Area 1, 2, 3, or 4). Any application received after 4:30 p.m. on the deadline date will not be considered for competition. Applicants using express/overnight services should allow for two working days prior to the deadline date for receipt of applications.

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt. Envelopes containing applications must clearly indicate the specific priority area that the application is addressing.

Late applications: Applications which do not meet the above criteria are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

E. Instructions for Preparing the Application and Completing Application Forms

The SF 424, 424A, 424B and certifications have been reprinted for your convenience in preparing the application. See Appendix A. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the **Federal Register** announcement, as they are printed on both sides of the page.

Please prepare your application in accordance with the following instructions:

1. *SF 424 Page 1, Application Cover Sheet.* Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Enter the single priority area number under which the application is being submitted under only one priority area.

Item 1. Type of submission—Preprinted on the form.

Item 2. Date Submitted and Applicant Identifier—Date application is submitted to ACYF and applicant's own internal control number, if applicable.

Item 3. Date Received By State—State use only (if applicable).

Item 4. Date Received by Federal Agency—Leave blank.

Item 5. Applicant Information Legal Name—Enter the legal name of the applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

Organizational Unit—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

Address—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

Name and telephone number of the person to be contacted on matters involving this application (give area code)—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. Employer Identification Number (EIN)—Enter the employer identification number of the applicant organization, as assigned *only* by the DHHS Central Registry System. EIN prefixes and suffixes assigned by agencies other than DHHS are not valid at DHHS/ACF.

Item 7. Type of Applicant—Self-explanatory.

Item 8. Type of Application—Preprinted on the form.

Item 9. Name of Federal Agency—Preprinted on the form.

Item 10. Catalog of Federal Domestic Assistance Number and Title—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title, as indicated in the relevant priority area description. The CFDA number of for the Child Welfare Training Grants is 93.648.

Item 11. Descriptive Title of Applicant's Project—Enter the project title and the priority area number in parenthesis after the project title. The title is generally short and is descriptive of the project.

Item 12. Areas Affected by Project—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. Proposed Project—Enter the desired start date for the project and projected completion date.

Item 14. Congressional District of Applicant/Project—Enter the number of the Congressional District where the applicant's principal office is located and the number of the Congressional district (s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter 00.

Items 15. Estimated Funding Levels In completing 15a through 15f, the dollar amounts entered should reflect, for a 12 month budget period, the total amount requested. if the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Item 15b–e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost-sharing or matching funds. The value of third party in-kind contributions should be included on appropriate lines as applicable.

Items 15f. Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a–15e.

Item 16a. Is Application Subject to Review By State Executive Order 12372 Process? Enter Yes and the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided in Appendix B. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application.

Item 16b. Is Application Subject to Review By State Executive Order 12372 process? No.—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. Is the Applicant Delinquent on any Federal Debt?—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18 a–c. Typed Name of Authorized Representative, Title, Telephone Number—Enter the name, title and telephone number of the authorized representative of the applicant organization. This individual will receive all ACF/ACYF correspondence regarding the application.

Item 18d. Signature of Authorized Representative—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. Date Signed—Enter the date the application was signed by the authorized representative.

2. *SF 424A—Budget Information—Non-Construction Programs.* This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering the first year budget period.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers the first year budget period if the proposed project period exceeds 12 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate itemized budget justification for each line item is required. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, Other.

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total cost of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, Other.

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. Equipment is defined as an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes or (b) $5,000 or more per unit.

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) Procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate

agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, other.

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements. Applicants who anticipate procurement that will exceed $5,000 (non-governmental entities) or $25,000 (governmental entities) and are requesting an award without competition should include a sole source justification in the proposal which at a minimum should include the basis for contractor's selection, justification for lack of competition when competitive bids or offers are not obtained and basis for award cost or price. (Note: Previous or past experience with a contractor is not sufficient justification for sole source.)

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as miscellaneous and honoraria are not allowable.

Justification: Specify the costs included.

Total Direct Charge—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter none. Generally, this line should be used when the applicant has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Because this application is for a training grant, budgeted indirect cost is limited to 8%. However, before the applicant may budget for this percent or for some lesser percent, the applicant must include a copy of its latest negotiated indirect cost agreement in the application package. The applicant must also budget its indirect cost consistent with the negotiated indirect cost rate, base and other terms and conditions of the negotiated indirect cost agreement in accordance with longstanding Department policy.

Local and State governments should enter the amount of indirect costs determined in accordance with DHHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

Justification: Enclose a copy of the indirect cost rate agreement.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled Totals. In-kind contributions are defined in 45 CFR, Part 74.51 and 45 CFR Part 92.3, as property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs, Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. This section should only be completed if the total project period exceeds 12 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column (b) First. If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under (c) Second. Column (d) would be used in the case of a 48 month project. Column (e) would not apply.

Section F—Other Budget Information.

Direct Charges—Line 21, Not applicable.

Indirect Charges—Line 22, Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 12 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. *Project Summary Description.* Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the application. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project abstract. It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

At the bottom of the page, following the summary description, type up to 10 key words which best describe the proposed project, the service(s) involved and the target population(s) to be covered. These key words will be used for computerized information retrieval for specific types of funded projects.

4. *Program Narrative Statement.* The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II.

The narrative should provide information concerning how the application meets the evaluation criteria using the following headings:

(a) Objectives and Need for Assistance;

(b) Results and Benefits Expected;

(c) Approach;

(d) Staff Background and Organization's Experience; and

(e) Budget Appropriateness.

The narrative should be typed double-spaced on a single-side of an 8 ½″ x 11″ plain white paper, with 1″ margins on all sides using standard type size or fonts (e.g., Times Roman 12 or Courier 10). Type should be no smaller than 10 points). Applicants should not submit reproductions of larger paper, reduced to meet the size requirement. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with Objectives and Need for Assistance as page number one.

The length of the application, including the application forms and all attachments, should meet criteria set forth in each Priority Area. A page is a single side of an 8 ½″ x 11″ sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process if they exceed the page limit criteria. If the applicant chooses to submit printed materials, the applicant must provide a duplicate or a copy of each printed document with each copy of the application submitted. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement. The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Assurances/Certifications. Applicants are required to file an SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must certify their compliance with: (1) Drug-Free Workplace Requirements, (2) Debarment and Other Responsibilities; and (3) Pro-Children Act of 1994 (Certification Regarding Environmental Tobacco Smoke). Copies of the assurances/certifications are reprinted at the end of this announcement in (See Appendix A) and should be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities and Environmental Tobacco Smoke certifications.

A signature on the application constitutes an assurance that the applicant will comply with the pertinent Departmental regulations contained in 45 CFR Part 74 and 45 CFR part 92 Applicants requesting financial assistance for non-construction project must file the standard SF–424B, ''Assurances—Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

F. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

—One original, signed and dated application, plus two copies. (Please note that applicants have the option to omit from the copies for non-Federal reviewers specific salary rates for individuals identified in the application.) Applications for different priority areas are packaged separately;

—Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);

—Application length does not exceed 60 pages, unless otherwise specified in the priority area description. A complete application consists of the following items in this order:

- Application for Federal Assistance (SF 424, REV 4–92);
- A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424;
- Budget Information—Non-Construction Programs (SF 424A, REV 4–92);
- Budget justification for Section B—Budget Categories;
- Table of Contents;
- Letter from the Internal Revenue Service to prove non-profit status, if necessary;
- Copy of the applicant's approved indirect cost rate agreement;
- Project summary description and listing of key words;
- Program Narrative Statement (See Part III, Section C);
- Organizational capability statement, including an organization chart;
- Any appendices/attachments;
- Assurances-Non-Construction Programs (Standard Form 424B, REV 4–92); and
- Certification Regarding Lobbying.

G. The Application Package

Each application package must include an original and two

copies of the complete application. Each copy should be secured with a binder clip in the upper left-hand corner. All pages of the narrative (including charts, tables etc.) must be sequentially numbered, beginning with page one. The narrative, including the appendices, must be only 60 pages. Any pages over that number will be removed and will not be reviewed. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the Federal government for review.

Do not include a self-addressed, stamped acknowledgement card. All applicants will be notified automatically about the receipt of their application. If acknowledgement of receipt of your application is not received within eight weeks after the deadlines date, please notify the ACYF Operations Center by telephone at 1–800–351–2293.

Dated: June 30, 1997.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

BILLING CODE 4184–01–P

Appendix A

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ - ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify)_____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ - ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:	
a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Standard Form 424 (REV 4-92)
Prescribed by OMB Circular A-102

BILLING CODE 4184–01–C

Instructions for the SF 424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including 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 the 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 (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State, if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown suing same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit allowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 8184–01–P

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 4-92)
Prescribed by OMB Circular A-102

SECTION C — NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E — BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	$	$	$	$

SECTION F — OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 4-92) Page 2

BILLING CODE 4184-01-C

Instructions for the SF 424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including 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 the 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 (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget, send it to the address provided by the sponsoring agency.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple function or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number of each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in Columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the total for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6K, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k, should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals in Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class costs categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including 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 the 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 (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. §§ 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.; (f) conformity of Federal actions to State (Clear Air) Implementation Plan under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply the with Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-l et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.C.S. §§ 4801 et seq.) which prohibits the use of lead paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A–133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of authorized certifying official

_____

Title

_____

Applicant organization

_____

Date submitted

_____

Program Narrative

This program narrative section was designed for use by many and varied programs. Consequently, it is not possible to provide specific guidance for developing a program narrative statement that would be appropriate in all cases. Applicants must refer to the relevant program announcement for information on specific program requirements and any additional guidelines for preparing the narrative statement. The following are general guidelines for preparing a program narrative statement.

The program narrative provides a major means by which the application is evaluated and ranked to compete with other applications for available assistance. It should be concise and complete and should address the activity for which Federal funds are requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other

information considered to be relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those which will not be used in support of the specific project for which funds are requested.

Cross-referencing should be used rather than repetition. ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Narratives are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities which will not be directly funded by the grant or information which does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.) Pages should be numbered for easy reference.

Prepare the program narrative statement in accordance with the following instructions:

- Applicants submitting new applications or competing continuation applications should respond to Items A and D.
- Applicants submitting noncompeting continuation applications should respond to Item B.
- Applicants requesting supplemental assistance should respond to Item C.

A. Project Description—Components

1. Project Summary/Abstract

A summary of the project description (usually a page or less) with reference to the funding request should be placed directly behind the table of contents or SF–424.

2. Objectives and Need for Assistance

Applicants must clearly identify the physical, economic, social, financial, institutional, or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation such as letters of support and testimonials from concerned interests other than the applicant may be included. Any relevant data based on planning studies should be included or referenced in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the narrative, the applicant may volunteer or be requested to provide information on the total range of projects currently conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

3. Results or Benefits Expected

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood child care center, describe who will occupy the facility, who will use the facility, how the facility will be used, and how the facility will benefit the community which it will serve.

4. Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking this approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of microloans made. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Identify the kinds of data to be collected, maintained, and/or disseminated. (Note that clearance from the U.S. Office of Management and Budget might be needed prior to an information collection.) List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

5. Evaluation

Provide a narrative addressing how you will evaluate (1) the results of your project and (2) the conduct of your programs. In addressing the evaluation of results, state how you will determine the extent to which the program has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the program. Discuss the criteria to be used to evaluate results; explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of your program, define the procedures you will employ to determine whether the program is being conducted in a manner consistent with the work plan you presented and discuss the impact of the program's various activities upon the program's effectiveness.

6. Geographic Location

Give the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphics aids may be attached.

7. Additional Information (Include if Applicable)

Additional information may be provided in the body of the program narrative or in the appendix. Refer to the program announcement and ''General Information and Instructions'' for guidance on placement of application materials.

STAFF AND POSITION DATA—Provide a biographical sketch for key personnel appointed and a job description for each vacant key position. Some programs require both for all positions. Refer to the program announcement for guidance on presenting this information. Generally, a biographical sketch is required for original staff and new members as appointed.

PLAN FOR PROJECT CONTINUANCE BEYOND GRANT SUPPORT—A plan for securing resources and continuing project activities after Federal assistance has ceased.

BUSINESS PLAN—When federal grant funds will be used to make an equity investment, provide a business plan. Refer to the program announcement for guidance on presenting this information.

ORGANIZATION PROFILES—Information on applicant organizations and their cooperating partners such as organization charts, financial statements, audit reports or statements from CPA/Licensed Public Accountant, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with federal/state/local government standards, documentation of experience in program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

DISSEMINATION PLAN—A plan for distributing reports and other project outputs to colleagues and the public. Applicants must provide a description of the kind, volume and timing of distribution.

THIRD-PARTY AGEREEMENTS—Written agreements between grantees and subgrantees or subcontractors or other cooperating entities. These agreements may detail scope of work, work schedules, remuneration, and other terms and conditions that structure or define the relationship.

WAIVER REQUEST—A statement of program requirements for which waivers will be needed to permit the proposed project to be conducted.

LETTERS OF SUPPORT—Statements from community, public and commercial leaders which support the project proposed for funding.

B. Noncompeting Continuation Applications

A program narrative usually will not be required for noncompeting continuation applications for nonconstruction programs. Noncompeting continuation applications shall be abbreviated unless the ACF Program Office administrating this program has issued a notice to the grantee that a full application will be required.

An abbreviated application consists of:

1. The Standard Form 424 series (SF 424, SF 424A, SF–424B).

2. The estimated or actual unobligated balance remaining from the previous budget period should be identified on an accurate SF–269 as well as in Section A, Columns (c) and (d) of the SF–424A.

3. The grant budget, broken down into the object class categories on the 424A, and if

category ''other '' is used, the specific items supported must be identified.

4. Required certifications.

A full application consists of all elements required for an abbreviated application plus:

1. Program narrative information explaining significant changes to the original program narrative statement, a description of accomplishments from the prior budget period, a projection of accomplishments throughout the entire remaining project period, and any other supplemental information that ACF informs the grantee is necessary.

2. A full budget proposal for the budget period under consideration with a fully cost analysis of all budget categories.

3. A corrective action plan, if requested by ACF, to address organizational performance weaknesses.

C. Supplemental Requests

For supplemental assistance requests, explain the reason for the request and justify the need for addition funding. Provide a budget and budget justification *only* for those items for which additional funds are requested. (See Item D for guidelines on preparing a budget and budget justification.)

D. Budget and Budget Justification

Provide line item detail and detailed calculations for each budget class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification which describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

The following guidelines are for preparing the budget and budget justification. Both federal and non-federal resources should be detailed and justified in the budget and narrative justification. For purposes of preparing the program narrative, ''federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other federal and non-federal resources. It is suggested that for the budget, applicants use a column format: Column 1, object class categories; Column 2, federal budget amounts; Column 3, non-federal budget amounts, and Column 4, total amounts. The budget justification should be a narrative.

Personnel. Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, show name/title, time commitment to the project (in months), time commitment to the project (as a percentage of full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include costs of consultants or personnel costs of delegate agencies or of specific project(s) or business to be financed by the applicant.

Fringe Benefits. Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of amounts and percentages that comprise fringe benefits costs, such as health insurance, FICA, retirement insurance, taxes, etc.

Travel. Costs of project related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF sponsored workshops as specified in this program announcement should be detailed in the budget.

Equipment. costs of all non-expendable, tangible personal property to be acquired by the project where each article has a useful life of more than one year and an acquisition cost which equals the lesser of (a) the capitalization level established by the applicant organization for financial statement purposes, or (b) $5000.

Justification: For each type of equipment requested, provide a description of the equipment, costs per unit, number of units, total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends.

Supplies. Costs of all tangible personal property (supplies) other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual. Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. If procurement competitions were held or if a sole source procurement is being proposed, attach a list of proposed contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and the award selection process. Also provide back-up documentation where necessary to support selection process.

Note: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must provide a detailed budget and budget narrative for each delegate agency by agency title, along with the required supporting information referenced in these instructions.

Applicants must identify and justify any anticipated procurement that is expected to exceed the simplified purchase threshold (currently set at $100,000) and to be awarded without competition. Recipients are required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc. under the conditions identified at 45 CFR Part 74.44(e).

Construction. Costs of construction by applicant or contractor.

Justification: Provide detailed budget and narrative in accordance with instructions for other object class categories. Identify which construction activity/costs will be contractual and which will assumed by the applicant.

Other. Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), fees and travel paid directly to individual consultants, space and equipment rentals, printing and publication, computer use, training costs, including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Indirect Charges. Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or another cognizant Federal agency.

Justification: With the exception of most local government agencies, an applicant which will charge indirect costs to the grant must enclose a copy of the current rate agreement if the agreement was negotiated with a cognizant Federal agency other than the Department of Health and Human Services (DHHS). If the rate agreement was negotiated with the Department of Health and Human Services, the applicant should state this in the budget justification. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative direct cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent DHHS Guide for Establishing Indirect Cost Rates, and submit it to the appropriate DHHS Regional Office. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. it should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not be also charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under this program announcement, the authorized representative of your organization needs to submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income. the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from program support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification: Describe the nature, source and anticipated use of program income in the budget or reference pages in the program narrative statement which contain this information.

Non-Federal Resources. Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424.

Justification: The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process.

Total Direct Charges, Total Indirect Charges, Total Project Costs. (self explanatory)

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart F. Sections 76.630 (c) and (d)(2) and 76.645 (a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517–D, 200 Independence Avenue, SW., Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will not continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that

the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible,

or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BILLING CODE 4184–01–P

OMB No. 9999-0020
OMB No. 0925-0418
Approved for use through 12/31/97

Protection of Human Subjects
Assurance Identification/Certification/Declaration
(Common Federal Rule)

POLICY: Research activities involving human subjects may not be conducted or supported by the Departments and Agencies adopting the Common Rule (56FR28003, June 18, 1991) unless the activities are exempt from or approved in accordance with the common rule. See Section 101(B) the common rule for exemptions. Institutions submitting applications or proposals for support must submit certification of appropriate Institutional Review Board (IRB) review and approval to the Department or Agency in accordance with the common rule.

Institutions with an assurance of compliance that covers the research to be conducted on file with the Department, Agency or the Department of Health and Human Services (HHS) should submit certification of IRB review and ap- proval with each application or proposal unless otherwise advised by the De- partment or Agency. Institutions which do not have such an assurance must submit an assurance and certification of IRB review and approval within 30 days of a written request from the Department or Agency.

1. Request Type	2. Type of Mechanism	3. Name of Federal Department or Agency and, if known, Application or Proposal Identification No.
☐ ORIGINAL ☐ FOLLOWUP ☐ EXEMPTION	☐ GRANT ☐ CONTRACT ☐ FELLOWSHIP ☐ COOPERATIVE AGREEMENT ☐ OTHER: _____	
4. Title of Application or Activity		5. Name of Principal Investigator, Program Director, Fellow, or Other

6. Assurance Status of this Project *(Respond to one of the following)*

☐ This assurance, on file with the Department of Health and Human Services, covers this activity:

Assurance identification no. M-_____ IRB identification no._____

☐ This Assurance, on file with *(agency/dept.)* _____, covers this activity:

Assurance identification no. _____ IRB identification no._____*(if applicable)*

☐ No assurance has been filed for this project. This institution declares that it will provide an Assurance and Certification of IRB review and approval upon request.

☐ *Exemption status:* Human subjects are involved, but this activity qualifies for exemption under Section 101 (b), paragraph _____.

7. Certification of IRB Review *(Respond to one of the following IF you have an Assurance on file)*

☐ This activity has been reviewed and approved by the IRB in accordance with the common rule and any other governing regulations and subparts on *(date)*_____ by: ☐ Full IRB Review or ☐ Expedited Review.

☐ This activity contains multiple projects, some of which have not been reviewed. The IRB has granted approval on condition that all projects covered by the common rule will be reviewed and approved before they are initiated and that appropriate further certification will be submitted.

8. Comments

9. The official signing below certifies that the information provided above is correct and that, as required, future reviews will be performed and certification will be provided.		10. Name and Address of Institution
11. Phone No. *(with area code)*	12. Fax No. (with area code)	
13. Name of Official		14. Title
15. Signature		16. Date

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OPTIONAL FORM 310 (Rev. 1-95)
Sponsored by HHS/PHS/NIH

BILLING CODE 4184–01–C

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into to any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards to all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or enter into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence on officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–P

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 for public burden disclosure.)

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: ☐ Prime ☐ Subawardee Tier _____, *if known.* Congressional District, *if known*	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: 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*: $
10. a. 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):*

Items 11 through 15 are deleted.

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier 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 semi-annually 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: _____

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BILLING CODE 4184–04–C

CERTIFICATION REGARDING ENVIRONMENT TOBACCO SMOKE

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Appendix B—Omb State Single Point Of Contact Listing

ARIZONA

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012; Telephone (602) 280–1315; FAX: (602) 280–1305

ARKANSAS

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203; Telephone (501) 682–1074; FAX: (501) 682–5206

CALIFORNIA

Grants Coordinator, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacramento, California 95814; Telephone (916) 323–7480; FAX (916) 323–3018

DELAWARE

Francine Booth, State Single Point of Contact Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903; Telephone (302) 739–3326; FAX (302) 739–5661

DISTRICT OF COLUMBIA

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005; Telephone: (202) 727–6554; FAX: (202) 727–1617

FLORIDA

Florida Sate Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399–2100; Telephone: (904) 922–5438; FAX: (904) 487–2899

GEORGIA

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia 30334; Telephone: (404) 656–3855 or (404) 656–3829; FAX: (404) 656–7938

ILLINOIS

Virginia Bova, State Single Point of Contact, Department of Commerce and Community Affairs, James R. Thompson Center, 100 West Randolph, Suite 3–400, Chicago, Illinois 60601; Telephone: (312) 814–6028; FAX: (312) 814–1800

INDIANA

Frances Williams, State Budget Agency, 212 State House, Indianapolis, Indiana 46204–2796; Telephone: (317) 232–5619; FAX: (317) 233–3323

IOWA

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; Telephone: (515) 242–4719; FAX: (515) 242–4859

KENTUCKY

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204; Telephone: (502) 573–2382; FAX: (502) 573–2512

MAINE

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333; Telephone: (207) 287–3261; FAX: (207) 287–6489

MARYLAND

William G. Carroll, Manager, State Clearinghouse for Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey; Telephone: (410) 225–4490; FAX: (410) 225–4480

MICHIGAN

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226; Telephone: (313) 961–4266

MISSISSIPPI

Cathy Malette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087; Telephone: (601) 359–6762; FAX: (601) 359–6764

MISSOURI

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102; Telephone: (314) 751–4834; FAX: (314) 751–7819

NEVADA

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710; Telephone: (702) 687–4065; FAX: (702) 687–3983

NEW HAMPSHIRE

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301; Telephone: (603) 271–2155; FAX: (603) 271–1728

NEW MEXICO

Robert Peters, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503; Telephone: (505) 827–3640

NEW YORK

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224; Telephone: (518) 474–1605; FAX: (518) 486–56127

NORTH CAROLINA

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003; Telephone: (919) 733–7232; FAX: (919) 733–9571

NORTH DAKOTA

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170; Telephone: (701) 224–2094; FAX: (701) 224–2308

OHIO

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411. Please direct correspondence and questions about intergovernmental review to: Linda Wise, Telephone: (614) 466–0698; FAX: (614) 466–5400

RHODE ISLAND

Kevin Nelson, Review Coordinator, Department of Administration/Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870; Telephone: (401) 277–2656; FAX: (401) 277–2083. Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

SOUTH CAROLINA

Rodney Grizzle, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 331, Columbia, South Carolina 29201; Telephone: (803) 734–0494; FAX: (803) 734–0356

TEXAS

Tom Adams, Governor's Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711; Telephone: (512) 463–1771; FAX: (512) 463–1888

UTAH

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116, State Capitol, Salt Lake City, Utah 84114; Telephone: (801) 538–1535; FAX: (801) 538–1547

WEST VIRGINIA

Fred Cutlip, Director, Community Development Division, W. Virginia

Development Office, Building #6, Room 553, Charleston, West Virginia 25305; Telephone: (304) 558–4010; FAX: (304) 558–3248

WISCONSIN

Jeff Smith, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707; Telephone: (608) 266–0267; FAX: (608) 267–6931

WYOMING

Matthew Jones, State Single Point of Contact, Office of the Governor, 200 West 24th Street, State Capitol, Room 124, Cheyenne, Wyoming 82002; Telephone: (307) 777–7446; FAX: (307) 632–3909

TERRITORIES

GUAM

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910; Telephone: 011–671–472–2285; FAX: 011–671–472–2825

PUERTO RICO

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119; Telephone: (809) 727–4444, (809) 723–6190; FAX: (809) 724–3270, (809) 724–3103

NORTH MARIANA ISLANDS

Mr. Alvaro A. Santos, Executive Officer, State Single Point of Contact, Office of Management and Budget, Office of the Governor, Saipan, MP, Northern Mariana Islands 96950; Telephone: (670) 664–2256; FAX: (670) 664–2272

Contact Person: Ms. Jacoba T. Seman, Federal Programs Coordinator; Telephone: (670) 644–2289; FAX: (670) 644–2272

VIRGIN ISLANDS

Nelson Bowry, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802. Please direct all questions and correspondence about intergovernmental review to: Linda Clarke: Telephone: (809) 774–0750; FAX: (809) 776–0069

In accordance with Executive Order #12372, ''Intergovernmental Review of Federal Programs,'' this listing represents the designated State Single Points of Contact. The jurisdictions not listed no longer participate in the process BUT GRANT APPLICANTS ARE STILL ELIGIBLE TO APPLY FOR THE GRANT EVEN IF YOUR STATE, TERRITORY, COMMONWEALTH, ETC DOES NOT HAVE A ''STATE SINGLE POINT OF CONTACT.'' STATES WITHOUT ''STATE SINGLE POINTS OF CONTACT'' INCLUDE: Alabama, Alaska, American Samoa, Colorado, Connecticut, Kansas, Hawaii, Idaho, Louisiana, Massachusetts, Palau, Minnesota, Montana, Nebraska, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington. This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to the Office of Management and Budget and the State in question. Changes to the list will only be made upon formal question. Changes to the list will only be made upon formal notification by the State. Also, this listing is published biannually in the Catalogue of Federal Domestic Assistance.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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AGRICULTURE DEPARTMENT

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AGRICULTURE DEPARTMENT

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AGRICULTURE DEPARTMENT

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COMMERCE DEPARTMENT

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Contracting by negotiation; Phase I rewrite; comments due by 7-14-97; published 5-14-97

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New Federal residential buildings; energy efficiency code; comments due by 7-14-97; published 5-2-97

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Air quality implementation plans; approval and promulgation; various States:

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Insured status; notification of changes; comments due by 7-14-97; published 5-14-97

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Medical device corrections and removals; reporting requirements; comments due by 7-18-97; published 5-19-97

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HUD building products standards and certification program; use of materials bulletins; comments due by 7-18-97; published 5-19-97

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Fish and Wildlife Service

Endangered and threatened species:

Alexander archipelago wolf etc.; comments due by 7-14-97; published 6-12-97

'oha wai, et al. (ten plant taxa from Maui Nui, Hawaii); comments due by 7-14-97; published 5-15-97

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Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Utah; comments due by 7-14-97; published 6-13-97

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Roof and rock bolts and accessories; safety standards; comment period extension; comments due by 7-14-97; published 6-30-97

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Contracting by negotiation; Phase I rewrite; comments due by 7-14-97; published 5-14-97

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Diversity immigrant visa program; lottery administration fee; comments due by 7-16-97; published 6-16-97

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Liquidity; comments due by 7-14-97; published 5-14-97

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/nara/fedreg/fedreg.html.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

H.R. 363/P.L. 105–23

To amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program. (July 3, 1997; 111 Stat. 237)

H.R. 1306/P.L. 105–24

Riegle-Neal Amendments Act of 1997 (July 3, 1997; 111 Stat. 238)

H.R. 1553/P.L. 105–25

To amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998. (July 3, 1997; 111 Stat. 240)

H.R. 1902/P.L. 105–26

Charitable Donation Antitrust Immunity Act of 1997 (July 3, 1997; 111 Stat. 241)

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