

**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 approval of a new collection. 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 30, 1997 (62 FR, 23530).

**DATES:** Comments must be submitted on or before August 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Richard Weaver, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2811.

**SUPPLEMENTARY INFORMATION:****Maritime Administration**

*Title:* Information to Determine Seamen's Reemployment Rights—National Emergency.

*Type of Request:* Approval of a New Information Collection.

*OMB Control Number:* 2133-New.

*Affected Public:* U.S. Merchant Seamen who have completed designated national service in time of war or national emergency and are seeking reemployment with a prior employer.

*Abstract:* Approval is requested in an effort to implement provisions of the Maritime Security Act of 1996. These provisions amend the Merchant Marine Act, 1936, to grant reemployment rights and other benefits to certain merchant seamen serving on vessels used by the United States for a war; armed conflict, national emergency or maritime mobilization need. As such, this rule establishes the procedure for obtaining the necessary MARAD certification for reemployment rights and other benefits conferred by statute and its assistance in pursuing these statutory rights and benefits.

*Need and Use of the Information:* The information collection requires merchant seamen to provide documents indicating their period of employment and their merchant mariner's status. The information provided will allow MARAD to determine eligibility for

reemployment rights when the employment is related to a designated national service.

*Estimated Annual Burden Hours:* 50 hours.

**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/MARAD 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 10, 1997.

**Vanester M. Williams,**

*Clearance Officer, United States Department of Transportation.*

[FR Doc. 97-18661 Filed 7-15-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard**

[CGD 97-043]

**Notice and Request for Comments Regarding Small Business Regulatory Enforcement Fair Act of 1996 Implementation**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Coast Guard has implemented certain programs to comply with the Small Business Regulatory Enforcement Fairness Act of 1996. We developed these programs to help small entities understand and comply with statutes and our regulations. We are seeking comments about our programs from the public.

**DATES:** The programs went into effect on March 29, 1997. Comments must be received by September 15, 1997.

**ADDRESSES:** You may mail your comments to the Executive Secretary, Marine Safety Council (G-LRA/3406) (SBREFA Comments), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593-0001, or deliver them to room 3406 at the same address

between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine Meers, Marine Safety and Environmental Protection (G-MSR) at (202) 267-6819; or Ms. Brenda Beasley, Operations (G-0-1) at (202) 267-0825.

**SUPPLEMENTARY INFORMATION:** The Small Business Regulatory Enforcement Fairness Act ("SBREFA"), Public Law 104-121, 110 Stat. 847, was enacted on March 29, 1996. Sections 213 and 223 of SBREFA require agencies to establish specific policies or programs to assist small entities. Small entities include small businesses, nonprofit organizations, and small governmental jurisdictions.

Section 213 requires each covered agency to establish a program to answer inquiries concerning information and advice about compliance with statutes and regulations within the agency's jurisdiction. The agency must use information received during these inquiries to help small entities interpret and apply the regulations to specific facts.

Section 223 requires each covered agency to establish a policy or program to reduce or waive civil penalties when a small entity violates a statute or regulation. Under appropriate circumstances, an agency may consider ability to pay when it assesses a penalty against a small entity.

**Informal Small Entity Guidance**

To help small entities understand their obligations under the regulations administered by the Coast Guard, we provide both general guidance and individualized advice. We are available to assist small entities at our headquarters location in Washington, DC, and at our field offices located in port cities around the nation.

When we issue or propose new regulations, we identify a point of contact within the text of each rule who will provide small business advice. Depending on the nature of the rule, that person may be a Headquarters project officer, a subject matter expert at the Coast Guard's National Maritime Center, or a Coast Guard official assigned to a local port. This contact person is available, by phone, fax, or e-mail, to help small entities understand the rule so they can better evaluate its effects on them and participate in the rulemaking process.

In those instances where we hold public meetings to solicit views from the public regarding proposed or anticipated rules, we plan to develop a

standardized list of small business-related questions to be used during those meetings. This will ensure that small business concerns are addressed at the earliest stage of the regulatory process.

For complex rules, we have expanded our use of Navigation and Vessel Inspection Circulars (NVICs). NVICs are technical publications that answer questions about maritime safety. NVICs now provide guidance to help small entities comply with our regulations and apply them to particular fact situations. For less complicated rules, we plan to develop check sheets to help small entities comply with our rules and understand them.

We also provide assistance to small entities through the Internet. The Coast Guard home page is at <http://www.dot.gov/dotinfo/uscg/welcome.html>. The Assistant Commandant for Marine Safety and Environmental Protection has established a "small business regulatory assistance" web page. It contains links to regulations that may apply to small businesses and the addresses and telephone numbers of Coast Guard marine safety offices, worldwide. This web page is found at [www.dot.gov/dotinfo/uscg/hq/g-m/smallbus/index.htm](http://www.dot.gov/dotinfo/uscg/hq/g-m/smallbus/index.htm). Additionally, the Assistant Commandant for Operations plans to provide information and articles useful to small entities on its world wide web pages.

The Assistant Commandant for Marine Safety and Environmental Protection will add a "small business" section to the Coast Guard's Marine Safety Newsletter, to inform the small business community about substantive issues and identify points of contact from whom small entities may seek assistance. The Newsletter is available on-line at <http://www.dot.gov/dotinfo/uscg/hq/g-m/gmhome.htm>. For mail subscriptions, send requests to: Marine Safety Newsletter Editor, National Maritime Center, 4200 Wilson Blvd., Suite 510, Arlington, VA 22203-1804.

Additionally, small entities can download regulations, forms, and documentation from our web pages. If a small entity does not have access to a computer, we will mail this information on request. Send requests to: U.S. Coast Guard (G-MSR) 2100 Second Street SW, Washington, DC 20593.

The Assistant Commandant for Operations plans to publish articles of interest to small entities in Boating Safety Circulars. We mail Boating Safety Circulars to the recreational boating industry and community.

We have also expanded our toll-free customer service Infoline (1-800-368-

5647) to include compliance advice for small entities. We have trained the Infoline staff to identify phone and fax inquiries from small entities. We plan to develop sheets of frequently asked questions (FAQ) to help our staff refer inquiries to the appropriate subject matter expert who can discuss specific requirements that may apply to a small entity and explain how to comply.

To ensure that we evaluate and update our small entity assistance program periodically, we will work with the Office of Intergovernmental Affairs and the Small Business Administration on a regular basis to identify small business concerns in the maritime community.

To monitor the success of the program, we will sample all field activities (such as inspections, fees, licensing) to obtain an estimate of the number of interactions with small businesses. We will report annually on our performance and accomplishments. To keep track of phone calls, faxes, and mailings, we will log and categorize them.

#### **Rights of Small Entities in Enforcement Actions**

Section 223 of SBREFA requires agencies that regulate the activities of small entities to establish a policy or program to reduce or, under appropriate circumstances, waive civil penalties when a small entity violates a statute or regulation.

Section 223 requires an agency's policy or program to contain conditions or exclusions, which may include: Requiring small entities to correct the violation within a reasonable correction period; applying the policy or program only if violations are discovered when small entities participate in a compliance assistance or audit program; excluding small entities that have been subject to multiple enforcement actions by the agency; excluding violations involving willful or criminal conduct or that pose serious health, safety, or environmental threats; or, requiring a good-faith effort to comply with the law.

Federal statutes and regulations authorize the Coast Guard to impose civil penalties in conjunction with maritime regulatory and enforcement issues. Several statutes (49 U.S.C. 336, 46 U.S.C. 2107, and 33 U.S.C. 1321(b)(8)) require that penalty assessments be tailored to the facts of the case, including the violator's ability to pay.

The Coast Guard has adopted a "user friendly" approach to achieve compliance in certain situations where the violator has shown a good faith effort to comply with the regulations. Coast Guard hearing officers take into

account the size of the business to determine whether a partial or full waiver of the penalty is appropriate in a particular case. Large, profitable businesses with adequate financial resources and personnel are expected to have better compliance records than smaller businesses or individuals with less resources.

Additionally, in 1995, the Coast Guard instituted a policy to waive certain civil monetary penalties for violators who use the penalty amount to correct deficiencies and comply with our regulations. We instituted this policy in response to a Presidential Memorandum directed at small business assistance. However, we applied the policy across the board because the Memorandum did not define "small business," and it was difficult to identify small entities in the informal adjudicative process. Furthermore, we did not apply our waiver policy when the violation posed a significant threat to health, safety or the environment.

To comply with SBREFA, we will provide additional guidance to our hearing officers to help them identify circumstances involving "small entities" and determine what type of violations will qualify and will not qualify for the program. We will expand our program to permit Coast Guard civil penalty hearing officers to solicit information from the violator in the early part of the enforcement stage. By asking the right questions, our hearing officers can identify small entities and then determine whether the Coast Guard should waive or reduce the penalty.

Before hearing officers apply our waiver program, they must hear evidence from the violator to confirm that they corrected the violation, and that the violation did not pose a significant threat to health, safety, or the environment. Violators must also substantiate the cost of the correction. If we reduce or waive the penalty, we advise the violator that the violation has still occurred and that we may consider it when assessing future penalties.

#### **Coast Guard Offices**

To help you find us, here is a list of our Offices. Please contact the Office closest to you:

#### **Headquarters**

Commandant, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, General Information Telephone: 202-267-2229

Address the following to Commanding Officer, U.S. Coast Guard, Marine Safety Office:  
—Boston: 405 Commercial, Boston, MA 02110

—Portland, ME: PO Box 108, 312 Fore St. Portland, ME 04112

—Providence: 20 Risho Ave. East Providence, RI 02914

—New York: USCG Activities NY, Bldg. 108, Governors Island, New York, NY 10004

—Long Island Sound: Group/MSO Long Island Sound, 120 Woodward Ave., New Haven, CT 06512

—Philadelphia: 1 Washington Ave., Philadelphia, PA 19147

—Hampton Roads: 200 Granby St., Norfolk, VA 23510

—Baltimore: 2401 Hawkins Point Rd., Baltimore, MD 21226

—Wilmington: Suite 500, 272 Front St., Wilmington, NC 28401

—Miami: PO Box 01-6940, Miami, FL 33101

—Charleston: 196 Tradd St., Charleston, SC 29401

—Jacksonville: 7820 Arlington Expy, Jacksonville, FL 32211

—San Juan: PO Box 9023666, San Juan, Puerto Rico 00902

—Savannah: 222 W. Oglethorpe Ave., Suite 402, Savannah, GA 31401

—Tampa: 155 Columbia Dr. Tampa, FL 33606

—Mobile: PO Box 2924, Mobile, AL 36652

—New Orleans: 1615 Poydras Street, New Orleans, LA 70112

—Morgan City: 800 David Dr., Morgan City, LA 70380

—Port Arthur: 2875 Jimmy Johnson Blvd., Port Arthur, TX 77640

—Houston-Galveston: PO Box 446 Galena Park, TX 77547

—Corpus Christi: 400 Mann Street, Suite 210, Corpus, Christi, TX 77540

—St. Louis: 1222 Spruce St., Suite 8104E, St. Louis, MO 63103

—Paducah: 225 Tully St., Paducah, KY 42003

—Huntington: 1415 6th Ave., Huntington, WV 25701

—Louisville: 600 Martin Luther King Jr. Place, Louisville, KY 40202

—Memphis: 200 Jefferson Ave., Suite 1301, Memphis, TN 38103

—Pittsburgh: Kossman Bldg., Suite 1150, 100 Forbes Ave., Pittsburgh, PA 15222

—Cleveland: 1055 E. 9th St., Cleveland, OH 44114

—Buffalo: 1 Fuhrman Blvd., Buffalo, NY 14203

—Chicago: 215 W. 83rd St., Suite D, Burr Ridge, IL 60521

—Detroit: 110 Mt. Elliot Ave., Detroit, MI 48207

—Duluth: 600 S. Lake Ave., Canal Park, Duluth, MN 55902

—Milwaukee: 2420 S. Lincoln Memorial Dr., Milwaukee, WI 53207

—Sault. Ste. Marie: 337 Water St., Sault. Ste. Marie, MI 49783

—Toledo: Federal Bldg., Rm. 501, 234 Summit St., Toledo, OH 43604

—Los Angeles-Long Beach: 165 N. Pico Ave., Long Beach, CA 90802

—San Diego: 2716 N. Harbor Dr. San Diego, CA 92101

—San Francisco: Bldg. 14 Coast Guard Island, Alameda, CA 94501

—Puget Sound: Bldg. 1/ Pier 36, Seattle, WA 98134

—Portland, OR: 6767 N. Basin Ave., Portland, OR 97217

—Honolulu, HI: Room 1, 433 Ala Moana Blvd., Honolulu, HI 96813

—Guam: PSC 455, Box 176, FPO AP, 96540

—Juneau: Suite 2A, 2760 Sherwood La., Juneau, AK 99801

—Anchorage: 510 L St., Suite 100, Anchorage, AK 99501

—Valdez: P.O. Box 486, 105 South Clifton, Valdez, AK 99686

#### Request for Comments

We invite members of the public to comment on any issues or concerns that they believe are relevant or appropriate to our small entity programs. If you rely on factual data to support your comment, please submit that data with your comment. If we decide to revise our programs after considering all of the comments, we will publish our revisions in a **Federal Register** notice.

**Authority:** Sec. 213 and 223, Pub. L. 104-121, 110 Stat. 847.

Dated: July 9, 1997.

**Paul M. Blayney,**

*Rear Admiral, U.S. Coast Guard, Chief Counsel.*

[FR Doc. 97-18664 Filed 7-15-97; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of the Noise Compatibility Program for Meadows Field, Bakersfield, California

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program for Meadows Field (BFL), submitted by Kern County, California, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of federal and non federal responsibilities in Senate Report No. 96-52 (1980). On

April 14, 1995, the FAA determined that the BFL Noise Exposure Maps, submitted by the county under 14 CFR part 150, were in compliance with applicable requirements. On June 10, 1997, the Associate Administrator for Airports approved the Noise Compatibility Program for Meadows Field. Four (4) of the proposed noise abatement and mitigation measures were approved, one (1) measure requires no FAA action at the present, four (4) other measures were disapproved pending submission of additional information, and two (2) measures were disapproved for purposes of Part 150.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Noise Compatibility Program for Meadows Field is June 10, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Bahman H. Tash, Airport Planner, AWP-611.5, Airport Division, Western-Pacific Region, Federal Aviation Administration. Mailing address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007. Telephone number: (310) 725-3616. Street Address: 15000 Aviation Boulevard, Room 3012, Hawthorne, California 90261. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval of the Noise Compatibility Program for Meadows Field, effective June 10, 1997.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as the "Act"), an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non compatible land uses and prevention of additional non compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport sponsor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and