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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

[Docket No. HR–97–002]

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department by delegating to the Under Secretary for Farm and Foreign Agricultural Services, the Administrator, Foreign Agricultural Service (FAS), the Assistant Secretary for Marketing and Regulatory Programs, and the Administrator, Agricultural Marketing Service (AMS), the authority to administer various programs contained in the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. No. 104–127. It also reserves to the Secretary the authority to appoint members of research and promotion boards.

EFFECTIVE DATE: July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Barbara Bryant, Legislative Analyst, Legislative Affairs Staff, Agricultural Marketing Service, United States Department of Agriculture, Room 3510—South Building, 1400 Independence Avenue SW, Washington, DC 20250, (202) 720–3203.

SUPPLEMENTARY INFORMATION: The Federal Agriculture Improvement and Reform Act of 1996, signed into law April 4, 1996, contains the following new programs:

Commodity Promotion and Evaluation, Sec. 501 (7 U.S.C. 7401) which defines commodity promotion law and provides for independent evaluation of promotion program effectiveness.

The Commodity Promotion, Research, and Information Act of 1996, Sec. 511–526 (7 U.S.C. 7411–7425) which authorizes national research and promotion programs for agricultural commodities as defined in the Act.

The Canola and Rapeseed Research, Promotion, and Consumer Information Act, Sec. 531–543 (7 U.S.C. 7441–7452); the National Kiwifruit Research, Promotion, and Consumer Information Act, Sec. 551–564 (7 U.S.C. 7461–7473); and the Popcorn Promotion, Research, and Consumer Information Act, Sec. 571–582 (7 U.S.C. 7481–7491), which authorize national research and promotion programs for canola and rapeseed, kiwifruit, and popcorn.

The Secretary of Agriculture has determined that these programs can be conducted most effectively under the jurisdiction of the Assistant Secretary for Marketing and Regulatory Programs and the Administrator of AMS and that the foreign market component of these promotion programs can be conducted most effectively under the jurisdiction of the Under Secretary for Farm and Foreign Agricultural Services and the Administrator of FAS. This rule amends the delegations of authority of the United States Department of Agriculture in 7 CFR Part 2 by delegating to the Under Secretary for Farm and Foreign Agricultural Services, the Assistant Secretary for Marketing and Regulatory Programs, the Administrator of FAS, and the Administrator of AMS, the responsibility and authority for administering the above-described programs.

In addition, this rule reserves to the Secretary the authority to appoint members of research and promotion boards.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment thereon are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of E.O. 12866 and E.O. 12988. Finally, this subject is not a rule as defined by Pub. L. No. 96–354, the Regulatory Flexibility Act, and thus, is exempt from the provisions of the Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

Accordingly, 7 CFR part 2 is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for part 2 continues to read as follows:

Authority: Sec. 212(a), Pub. L. 103–354, 108 Stat. 3210, 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949–1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. In § 2.16, paragraph (a)(3)(x) is revised to read as follows:

§ 2.16 Under Secretary for Farm and Foreign Agricultural Services.

(a) * * *

(3) * * *

(x) Plan and carry out programs and activities under the foreign market promotion authority of: the Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101–2118); the Potato Research and Promotion Act (7 U.S.C. 2611–2627): the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); the Beef Research and Information Act, as amended (7 U.S.C. 2901–2918); the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401–3417); the Floral Research and Consumer Information Act of 1981 (7 U.S.C. 4301–4319); subtitle B of title I of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 4501–4513); the Honey Research, Promotion, and Consumer Information Act of 1984, as amended (7 U.S.C. 4601–4612); the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819); the Watermelon Research and Promotion Act, as amended (7 U.S.C. 4901–4916); the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001–6013); the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101–6112); the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201–6212); the Soybean Promotion, Research, and

Consumer Information Act of 1990 (7 U.S.C. 6301–6311); the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401–6417); the Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Act (7 U.S.C. 6801–6814); the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101–7111); the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425); the Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441–7452); the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461–7473); and, the Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481–7491). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

* * * * *

3. Section 2.22 is revised by adding new paragraphs (a)(1)(viii) (XX) through (BBB) and by adding new paragraphs(b)(1) (iv) through (xxii) to read as follows:

§ 2.22 Assistant Secretary for Marketing and Regulatory Programs.

(a) * * *

(1) * * *

(viii) * * *

(XX) Commodity Promotion and Evaluation (7 U.S.C. 7401);

(YY) The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425), except as delegated to the Under Secretary for Farm and Foreign Agricultural Services in § 2.16(a)(3)(x);

(ZZ) The Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441–7452), except as delegated to the Under Secretary for Farm and Foreign Agricultural Services in § 2.16(a)(3)(x);

(AAA) The National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461–7473), except as delegated to the Under Secretary for Farm and Foreign Agricultural Services in § 2.16(a)(3)(x);

(BBB) The Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481–7491), except as delegated to the Under Secretary for Farm and Foreign Agricultural Services in § 2.16(a)(3)(x).

* * * * *

(b) * * *

(1) * * *

(iv) Appoint members of the Cotton Board established by section 7(a) of the Cotton Research and Promotion Act, as amended (7 U.S.C. 2106(a));

(v) Appoint members of the Egg Board established by section 8(a) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(a));

(vi) Appoint members of the Floraboard established by section 1707(1) of the Floral Research and Consumer Information Act (7 U.S.C. 4306(1));

(vii) Appoint members of the Honey Board established by section 7(c)(1) of the Honey Research, Promotion, and Consumer Information Act, as amended (7 U.S.C. 4606(c));

(viii) Appoint members of the Lime Board established by section 1955(b)(2) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6204(b));

(ix) Appoint members of the Mushroom Council established by section 1925(b)(1)(B) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b));

(x) Appoint members of the Pecan Marketing Board established by section 1910(b)(8)(E) of the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6005(b));

(xi) Appoint members of the National Potato Promotion Board established by section 308(a)(4) of the Potato Research and Promotion Act as amended (7 U.S.C. 2617(a));

(xii) Appoint members of the National Watermelon Promotion Board established by section 1647(c) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(c));

(xiii) Appoint members of the PromoFlor Council established by section 5(b) of the Fresh Cut Flowers and Fresh Cut Greens Act of 1993 (7 U.S.C. 6804(b));

(xiv) Appoint members of the National Kiwifruit Board established by section 555(c)(1) of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7464(c));

(xv) Appoint members of Popcorn Board established by section 575(b)(1) of the Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7484(b));

(xvi) Appoint members of the Wheat Industry Council established by section 1706(a) of the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3405(a));

(xvii) Appoint members of the Cattlemen's Beef Promotion and Research Board established by section 5(1) of the Beef Research and Information Act as amended (7 U.S.C. 2904(1));

(xviii) Appoint members of the National Pork Board established by section 1619(a)(1) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4808(a));

(xix) Appoint members of the United Soybean Board established by section 1969(b)(1) of the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6304(b));

(xx) Appoint members of the National Sheep Promotion, Research, and Information Board established by section 5(b) of the Sheep Promotion, Research, and Information Act (7 U.S.C. 7104(b)(1);

(xxi) Appoint members of the National Canola and Rapeseed Board established by section 535(b)(1) of the Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7444(b));

(xxii) Appoint members of boards established by section 515(b)(2)(A) of the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7414(b)).

Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services

4. In § 2.43, paragraph (a)(24) is revised to read as follows:

§ 2.43 Administrator, Foreign Agricultural Service.

(a) * * *

(24) Plan and carry out programs and activities under the foreign market promotion authority of: the Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101–2118); the Potato Research and Promotion Act (7 U.S.C. 2611–2627): the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); the Beef Research and Information Act, as amended (7 U.S.C. 2901–2918); the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401–3417); the Floral Research and Consumer Information Act of 1981 (7 U.S.C. 4301–4319); subtitle B of title I of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 4501–4513); the Honey Research, Promotion, and Consumer Information Act of 1984, as amended (7 U.S.C. 4601–4612); the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819); the Watermelon Research and Promotion Act, as amended (7 U.S.C. 4901–4916); the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001–6013); the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101–6112); the Lime Research,

Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201–6212); the Soybean Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6301–6311); the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401–6417); the Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Act (7 U.S.C. 6801–6814); the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101–7111); The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425); the Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441–7452); the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461–7473); and, the Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481–7491). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

* * * * *

Subpart N—Delegations of Authority by the Assistant Secretary for Marketing and Regulatory Programs

5. Section 2.79 is amended by adding new paragraphs (a)(8)(1viii) through (lxii) to read as follows:

§ 2.79 Administrator, Agricultural Marketing Service.

(a) * * *

(8) * * *

(lviii) Commodity Promotion and Evaluation (7 U.S.C. 7401);

(lix) Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425), except as specified in § 2.43(a)(24);

(lx) The Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441–7452), except as specified in § 2.43(a)(24);

(lxi) The National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461–7473), except as specified in § 2.43(a)(24); and

(lxii) The Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481–7491), except as specified in § 2.43(a)(24).

* * * * *

Dated: July 21, 1997.

Dan Glickman,

Secretary of Agriculture.

Dated: July 11, 1997.

Dallas R. Smith,

Under Secretary for Farm and Foreign Agricultural Services.

Dated: July 9, 1997.

Michael V. Dunn,

Assistant Secretary for Marketing and Regulatory Programs.

[FR Doc. 97–19799 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1208

[FV–97–703]

Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the requirement of the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order (Order) that each qualified handler pays to the National PromoFlor Council (Council) an assessment in the amount of 0.5 percent on wholesale sales of fresh cut flowers and greens as specified in the Order. The remaining provisions of the Order and regulations issued thereunder will be terminated at a later date. This action is necessary because termination of the Order was favored by a majority of the qualified handlers voting in a referendum conducted from June 2 through 20, 1997.

EFFECTIVE DATE: July 29, 1997.

FOR FURTHER INFORMATION: Sonia N. Jimenez, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456, telephone (202) 720–9915 or (888) 720–9917.

SUPPLEMENTARY INFORMATION: This action is issued under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 [7 U.S.C. 6801–6814] (Act).

Prior documents in this proceeding: Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order, December 29, 1994 [59 FR 67139]; Referendum Procedures, April 14, 1997 [62 FR 18033]; and Referendum Order, April 21, 1997 [62 FR 19301].

This action has been determined to be non-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

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

Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*] (RFA), the Agricultural Marketing Service has considered the economic impact of this action on small entities.

The Act, which authorizes the creation of a generic program of promotion and information for fresh cut flowers and greens, became effective on December 14, 1993.

Section 7(a) of the Act provides that the Secretary of Agriculture (Secretary) shall conduct a referendum not later than 3 years after the issuance of an order to ascertain whether the order then in effect shall be continued. The Order was issued on December 29, 1994. Paragraph (a)(2) of § 7 of the Act requires that the Order be approved by a simple majority of all votes cast in the referendum. In addition, paragraph (b) of § 7 of the Act specifies that each qualified handler eligible to vote in the referendum shall be entitled to cast one vote for each separate facility of the person that is an eligible separate facility. The voting period for the referendum was June 2 through 20, 1997.

Only those wholesale handlers (including, but not limited to, wholesale jobbers, bouquet and floral article manufacturers, auction houses that clear the sale of cut flowers and greens, and retail distribution centers), producers, and importers who have annual sales of $750,000 or more of fresh cut flowers and greens and who sell those products to exempt handlers, retailers, or consumers are considered qualified handlers and assessed under the Order.

There are approximately 643 qualified handlers who are covered by the program. Small agricultural service firms, which include the qualified handlers covered under the Order, have been defined by the Small Business Administration [13 CFR 121.601] as those whose annual receipts are less than $5 million. Only 127 qualified handlers have been identified to have $5 million in annual sales.

It is concluded that the majority of qualified handlers may be classified as small entities.

This action terminates the requirements of the Order for qualified handlers to remit assessments.

Currently, an estimated 643 qualified handlers pay about $10 million annually. When the Order was published in the **Federal Register** on December 29, 1994, the U.S. Department of Agriculture (USDA) stated that, with regard to the RFA, although the maximum assessment collection was expected to total about $10 million annually, the economic impact of a 1.0 percent or less assessment on each qualified handler would not be significant. This holds true today with the current 0.5 percent assessment rate. Under this termination order, qualified handlers would no longer be required to pay assessments.

Statistics reported by the National Agricultural Statistics Service show that in 1995 sales of domestic cut flowers and cut greens totaled approximately $521.3 million at the wholesale level. The leading producing states by wholesale value are California, with about 49 percent of the total of flower and cut green production, followed by Florida, Colorado and Hawaii. Sales information for 1996 will not be available until after publication of this rule.

The value of imports of cut flowers in 1996 was $557.7 million. Major countries exporting cut flowers to the United States, by value, are Colombia which accounts for about 66 percent of the value, followed by the Netherlands (10 percent), Ecuador (12 percent), Costa Rica (3 percent), and Mexico (3 percent).

The Act and Order also provide for refunds of assessments, under certain conditions, for those handlers who requested the refund before the initial referendum was held, and if the Order is rejected by voters in the referendum.

Therefore, the exact impact of this action will vary according to the amount of assessments handlers have been remitting and would remit under the Order and whether such handlers requested a refund.

This action will not impose any additional reporting or recordkeeping requirements on either large or small qualified handlers of cut flowers and greens.

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

Background

This action terminates Order requirements to pay assessments and is governed by § 7(d) of the Act. The Act authorizes a national fresh cut flowers and greens promotion, research, and information program, also known as PromoFlor. In accordance with the Act, USDA developed and implemented the Order [7 CFR 1208.1–1208.85], which became effective on December 29, 1994.

Section 7(a) of the Act requires that the Secretary conduct a referendum not later than 3 years after issuance of an order to determine whether qualified handlers favor continuation of the order. The order directing that a referendum be conducted was published in the **Federal Register** on April 21, 1997 [62 FR 19301]. The representative period for establishing voter eligibility for the referendum was the period from January 1, 1996, through December 31, 1996. A referendum was conducted by mail ballot from July 2 through 20, 1997. Termination of the Order was favored by 58 percent of the qualified handlers casting valid ballots in the referendum.

Therefore, pursuant to § 7(d) of the Act and § 1208.60 of the Order, it is hereby found and determined that termination of the Order is favored by a majority of the qualified handlers voting in the referendum and that the Order should therefore be terminated.

Section 7(d) of the Act provides that, if the Secretary determines that termination of the Order is favored by a majority of all votes cast in the referendum, the Secretary shall terminate, as appropriate the collection of assessments under the Order not later than 180 days after the referendum results are announced. Further, the Secretary is required to terminate, as appropriate, activities under the Order as soon as practicable and in an orderly manner. A separate order will be published in the **Federal Register** terminating the remaining Order requirements and provisions.

In accordance with § 1208.61, the Council will recommend not more than five of its members to the Secretary to serve as trustees for purposes of liquidating the assets of the Council.

Termination of the Order and any of its provisions, including the requirements to remit assessments, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of the Order; or

(b) Release or extinguish any violation of this Order; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

Section 5(h)(4) of the Act [7 U.S.C. 6804(h)(4)] provides that refunds of assessments shall be made out of the escrow account to those qualified handlers who applied for such refunds prior to the conduct of the referendum and submitted satisfactory proof that they paid the assessment for which refund is requested. If the amount in the escrow account is not sufficient to refund the total amount of assessments demanded, the amount of all such refunds shall be prorated among all eligible qualified handlers that demand the refunds. Section 1208.61 of the Order provides that refunds are to be made within 30 days of the date the results of the referendum are released by the Secretary.

Order

It is therefore ordered, That the terms and provisions of Subpart A of the Order requiring fresh cut flowers and greens qualified handlers to pay an assessment used to finance the national program for fresh cut flowers and fresh cut greens promotion and information [7 CFR Part 1208] are hereby terminated.

It is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to putting this action into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action terminates the requirements of the Order that each qualified handler remit assessments; (2) termination of the Order was favored by a majority of qualified handlers voting in the referendum; and (3) the Act requires that, upon such a determination by referendum, collection of assessments should terminate no later than 180 days after the referendum.

List of Subjects in 7 CFR Part 1208

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Plants, Promotion, Reporting and recordkeeping requirements.

PART 1208—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ORDER

Subpart A—Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order

1. The authority citation for 7 CFR Part 1208 continues to read as follows:

Authority: 7 U.S.C. 6801 *et seq.*

2. A note is added to § 1208.50 to read as follows:

§ 1208.50 Assessments.

* * * * *

Note to § 1208.50: The requirement to pay assessments is terminated as of July 29, 1997.

Dated: July 22, 1997.

Lon Hatamiya,

Administrator Agricultural Marketing Service.

[FR Doc. 97–19705 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

[Regulations G, T, U and X]

Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List and the previous Foreign List.

EFFECTIVE DATE: August 11, 1997.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781, Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below are the deletions from and additions to the Board's OTC List, which was last published on April 28, 1997 (62 FR 22881), and became effective May 12, 1997. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks traded over-the-counter in the United States that meet the criteria in Regulations G, T, and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under rules approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

Also listed below are the deletions from and additions to the Foreign List, which was last published on April 28, 1997 (62 FR 22881), and became effective May 12, 1997. A copy of the complete Foreign List is available from the Federal Reserve banks.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2 and 220.17 Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List and the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed for Failing Continued Listing Requirements

ALLERGAN LIGAN RETINOID THERAPEUTICS, INC.
Units (expire 06–05–97)
AVERT, INC.
Warrants (expire 04–30–97)
BELL CABLEMEDIA PLC
American Depositary Receipts
BIOTECHNICA INTERNATIONAL, INC.
$.01 par common
BLACK HAWK GAMING & DEVELOPMENT COMPANY
Class B, warrants (expire 06–30–97)
BRE-X MINERALS, LIMITED
No par common
CELEBRITY ENTERTAINMENT, INC.
$.01 par common
CODE–ALARM, INC.
No par common
COUNTRY STAR RESTAURANTS, INC.
Series A, 6% par cumulative preferred
DELGRATIA MINING CORPORATION
No par common
ERD WASTE CORPORATION
$.001 par common
ESSEX CORPORATION
$.10 par common
FIRST MORTGAGE CORPORATION
No par common
FLAGSTAR COMPANIES, INC.
$.50 par common, Series A, $.10 par cumulative convertible preferred
GRAPHIX ZONE, INC.
No par common
GROOTVLEI PROPRITARY MINES
American Depositary Receipts
INAMED CORPORATION
$.01 par common
INTEGRATED WASTE SERVICES, INC.

$.01 par common
INTERSCIENCE COMPUTER CORPORATION
No par common
IPL SYSTEMS, INC.
Class A, $.01 par common
KLEINERT'S, INC.
$1.00 par common
LIFERATE SYSTEMS, INC.
No par common
MEDICAL CONTROL, INC.
Warrants (expire 04–30–97)
MEDNET MPC CORPORATION
$.001 par common
MERIDIAN SPORTS INCORPORATED
$.01 par common
MID–AM, INC.
Series A, no par cumulative convertible preferred
MOBILE MEDIA CORPORATION
$.001 par common
NETWORK CONNECTION, INC., THE
Warrants (expire 05–11–98)
NOBLE ROMAN'S INC.
No par common
NORD PACIFIC LIMITED
American Depositary Receipts
OSHKOSH B'GOSH, INC.
Class B, $.01 par common
POSITRON CORPORATION
$.01 par common, Warrants (expire 12–03–98)
PUDGIE'S CHICKEN, INC.
$.01 par common
REDDI BRAKE SUPPLY CORPORATION
$.0001 par common
RISCORP, INC.
Class A, $.01 par common
ROOSEVELT FINANCIAL GROUP, INC.
$.01 par common $.01 par convertible preferred
SISKON GOLD CORPORATION
Class A, $.001 par common
STRATOSPHERE CORPORATION
$.01 par common
STREAMLOGIC CORPORATION
$.01 par common
SUPERIOR ENERGY SERVICES, INC.
Warrants (expire 07–06–97)
SURE SHOT INTERNATIONAL, INC.
$.01 par common
TALBERT MEDICAL MANAGEMENT HOLDINGS
Rights (expire 05–20–97)
TEE–COM ELECTRONICS, INC.
No par common
TELECHIPS CORPORATION
$.01 par common
TRIPLE P, NV
NLG .20 par common
VECTRA BANKING CORPORATION
$.10 Series A, cumulative preferred
WESTERN FIDELITY FUNDING, INC.
$.001 par common
XAVIER CORPORATION
$.001 par common

Stocks Removed For Listing On a National Securities Exchange or Being Involved in an Acquisition

AES CHINA GENERATING CO., LTD.
Class A, $.01 par common
AIRNET SYSTEMS, INC.
$.01 par common
AMERICAN BANCORP OF NEVADA
$.05 par common
AMERICAN BANKERS INSURANCE GROUP, INC.
$1.00 par common
AMISYS MANAGED CARE SYSTEMS, INC.
$.001 par common
ASPEN BANCSHARES, INC., (CO)
$.01 par common
BANCORPSOUTH, INC. (MS)
$2.50 par common
BELDEN & BLAKE CORPORATION
No par common
BENTON OIL & GAS COMPANY
$.01 par common
BFS BANKORP, INC. (NY)
$.01 par common
BHC FINANCIAL, INC.
$.001 par common
BOOMTOWN, INC.
$.01 par common
BUCKLE, INC., THE
$.05 par common
BUSINESS & PROFESSIONAL BANK (CA)
No par common
C.R. ANTHONY COMPANY
$.01 par common
CALGENE, INC.
No par common
CALIFORNIA FINANCIAL HOLDING CO.
$.01 par common
CARVER BANCORP, INC. (NY)
$.01 par common
CASCADE COMMUNICATIONS CORP.
$.001 par common
CEL-SCI CORPORATION
$.001 par common
CENTRAL AND SOUTHERN HOLDING CO.
$1.00 par common
CHICAGO DOCK AND CANAL TRUST
No par shares of beneficial interest
CIBER, INC.
$.01 par common
COACH USA, INC.
$.01 par common
COMPRESSION LABS, INC.
$.001 par common
COOPER & CHYAN TECHNOLOGY, INC.
$.01 par common
COUNTY BANK OF CHESTERFIELD (VA)
$5.00 par common
CROSSCOMM CORPORATION
$.01 par common
CU BANCORP (CA)
No par common
DAUPHIN DEPOSIT CORPORATION
$5.00 par common
DEKALB GENETICS CORPORATION
Class B, no par common
DENBURY RESOURCES, INC.
No par common
EASTERN BANCORP INC. (VT)
$.01 par common
ENTERPRISE SYSTEMS, INC.
$.01 par common
EQUITY CORPORATION INTERNATIONAL
$.01 par common
ERO, INC.
$.01 par common
EXTENDED STAY AMERICA, INC.
$.01 par common
FINANCIAL TRUST CORPORATION
$5.00 par common
FIRST FINANCIAL CORPORATION OF WESTERN MARYLAND
$1.00 par common
FIRST-KNOX BANC CORP. (Ohio)
$3.125 par common
FLORIDA PANTHERS HOLDINGS, INC.
Class A, $.01 par common
FORCENERGY INC.
$.01 par common
FRACTAL DESIGN CORPORATION
$.001 par common
GATEWAY 2000 INC.
$.01 par common
GCR HOLDINGS, LIMITED
$.10 par ordinary shares
GOULDS PUMPS, INCORPORATED
$1.00 par common
GRANITE CONSTRUCTION INCORPORATED
$.01 par common
GRAPHIC INDUSTRIES, INC.
$.10 par common
GULFMARK INTERNATIONAL, INC.
$1.00 par common
HOME BENEFICIAL CORPORATION
Class B, $.3125 par common
INCSTAR CORPORATION
$.01 par common
INPHYNET MEDICAL MANAGEMENT, INC.
$.01 par common
INTEGRATED LIVING COMMUNITIES, INC.
$.01 par common
J.W. CHARLES FINANCIAL SERVICES, INC.
$.001 par common
KURZWEIL APPLIED INTELLIGENCE, INC.
$.01 par common
LESLIE'S POOLMART
No par common
LIBERTY BANCORP, INC. (OK)
$.01 par common
LIVE ENTERTAINMENT, INC.
$.01 par common, Series B, no par cumulative convertible preferred
LONE STAR TECHNOLOGIES, INC.
$1.00 par common
MARKEL CORPORATION
No par common
MAXIM GROUP, INC., THE
$.001 par common
MDL INFORMATION SYSTEMS, INC.
$.01 par common
MICROCOM, INC.
$.01 par common
MIDCOMM BANK (CT)
$1.00 par common
NYNEX CABLECOMMS GROUP PLC
American Depositary Receipts
ONE VALLEY BANCORP, INC. (WV)
$10.00 par common
OPENVISION TECHNOLOGIES, INC.
$.001 par common
OSB FINANCIAL CORPORATION
$.01 par common
PEAK TECHNOLOGIES GROUP, INC., THE
$.01 par common
PETROLEUM GEO-SERVICES A/S
American Depositary Receipts
PETROITE CORPORATION
No par common
PHAMIS INC.
$.0025 par common
PREMIER BANKSHARES CORPORATION
$2.00 par common
PREMIERE RADIO NETWORKS, INC.
No par common, Class A, $.01 par common
PRODUCTION OPERATORS CORP.
$1.00 par common
PROFFITT'S, INC.
$.10 par common
REFLECTONE, INC.

$.10 par common
RENTAL SERVICE CORPORATION
$.01 par common
REPUBLIC INDUSTRIES, INC.
$.01 par common
ROBERTS PHARMACEUTICAL CORP.
$.01 par common
ROYCE LABORATORIES, INC.
$.005 par common
SERVICE EXPERTS, INC.
$.01 par common
SJS BANCORP, INC. (MO)
$.01 par common
SOMATIX THERAPY CORPORATION
$.01 par common
STANT CORPORATION
$.01 par common
STARSIGHT TELECAST, INC.
No par common
STILLWATER MINING COMPANY
$.01 par common
SUNGARD DATA SYSTEMS, INC.
$.01 par common
TEAM RENTAL GROUP, INC.
Class A, $.01 par common
TENCOR INSTRUMENTS
No par common
THERMAL INDUSTRIES, INC.
$.01 par common
TRANSWORLD BANCORP (CA)
No par common
UNIFORCE SERVICES, INC.
$.01 par common
UNITED CAROLINA BANCSHARES CORP.
$4.00 par common
US ROBOTICS CORPORATION
$.01 par common
USMX INC.
No par common
VENTRITEX, INC.
No par common
VIDEOTRON HOLDINGS PLC
American Depositary Receipts
VOLT INFORMATION SCIENCES, INC.
$.10 par common
WEST COAST BANCORP (OR)
No par common
WINTHROP RESOURCES CORPORATION
$.01 par common
WIRELESS CABLE OF ATLANTA, INC.
$1.00 par common

Additions to the List of Marginable OTC Stocks

3DFX INTERACTIVE, INC.
No par common
800–JR CIGAR, INC.
$.01 par common
8X8, INC.
$.001 par common
ACORN PRODUCTS, INC.
$.001 par common
ADVANCED COMMUNICATION SYSTEMS, INC.
$.01 par common
ALARIS MEDICAL, INC.
$.01 par common
ALFACELL CORPORATION
$.001 par common
ALLERGAN LIGAND RETINOID THERAPEUTICS, INC.
$.001 par common
ALLSTAR SYSTEMS, INC.
$.01 par common
AMARILLO BIOSCIENCES, INC.
$.01 par common
AMAZON.COM, INC.
$.01 par common
ANTIVIRALS, INC.
Warrants (expire 06–04–2002)
ARGUSS HOLDINGS, INC.
$.01 par common
ARIS CORPORATION
No par common
ASCENT PEDIATRICS, INC.
$.0004 par common
ASI SOLUTIONS INCORPORATED
$.01 par common
AT HOME CORPORATION
Series A, common stock
AURORA BIOSCIENCES CORPORATION
$.001 par common
AXIOM, INC.
$.01 par common
BANK UNITED FINANCIAL
Series A, capital trust preferred securities
BANKATLANTIC BANCORP, INC.
Capital trust 9% cumulative trust preferred
BENTHOS, INC.
$.0667 par common
BIONX IMPLANTS, INC.
$.001 par common
BOARDWALK CASINO, INC.
$.001 par common
BOSTON PRIVATE BANCORP, INC.
$1.00 par common
BRANTLEY CAPITAL CORPORATION
$.01 par common
BRIGHAM EXPLORATION COMPANY
$.01 par common
BROAD NATIONAL BANCORPORATION (New Jersey)
9.5% preferred securities
BROOKDALE LIVING COMMUNICATIONS, INC.
$.01 par common
CAL DIVE INTERNATIONAL, INC.
No par common
CARDIMA, INC.
$.001 par common
CAREY INTERNATIONAL, INC.
$.01 par common
CCF HOLDING COMPANY
$.10 par common
CENTENNIAL HEALTHCARE CORPORATION
$.01 par common
CHECKERS DRIVE-IN RESTAURANTS, INC.
Warrants (expire 12–22–2000)
CHROMAVISION MEDICAL SYSTEMS, INC.
$.01 par common Rights (expire 08–05–97)
CODORUS VALLEY BANCORP, INC. (Pennsylvania)
$2.50 par common
COINSTAR, INC.
$.001 par common
COMMUNITY BANCSHARES, INCORPORATED
$3.00 par common
COMMUNITY FINANCIAL CORPORATION (Illinois)
$.01 par common
COMMUNITY FIRST BANKING COMPANY (Georgia)
$.01 par common
CONCEPTS DIRECT, INC.
$.10 par common
COSMETIC CENTER, INC., THE
Class C, $.01 par common
CRAZY WOMAN CREEK BANCORP, INCORPORATED (New York)
$.10 par common
DECRANE AIRCRAFT HOLDINGS, INC.
$.01 par common
DOCDATA, N.V.
Ordinary shares (NLG .2)
DSI TOYS, INC.
$.01 par common
DTM CORPORATION
$.0002 par common
DUNN COMPUTER CORPORATION
$.001 par common
DXP ENTERPRISES, INC.
$.01 par common
ECO SOIL SYSTEMS, INC.
$.005 par common
ENDOGEN, INC.
$.01 par common
ENERGY SEARCH, INCORPORATED
No par common
EXPLORATION COMPANY, THE
$.01 par common
FAMOUS DAVE'S OF AMERICA
$.01 par common
FIDELITY BANCORP, INC.
FB capital trust preferred securities
FIRST SIERRA FINANCIAL, INC.
$.01 par common
FIRSTBANK CORPORATION (Idaho)
$.01 par common
FIRSTSERVICE CORPORATION
No par subordinate voting shares
FLAGSTAR BANCORP, INC.
$.01 par common
GENESYS TELECOMMUNICATIONS LABORATORIES, INC.
No par common
GLASTONBURY BANK & TRUST COMPANY (Connecticut)
$2.50 par common
GOLDEN TRIANGLE INDUSTRIES, INC.
$.001 par common
GREAT PLAINS SOFTWARE, INC.
$.01 par common
GREATER COMMUNITY BANCORP (New Jersey)
$.01 par common
10% preferred securities
GSB FINANCIAL CORPORATION
$.01 par common
GULFMARK OFFSHORE, INC.
$.01 par common
H.T.E., INC.
$.01 par common
HAGLER BAILLY, INC.
$.01 par common
HCB BANCSHARES, INC.
$.01 par common
HEALTHCARE RECOVERIES, INC.
$.001 par common
HESKA CORPORATION
$.001 par common
HOME CITY FINANCIAL CORPORATION
No par common
HUMPHREY HOSPITALITY TRUST, INC.
$.01 par common
INDEPENDENT BANK CORPORATION (Massachusetts)
9.28% cumulative trust preferred securities
INTEGRATED SURGICAL SYSTEMS, INC.
$.01 par common
INTERFERON SCIENCES, INC.
$.01 par common
INTERNATIONAL COMPUTEX, INC.
$.001 par common
INTERNATIONAL PRECIOUS METALS CORPORATION
No par common
INTEST CORPORATION

$.01 par common
IRIDIUM WORLD COMMUNICATIONS, LTD.
Class A, $.01 par common
ISL COMMUNICATIONS INCORPORATED
$.01 par common
JETFAX, INC.
$.01 par common
KAYNAR TECHNOLOGIES, INC.
$.01 par common
KEY FLORIDA BANCORP, INC.
$.01 par common
LAMALIE ASSOCIATES, INC.
$.01 par common
LASER POWER CORPORATION
$.001 par common
LEXINGTON HEALTHCARE GROUP, INC.
$.01 par common
Warrants (expire 05–19–2003)
LHS GROUP, INC.
$.01 par common
LIFE FINANCIAL CORPORATION
$.01 par common
LIGAND PHARMACEUTICALS, INC.
Warrants (expire 06–03–2000)
LONG BEACH FINANCIAL CORPORATION
$.001 par common
LUKENS MEDICAL CORPORATION
Class A, $.01 par common
MARATHON FINANCIAL CORPORATION
$1.00 par common
MAS TECHNOLOGY LIMITED
American Depositary Receipts
MELITA INTERNATIONAL CORPORATION
No par common
MER TELEMANAGEMENT SOLUTIONS, LTD.
No par common
MFC BANCORP LTD.
No par common
MIDDLE BAY OIL COMPANY, INC.
$.02 par common
MILESTONE SCIENTIFIC, INC.
$.001 par common
MILLBROOK PRESS, INC., THE
$.01 par common
MONOCACY BANCSHARES, INC. (Maryland)
$5.00 par common
MVSI, INC.
Warrants (expire 08–15–2000)
NATIONAL HEALTH ENHANCEMENT SYSTEMS, INC.
$.001 par common
NATIONAL PENN BANCSHARES, INC.
No par preferred stock
NEOMEDIA TECHNOLOGIES, INC.
$.01 par common
NETSPEAK CORPORATION
$.01 par common
NETWORK EVENT THEATER, INC.
$.01 par common
NEW CENTRUY FINANCIAL CORPORATION
$.01 par common
NEW ERA NETWORKS, INC.
$.0001 par common
NORD PACIFIC LIMITED
$.05 par common
OBJECTSOFT CORPORATION
$.001 par common
OCWEN ASSET INVESTMENT GROUP
$.01 par common
OLICOM A/S
Warrants (expire 06–12–2000)
ONSALE, INC.
$.001 par common
OPTISYSTEMS SOLUTIONS, LTD.
Ordinary shares (NIS .05)
Warrants (expire 06–12–2002)
ORBIT/FR, INC.
$.01 par common
PDK LABS, INC.
$.01 par common
PEAK INTERNATIONAL LIMITED
$.01 par common
PEAPOD, INC.
$.01 par common
PEOPLES HOME SAVINGS BANK (Pennsylvania)
No par common
PEOPLES-SIDNEY FINANCIAL CORPORATION
$.01 par common
PERITUS SOFTWARE SERVICES, INC.
$.01 par common
PREMIER FINANCIAL BANCORP, INC. (Kentucky)
No par preferred securities
PSW TECHNOLOGIES, INC.
$.01 par common
QUESTRON TECHNOLOGY, INC.
$.001 par common
QWEST COMMUNICATIONS INTERNATIONAL, INC.
$.01 par common
RACING CHAMPIONS CORPORATION
$.01 par common
RAMBUS, INC.
$.001 par common
RF MICRO DEVICES, INC.
No par common
RIVER VALLEY BANCORP (Indiana)
No par common
ROBOCOM SYSTEMS, INC.
$.01 par common
RWD TECHNOLOGIES, INC.
$.10 par common
RYANAIR HOLDINGS PLC
American Depositary Receipts
SAXTON INCORPORATED
$.001 par common
SCHICK TECHNOLOGIES, INC.
$.01 par common
SCHUFF STEEL COMPANY
$.001 par common
SEEC, INC.
$.01 par common
SILICOM LIMITED
Ordinary shares
SILVERADO GOLD MINES LTD.
No par common
SIMIONE CENTRAL HOLDINGS, INC.
$.001 par common
SIMMONS FIRST NATIONAL CORPORATION (Arkansas)
9.12% cumulative trust preferred securities
SOUTHERN MINERAL CORPORATION
$.01 par common
SOUTHWEST BANCORP, INC. (Oklahoma)
9.3% shares of beneficial interest capital trust
SPECTRX, INC.
$.001 par common
STAFF LEASING, INC.
$.01 par common
STAR TELECOMMUNICATIONS, INC.
$.01 par common
STEARNS & LEHMAN, INC.
No par common
STERLING BANCSHARES, INC.
Cumulative trust preferred
STERLING FINANCIAL CORPORATION
9.5% preferred securities
SUMMIT HOLDING SOUTHWEST, INC.
$.01 par common
SUNRISE EDUCATIONAL SERVICES, INC.
Series C, $1.00 par preferred
SYSCOMM INTERNATIONAL CORPORATION
$.01 par common
TALBERT MEDICAL MANAGEMENT HOLDINGS CORPORATION
$.01 par common
TAYLOR DEVICES, INC.
$.025 par common
TELEGEN CORPORATION
No par common
TELEGROUP, INC.
No par common
TIB FINANCIAL CORPORATION
$.10 par common
TLC THE LASER CENTER, INC.
No par common
TMCI ELECTRONICS, INC.
$.001 par common
TRANSCEND THERAPEUTICS, INC.
$.01 par common
TRIATHLON BROADCASTING COMPANY
Class A, $.01 par common
Depositary shares
TRIDENT ROWAN GROUP, INC.
Warrants (expire 06–05–2002)
TRIO-TECH INTERNATIONAL
No par common
TSI INTERNATIONAL SOFTWARE, LTD.
$.01 par common
VECTRA BANKING CORPORATION
VBC capital I cumulative capital securities
VIRAGEN EUROPE LTD.
$.01 par common
VIRGINIA GAS COMPANY
$.001 par common
Warrants (expire 10–11–2001)
VISTA MEDICAL TECHNOLOGIES, INC.
$.01 par common
WASHINGTON MUTUAL, INC.
Depositary shares
WASTE INDUSTRIES, INC.
No par common
WAYNE BANCORP, INC. (Ohio)
No par common
WESTERN BANCORP (California)
No par common
WHEELS SPORTS GROUP, INC.
Warrants (expire 04–16–2002)
WILSONS THE LEATHER EXPERTS
$.01 par common
Warrants (expire 05–27–2000)
WORLD OF SCIENCE, INC.
$.01 par common

Deletions From the Foreign Margin List

Australia

ADVANCE BANK AUSTRALIA LIMITED
Ordinary shares, par A$1.00
CRA LIMITED
Ordinary shares, par A$2.00

Austria

UNIVERSALE-BAU AG
Ordinary shares, par 100 Austrian schillings

Belgium

ARBED-ACIER REUNIE DE BURBACH-EICH-DUDEL
No par participating certificates
UCB SA
No par capital
UCB SA
No par ordinary capital

Brazil

LIGHT PARTICIPACOES, S.A. (LIGHT PAR)
No par common

Canada

ABITIBI-PRICE INC.
No par common
AVENDOR INC.
No par common
BRE-X MINERALS LTD.
No par common
HEES INTERNATIONAL BANCORP INC.
No par common
STONE-CONSOLIDATED CORP.
No par common
SUNCOR INC.
No par common

Denmark

OTICON HOLDING A/S
Ordinary shares, par 20 Danish krone

France

AXA SA
Ordinary shares, par 60 French francs
COMPAGNIE GENERALE DE GEOPHYSIQUE SA
Ordinary shares, par 10 French francs
CREDIT FONCIER DE FRANCE SA
Ordinary shares, par 100 French francs
DMC-DOLLFUS-MIEG & CIE SA
Ordinary shares, par 75 French francs
FINEXTEL SA
Ordinary shares, par 100 French francs
GROUPE SEB SA
Ordinary shares, par 20 French francs
LEGRIS INDUSTRIES SA
Ordinary shares, par 20 French francs
LYONNAISE DES EAUX SA
Ordinary shares, par 60 French francs
NORD EST SA
Ordinary shares, par 50 French francs
ROUSSEL UCLAF SA
Ordinary shares, par 20 French francs
SAINT LOUIS SA
Ordinary shares, par 100 French francs
SOCIETE DES IMMEUBLES DE FRANCE SA
Ordinary shares, par 50 French francs
SOCIETE FINANCIERE INTERBAIL SA
Ordinary shares, par 100 French francs
TAITTINGER SA
Ordinary shares, par 150 French francs

Germany

RHEINELEKTRA AG
Bearer shares, par DM 50

Italy

BANCA COMMERCIALE ITALIANA SPA
Non-convertible savings shares, par 1000 lira
CIR-COMPAGNIE INDUSTRIALI RIUNITE SPA
Non-convertible savings shares, par 1000 lira
CREDITO ITALIANO SPA
Non-convertible savings shares, par 500 lira
GEMINA GEN MOBIL INTER AZIONARIE SPA
Ordinary shares, par 500 lira
SASIB SPA
Ordinary shares, par 1000 lira
SOCIETA ASSICURATRICE INDUSTRIALE SPA
Non-convertible savings shares, par 1000 lira
TORO ASSICURAZIONI CIA ANOMIA D'ASSICU.
Non-convertible savings shares, par 1000 lira
UNICEM SPA
Non-convertible savings shares, par 1000 lira

Japan

NIPPONDENSO CO., LTD.
¥ 50 par common

Norway

AKER ASA
A Free Shares, par 20 Norwegian krone
AKER ASA
B Free Shares, par 20 Norwegian krone
MYCOMED ASA
B Ordinary Common, par 4 Norwegian krone
UNI STOREBRAND A/S
A Ordinary Common, par 5 Norwegian krone
UNI STOREBRAND ASA
Convertible Preferred A Shares, par 5 Norwegian krone

Singapore

AURIC PACIFIC GROUP
Ordinary shares, par S$0.50
FAR EAST LEVINGSTONE SHIPBUILDING LTD.
Ordinary shares, par S$0.50
JARDINE MALLIESON HOLDINGS, LTD.
Ordinary Shares, par S$.25
STRAITS STEAMSHIP LAND LTD.
Ordinary shares, par S$0.50

Spain

CUBIERTAS Y MZOV S.A., COMPANIA GENERAL
Bearer shares, par 1000 pesetas
EL AGUILA S.A.
Bearer shares, par 500 pesetas
SARRIO S.A.
Bearer shares, par 500 pesetas

Switzerland

CS HOLDING
Registered shares, par 20 Swiss francs
FORBO HOLDING AG
Registered shares, par 50 Swiss francs
GEORG FISCHER AG
Bearer shares, par 500 Swiss francs
MOTOR-COLUMBUS AG
Bearer shares, par 500 Swiss francs
SULZER AG
Participation Certificates, par 100 Swiss francs
SWISSAIR SCHWEIZERISCHE LUFTVERKEHR AG
Registered shares, par 350 Swiss francs

Thailand

UNION ASIA FINANCE PUBLIC CO. LTD.
Common shares, par 10 Thai baht

United Kingdom

AMVESCO PLC
Ordinary shares, par 25 p
BURMAH OIL PLC, THE
Ordinary shares, par value 100 p
EAST MIDLANDS ELECTRICITY PLC
Ordinary shares, par 50 p
ENGLISH CHINA CLAYS PLC
Ordinary shares, par 25 p
LUCAS INDUSTRIES PLC
Ordinary shares, par 25 p
RTZ CORPORATION PLC
Ordinary shares, par 10 p

Additions to the Foreign Margin List

Australia

RIO TINTO LIMITED
Ordinary shares, par A$2.00

Austria

FLUGHAFEN VIEN
Ordinary shares, par 100 Austrian schillings
WOLFORD AG
Ordinary shares, par 100 Austrian schillings

Belgium

BARCO NV
Ordinary shares, no par
COLRUYT S.A.
Ordinary shares, no par
CREDIT COMMUNAL HOLDING/DEPIA
Ordinary shares, no par
NATIONAL PORTEFEUILLE S.A.
Ordinary shares, no par
UNION MINIERE S.A.
Ordinary shares, no par

Brazil

LIGHT SERVICIOS DE ELECTRICIDADE S.A.
No par common

Canada

ABITIBI-CONSOLIDATED, INC.
No par common
AGRIUM, INC.
No par common
ALLIANCE FOREST PRODUCTS, INC.
No par common
AVENOR, INC.
No par common
B.C. GAS, INC.
No par common
CRESTAR ENERGY, INC.
No par common
EURO-NEVADA MINING CORPORATION
No par common
FINNING LIMITED
No par common
HUDSON'S BAY COMPANY
No par common
MDS, INC.
No par Class B common
NEWCOURT CREDIT GROUP, INC.
No par common
PAN CANADIAN PETROLEUM LIMITED
No par common
PHILIP SERVICES CORPORATION
No par common
QUEBECOR, INC.
No par Class B common
ROYAL GROUP TECHNOLOGIES LIMITED
No par common
SUNCOR ENERGY, INC.
No par common
TELEGLOBE, INC.

No par common
TRIMARK FINANCIAL CORPORATION
No par common

Denmark

WILLIAM DEMANT HOLDINGS
Ordinary shares, par 5 Danish krone

France

AXA–UAP SA
Ordinary shares, par 60 French francs
CETELEM SA
Ordinary shares, par 45 French francs
LEGRAND SA
Preferred shares, par 10 French francs
REXEL SA
Ordinary shares, par 20 French francs
SEB SA
Ordinary shares, par 20 French francs
SODEXHO ALLIANCE SA
Ordinary shares, par 20 French francs
SUEZ-LYONNAISE DES EAUX SA
Ordinary shares, par 60 French francs

Germany

LAHMEYER AG
Bearer shares, par DM 50

Ireland

RYANAIR HOLDINGS PLC
Ordinary shares, par .04 Irish pound

Italy

BANCA FIDEURAM SPA
Ordinary shares, par 500 lira
BENETTON GROUP SPA
Ordinary shares, par 500 lira
EDISON SPA
Ordinary shares, par 1000 lira
PARMALAT FINANZIARIA
Ordinary shares par 1000 lira
ROLO BANCA 1473 SPA
Ordinary shares, par 1000 lira

Japan

DENSO CORPORATION
¥ 50 par common

Norway

AKER RGI ASA
A Free shares par 20 Norwegian krone
AKER RGI ASA
B Free shares, par 20 Norwegian krone
NYCOMED ASA
B ordinary common, par 4 Norwegian krone
STOREBRAND AS
A ordinary common, par 5 Norwegian krone
STOREBRAND AS
Convertible preferred A shares, par 5 Norwegian krone

Singapore

JARDINE MATTHESON HOLDINGS, LTD.
Ordinary shares, par $.25
KEPPEL FAR EAST LEVINGSTONE SHIPBUILDING, LTD.
Ordinary shares, par S$.50
KEPPEL LAND LTD.
Ordinary shares, par S$.50

Spain

GRUPO ACCIONA
Bearer shares, par 1000 pesetas

Switzerland

CREDIT SUISSE GROUP
Registered shares, par 20 Swiss francs
SAIR GROUP AG
Registered shares, par 350 Swiss francs
SCHWEIZERISCHE BANKGESELLSCHAFT (UNION BANK OF)
Registered shares, par 20 Swiss francs
SULZER AG par 100 Swiss francs

United Kingdom

AMVESCAP PLC
Ordinary shares, par 25 p
ECC GROUP PLC
Ordinary shares, par 25 p
EMI GROUP PLC
Ordinary shares, par 25 p
GALLAHER GROUP PLC
Ordinary shares, par 10 p
HALIFAX PLC
Ordinary shares, par 20 p
IMPERIAL TOBACCO GROUP PLC
Ordinary shares, par 10 p
LUCASVARITY PLC
Ordinary shares, par 25 p
RIO TINTO PLC
Ordinary shares, par 10 p

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), July 23, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–19806 Filed 7–25–97; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–26–AD; Amendment 39–10085; AD 97–15–11]

RIN 2120–AA64

Airworthiness Directives; Avco Lycoming and Textron Lycoming Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Avco Lycoming and Textron Lycoming reciprocating engines, that currently requires removal from service of defective piston pins, and replacement with serviceable parts. This amendment adds additional affected engine models that may have defective piston pins installed, and references a revised service bulletin. This amendment is prompted by the determination that additional engine models may have defective piston pins installed. The actions specified by this AD are intended to prevent piston pin failure, which could result in engine failure.

DATES: Effective August 12, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 12, 1997.

Comments for inclusion in the Rules Docket must be received on or before September 26, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–ANE–26–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Textron Lycoming, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Franco Pieri and Pat Perrotta, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth St., Valley Stream, NY 11581; telephone (516) 256-7526 and (516) 256–7534, fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On December 26, 1996, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 97–01–03, Amendment 39–9874 (62 FR 307, January 3, 1997), to require removal from service of defective piston pins, and replacement with serviceable parts. That action was prompted by a report that a quantity of piston pins, marked with code 17328, were produced that did not meet manufacturing specifications. That condition, if not corrected, could result in piston pin failure, which could result in engine failure.

On February 5, 1997, the FAA issued a correction to AD 97–01–03 (62 FR 7671, February 20, 1997) that renumbered a misdesignated paragraph.

Since the issuance of that AD, the FAA has received a report from the manufacturer that additional engine models may have had defective piston pins installed.

The FAA has reviewed and approved the technical contents of Textron

Lycoming Mandatory Service Bulletin (SB) No. 527C, dated April 18, 1997, that adds additional affected engine models and lists serial numbers (S/Ns) of additional engines manufactured, remanufactured, or overhauled by Textron Lycoming during the time period that defective piston pins could have been installed, and describes procedures for removal from service of defective piston pins, and replacement with serviceable parts.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes AD 97–01–03 to require removal from service of defective piston pins, and replacement with serviceable parts. This AD adds additional affected engine models that may have defective piston pins installed, and references a revised service bulletin. The actions are required to be accomplished in accordance with the Mandatory SB described previously.

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–ANE–26–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-9874, (62 FR 307, January 3, 1997), corrected (62 FR 7671, February 20, 1997), and by adding a new airworthiness directive, Amendment 39–10085, to read as follows:

97–15–11 Avco Lycoming and Textron Lycoming: Amendment 39–10085. Docket 97–ANE–26–AD. Supersedes AD 97–01–03, Amendment 39–9874.

Applicability: Avco Lycoming and Textron Lycoming O–320, IO–320, LIO–320, AIO–320, AEIO–320, O–360, LO–360, IO–360, LIO–360, VO–360, IVO–360, HO–360, HIO–360, LHIO–360, AIO–360, AEIO–360, TIO–360, TO–360, LTO–360, LTIO–360, O–480, GO–480, IGO–480, GSO–480, IGSO–480, O–540 (except O–540–J1A5D, –J1C5D, –J2A5D, –J3A5D, –J3C5D, –L3C5D), IO–540 (except IO–540–W1A5D, –W3A5D, –AB1A5), AEIO–540, TIO–540, LTIO–540, VO–540, IVO–540, TVO–540, TIVO–540, HIO–540, IGO–540, IGSO–540, TIO–541, TIGO–541, and IO–720 series reciprocating engines, that meet any one of the following conditions:

1. Engines with serial numbers (S/Ns) listed in Textron Lycoming Mandatory Service Bulletin (SB) No. 527C, dated April 18, 1997; or

2. Engines that had Textron Lycoming cylinder kits installed after December 15, 1995; or

3. Engines that have been overhauled, or had cylinder head maintenance performed, by a repair facility other than Textron Lycoming after December 15, 1995.

These engines are installed on but not limited to reciprocating engine powered aircraft manufactured by Aerospatiale, Bellanca, Cessna, The New Piper Company, Beech, Schweizer, Maule, and Mooney.

Note 1: A maintenance records check may allow an owner or operator to determine if this AD applies.

Note 2: This airworthiness directive (AD) applies to each engine 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 engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent piston pin failure, which could result in engine failure, accomplish the following:

(a) No action is required for engines that have been inspected in accordance with AD 97–01–03.

(b) For engines that have not been inspected in accordance with AD 97–01–03, and with S/Ns listed in Textron Lycoming Mandatory SB No. 527C, dated April 18, 1997, accomplish the following:

(1) Check the piston pin code in accordance with Textron Lycoming SB No. 527C, dated April 18, 1997 in accordance with the following schedule:

(i) For engines with 45 hours or more time in service (TIS) since the engine was shipped from Textron Lycoming, since overhaul, since installation of a cylinder kit, or since installation of a replacement piston pin, as applicable, accomplish within 5 hours TIS after the effective date of this AD.

(ii) For engines with less than 45 hours TIS since the engine was shipped from Textron Lycoming, since overhaul, since installation of a cylinder kit, or since installation of a replacement piston pin, as applicable, accomplish prior to accumulating 50 hours TIS since the applicable date.

(2) Remove from service piston pins, Part Number (P/N) LW–14077, code 17328, and replace with serviceable piston pins.

(c) For all other affected engines that have not been inspected in accordance with AD 97–01–03, determine if a suspect piston pin, P/N LW–14077, code 17328 could have been installed, in accordance with Textron Lycoming Mandatory SB No. 527C, dated April 18, 1997, and accomplish the following:

(1) If it is determined that suspect piston pins, P/N LW–14077, code 17328 could have been installed, accomplish paragraphs (b)(1) and (b)(2) of this AD

(2) If it is determined that suspect piston pins, P/N LW–14077, code 17328 could not have been installed, no further action is required.

(3) If it can not be determined if the suspect piston pins, P/N LW–14077, code 17328 were installed, accomplish paragraphs (b)(1) and (b)(2) of this AD.

(d) For the purpose of this AD, a serviceable piston pin is a piston pin, P/N LW–14077, with a piston pin code of ''BN'' or ''71238.'' Installation of a piston pin, P/N LW–14077, with a piston pin code of ''17328'' is prohibited after the effective date of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the New York Aircraft Certification Office.

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

(g) The actions required by this AD shall be done in accordance with the following Textron Lycoming Mandatory SB:

Document No.	Pages	Date
527C	1–4	April 18, 1997.
Attachment I	1–6	April 18, 1997.
Attachment II	1	April 18, 1997.
Total	11	

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Textron Lycoming, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on August 12, 1997.

Issued in Burlington, Massachusetts, on July 10, 1997.

Ronald L. Vavruska,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 97–19326 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–56–AD; Amendment 39–10088; AD 97–15–14]

RIN 2120–AA64

Airworthiness Directives; Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. Model P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. (Piaggio) Model P–180 airplanes. This action requires inspecting for cracks around the vertical pin and the torque tube bottom flange of the rudder, and the fasteners that connect the torque tube to the bottom flange (torque tube bottom flange assembly). If cracks are not found, repetitively inspect until cracks are visible. If cracks are evident, this action requires modifying the rudder torque tube bottom flange assembly by replacing the cracked part with a part of improved design, which terminates the repetitive inspection. This AD is the result of several reports of fatigue cracks around the pin that vertically supports the rudder axle. The actions specified by this AD are intended to prevent fatigue cracks in the rudder torque tube bottom flange, which could result in loss of rudder control and possible loss of the airplane.

DATES: Effective September 19, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 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 96–CE–56–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, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6934; 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 Piaggio Model P–180 airplanes was published in the **Federal Register** on February 24, 1997 (62 FR 8196). The action proposed to require inspecting for cracks in the torque tube bottom flange, the fasteners, and vertical support pin of the rudder; and, if cracks are found, modifying the rudder torque tube bottom flange assembly by replacing the cracked part with a part of improved design. If no cracks are found, the proposed action would require repetitively inspecting the area until cracks appear and then modifying the rudder torque tube bottom flange assembly (part number (P/N) 80–373108–103 or an FAA approved equivalent) by replacing the cracked part with a part of improved design (P/N 80–373201–001 or an FAA approved equivalent). Accomplishment of the proposed modification would be in accordance with Piaggio Service Bulletin (SB) 80–0076, ORIGINAL ISSUE: May 30, 1995.

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, including the service 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.

Differences Between the AD, Service Bulletin, and RAI AD

I.A.M. Rinaldo Piaggio SB 80–0076, Original Issue May 30, 1995, and the RAI AD No. 95–183, dated July 3, 1995, specify repetitively inspecting every 500 hours time-in-service (TIS) using a dye penetrant method, and if the crack lengths are greater than 6 mm, the part must be replaced prior to further flight. If the crack lengths are greater than 3 mm, but less than 6 mm, the part must be replaced within the next 50 hours TIS; and, if the cracks are less than 3 mm, then the parts must be replaced within the next 100 hours TIS.

The FAA has established a policy to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. The torque tube bottom flange, the fasteners, and the vertical support pin in the rudder (torque tube bottom flange assembly) are considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this area. For this reason, the FAA has determined that AD action should be taken to require replacement of any cracked torque tube bottom flange assembly in the rudder.

Cost Impact

The FAA estimates that 4 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish the initial inspection and that the average labor rate is approximately $60 an hour. Parts are not accounted for in this cost analysis because, on some airplanes, cracks may never be discovered during one of these inspections. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,440 ($360 per airplane). The FAA is not taking into account the cost for the repetitive inspections because there is no way to determine the number of repetitive inspections that will be incurred over the life of the airplane.

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 USC 106(g), 40113, 44701.

§39.13 [Amended]

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

97–15–14 Industrie Aeronautiche E Meccaniche Rinaldo PIAGGIO S.P.A. (PIAGGIO): Amendment No. 39–10088; Docket No. 96–CE–56–AD.

Applicability: Model P–180 airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to the 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 the airplane that has been modified, altered, or repaired so that the performance of the requirements of this AD are affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) 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 (TIS) after the effective date of this AD, unless already accomplished, and thereafter as indicated in the body of this AD.

To prevent fatigue cracks in the rudder torque tube bottom flange assembly, which could result in loss of rudder control and possible loss of the airplane, accomplish the following:

(a) Inspect the torque tube bottom flange assembly of the rudder for cracks (using a dye penetrant method) and visually inspect for cracks in the fasteners that connect the torque tube to the bottom flange.

Note 2: The inspection in Part A of the Compliance section of Piaggio Service Bulletin (SB) 80–0076, ORIGINAL ISSUE: May 30, 1995, uses different criteria than the inspection required in paragraph (a) of this AD. This AD takes precedence over Piaggio SB 80–0076.

(b) If cracks are found, prior to further flight, modify the rudder torque tube bottom flange assembly by replacing the cracked part with a part of improved design in accordance with Part B and Attachment #1 of the ACCOMPLISHMENT INSTRUCTIONS of Piaggio SB 80–0076, ORIGINAL ISSUE: May 30, 1995.

(c) If no cracks are found, continue to inspect at intervals not to exceed 100 hours TIS thereafter, until cracks appear. If cracks appear during any inspection required by this AD, prior to further flight, modify the rudder torque tube bottom flange assembly by replacing the cracked part with a part of improved design in accordance with Part B and Attachment #1 of the ACCOMPLISHMENT INSTRUCTIONS of Piaggio SB 80–0076, ORIGINAL ISSUE: May 30, 1995.

(d) Modifying the rudder torque tube bottom flange assembly by replacing torque tube bottom flange assembly with an improved torque tube bottom flange assembly as specified in paragraphs (b) and (c) of this AD is considered a terminating action for the repetitive inspections required in paragraph (c) of this AD.

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, 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.

(g) The inspections, modification, and replacement required by this AD shall be done in accordance with Piaggio Service Bulletin 80–0076, ORIGINAL ISSUE: May 30, 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 of this service bulletin may be obtained from Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A., Via Ciobrario, 4 16154 Genoa, Italy. Copies of this document 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.

(h) This amendment (39–10088) becomes effective on September 19, 1997.

Issued in Kansas City, Missouri, on July 16, 1997.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–19439 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–221–AD; Amendment 39–10089; AD 97–15–17]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that requires replacing the Abex alternating current (AC) electric motor with a new modified Abex AC electric motor having an improved fan. This amendment is prompted by reports indicating that the integrated hydraulic package (IHP) unit stopped functioning during flight because the fan on the AC electric motor came into contact with the housing of the motor due to inadequate clearance. The actions specified by this AD are intended to prevent loss of IHP function, which, if combined with other hydraulic system failures, could result in reduced controllability of the airplane.

DATES: Effective September 2, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 2, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1721; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes was published in the **Federal Register** on April 30, 1997 (62 FR 23402). That action proposed to require replacing the Abex alternating current (AC) electric motor with a new modified Abex AC electric motor having an improved fan.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 2 Saab Model SAAB 2000 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $960, or $480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–15–17 SAAB Aircraft SB: Amendment 39–10089. Docket 96–NM–221–AD.

Applicability: Model SAAB 2000 series airplanes, serial numbers –004 through –029 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in

accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the integrated hydraulic package (IHP) function, which, if combined with other hydraulic system failures, could result in reduced controllability of the airplane, accomplish the following:

(a) Within 4 months after the effective date of this AD, replace the Abex alternating current (AC) electric motor with a new modified Abex AC electric motor having an improved fan, in accordance with Saab Service Bulletin 2000–29–004, dated September 18, 1995, including Attachment 1 (Abex NWL Service Bulletin 42103–29–232, dated August 23, 1995) and Attachment 2 (Abex NWL Service Bulletin 4208901–29–232, dated September 15, 1995).

(b) As of the effective date of this AD, no person shall install an Abex AC electrical motor, part number (P/N) 42103, Model HPS1VC–02; or an Abex AC electrical motor, P/N 4208901, Model HPS1VC–01–01; on any airplane.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(e) The replacement shall be done in accordance with Saab Service Bulletin 2000–29–004, dated September 18, 1995, including Attachment 1 (Abex NWL Service Bulletin 42103–29–232, dated August 23, 1995) and Attachment 2 (Abex NWL Service Bulletin 4208901–29–232, dated September 15, 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 from SAAB Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on September 2, 1997.

Issued in Renton, Washington, on July 18, 1997.

Gary L. Killion,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–19472 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–137–AD; Amendment 39–10090; AD 97–16–01]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain British Aerospace (Jetstream) Model 4101 airplanes. This action requires repetitive detailed visual inspections to detect cracks of the shear cleats of the roller guide structural support of the passenger door, and replacement of any cracked shear cleat with a new shear cleat. This action also provides for an optional terminating modification that constitutes terminating action for the repetitive inspections. This amendment is prompted by a report indicating that fatigue cracking was found in the roller guide shear cleats of the passenger door. The actions specified in this AD are intended to detect and correct such fatigue-related cracking, which could result in structural failure of the passenger door, and consequent rapid depressurization of the airplane or loss of the passenger door while the airplane is in flight.

DATES: Effective August 12, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 12, 1997.

Comments for inclusion in the Rules Docket must be received on or before September 26, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–137–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bud Schroeder, Aerospace Engineer, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2148; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace (Jetstream) Model 4101 airplanes. The CAA advises that, during full-scale fatigue tests on a Jetstream Model 4101 test article, cracking was found in the roller guide shear cleats of the passenger door. Such cracking also was found during in-service maintenance inspections. This cracking is attributed to fatigue-related stress. Fatigue-related cracking in the roller guide shear cleats of the passenger door, if not detected and corrected in a timely manner, could result in structural failure of the passenger door, and consequent rapid depressurization of the airplane or loss of the passenger door while the airplane is in flight.

Explanation of Relevant Service Information

British Aerospace has issued Jetstream Alert Service Bulletin J41–A52–043, Revision 2, dated May 6, 1997, which describes procedures for repetitive detailed visual inspections to detect cracks of the roller guide shear cleats of the passenger door. The service bulletin also describes procedures for replacement of any cracked shear cleat with a new shear cleat. The CAA classified the alert service bulletin as mandatory and issued British airworthiness directive 003–03–97 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

British Aerospace also has issued Jetstream Service Bulletin J41–52–050, dated May 6, 1997. The service bulletin describes procedures for modification of the passenger door, which will eliminate the need for repetitive detailed visual inspections. The modification involves installation of a one-piece machined abutment fitting to replace the existing roller guide

intercostal and loose shear cleats of the passenger door. The modification will strengthen the structural support of the roller guides of the passenger door, which will minimize the possibility of fatigue cracking in the roller guide support structure.

FAA's Conclusions

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

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to detect and correct fatigue-related cracking in the shear cleats of the roller guide structural support of the passenger door, which could result in structural failure of the passenger door, and consequent rapid depressurization of the airplane or loss of the passenger door while the airplane is in flight. This AD requires repetitive detailed visual inspections to detect cracks of the roller guide shear cleats of the passenger door, and replacement of any cracked shear cleat with a new shear cleat. This AD also provides for an optional terminating modification that constitutes terminating action for the repetitive inspection requirements. The actions are required to be accomplished in accordance with the service bulletins described previously.

Differences Between the AD and the Related Foreign AD

Operators should note that, while it is not the FAA's normal policy to allow flight with known cracks, this AD does permit further flight when one roller guide shear cleat of the passenger door is cracked within certain limits. The results of a review, conducted by the manufacturer, shows that the subject passenger door continues to comply with the applicable certification basis when cracking in all eight of roller guide shear cleats does not exceed certain limits. Therefore, according to the review, if certain crack size limits are strictly observed, and corrective action is taken to replace all cracked shear cleats within a certain number of landings, the cracks will not grow to a size that would create an unacceptable risk of structural failure. The CAA concurs with the findings of this review. In consideration of these findings and based on the FAA's criteria for flight with known cracking, the FAA has determined that further flight when one roller guide shear cleat of the passenger door is cracked within certain limits is permissible for an interim period. However, the FAA has determined that further flight with widespread (i.e., more than one crack) known cracking is not permitted. Therefore, for cases where more than one cracked shear cleat is detected within certain limits, this AD requires replacement of all cracked shear cleats prior to further flight.

Interim Action

The FAA is considering further rulemaking action to supersede this AD to require the accomplishment of the optional terminating modification currently specified in this AD. However, the planned compliance time for accomplishment of that action is sufficiently long so that prior notice and time for public comment will be practicable.

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–137–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the

Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–16–01 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited, British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10090. Docket 97–NM–137–AD.

Applicability: Jetstream Model 4101 airplanes, constructors numbers 41004 through 41099 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue-related cracking in the shear cleats of the roller guide structural support of the passenger door, which could result in structural failure of the passenger door, and consequent rapid depressurization of the airplane or loss of the passenger door while the airplane is in flight, accomplish the following:

(a) Except as provided by paragraph (b) of this AD: Prior to the accumulation of 6,000 landings, or within 60 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracks of the shear cleats of the roller guide structural support of the passenger door, in accordance with Part 1 of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41–A52–043, Revision 2, dated May 6, 1997. Repeat the detailed visual inspection, as specified in Part 2 of the Accomplishment Instructions of the alert service bulletin, thereafter at intervals not to exceed 1,500 landings.

Note 2: Accomplishment of the initial detailed visual inspection prior to the effective date of this AD in accordance with Jetstream Alert Service Bulletin J41–52–043, dated March 14, 1997, or Revision 1, dated April 11, 1997, is considered acceptable for compliance with the initial inspection required by paragraph (a) of this AD.

(1) If one cracked shear cleat is detected, and the crack is greater than 0.50 inches, prior to further flight, replace the cracked shear cleat with a new shear cleat in accordance with the alert service bulletin.

(2) If one cracked shear cleat is detected, and the crack is less than or equal to 0.50 inches, within 170 landings following accomplishment of the inspection required by this paragraph, replace the cracked shear cleat with a new shear cleat in accordance with the alert service bulletin.

(3) If more than one cracked shear cleat is detected, but no single crack is greater than 0.50 inches in length, prior to further flight, replace all cracked shear cleats with new shear cleats, in accordance with the alert service bulletin.

(b) For airplanes on which all shear cleats have been replaced: Inspect as required by paragraph (a) of this AD, prior to the accumulation of 6,000 total landings on the highest time new shear cleat, or within 60 days after the effective date of this AD, whichever occurs later. Repeat the detailed visual inspection thereafter at intervals not to exceed 1,500 landings.

(c) Modification of the passenger door (i.e. Modification No. JM41576) in accordance with Jetstream Service Bulletin J41–52–050, dated May 6, 1997, constitutes terminating action for the repetitive inspection requirements of paragraphs (a) and (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(f) The inspections shall be done in accordance with Jetstream Alert Service Bulletin J41–A52–043, Revision 2, dated May 6, 1997. The modification shall be done in accordance with Jetstream Service Bulletin J41–52–050, dated May 6, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on August 12, 1997.

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

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–19599 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8145]

Income Tax; Allocation of Interest Expense Among Expenditures; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to temporary regulations (TD 8145), which were published in the **Federal Register** on Thursday, July 2, 1987 (52 FR 24996) relating to the allocation of interest expense among a taxpayer's expenditures.

EFFECTIVE DATE: July 2, 1987.

FOR FURTHER INFORMATION CONTACT: John Fischer, (202) 622–4950, (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of this correction are under section 163 of the Internal Revenue Code.

Need for Correction

As published, temporary regulations (TD 8145) contains an error which may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correcting Amendment to Regulations

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

§ 1.163–8T [Corrected]

Par. 2. In § 1.163–8T, paragraph (e) immediately following *Example (2)* in paragraph (c)(2)(iii) is redesignated as paragraph (c)(3) to read as follows:

§ 1.163–8T Allocation of interest expense among expenditures (temporary).

* * * * *

(c) * * *

(3) *Allocation of debt; proceeds not disbursed to borrower—(i) Third-party financing.* * * *

* * * * *

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97–19702 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8718]

RIN 1545–AS49

Arbitrage Restrictions on Tax-Exempt Bonds; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations (TD 8718) which were published in the **Federal Register** on Friday, May 9, 1997 (62 FR 25502). The final regulations relate to arbitrage and related restrictions applicable to tax-exempt bonds issued by State and local governments.

DATES: This correction is effective May 9, 1997.

FOR FURTHER INFORMATION CONTACT: David White, (202) 622–3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 148 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 8718) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (TD 8718) which are the subject of FR Doc. 97–12062 is corrected as follows:

1. On page 25505, column 3, in the preamble, under the paragraph heading ''*F. Effective Dates*'', line 2, the language ''effective for bonds issued on or after'' is corrected to read ''effective for bonds sold on or after''.

2. On page 25505, column 3, in the preamble, under the paragraph heading ''*F. Effective Dates*'', the last line, the language ''issued before July 8, 1997.'' is corrected to read ''sold before July 8, 1997.''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97–19815 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Transfer Treaty Cases

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule; correction.

SUMMARY: U.S. Parole Commission is correcting its regulation concerning prisoners transferred pursuant to a treaty to remove one redundant word. The intended effect is to improve the clarity of the regulation. The Parole Commission is also correcting the regulation to reflect the reduction in the number of hearing officers necessary to conduct a parole hearing. The reduction was originally made in the final rule published on July 25, 1996 (61 FR 38569).

EFFECTIVE DATE: July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492–5959.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole.

Accordingly, 28 CFR Part 2 is amended as follows:

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.62 [Amended]

2. Section 2.62(a)(6) is amended in the second sentence by removing the word ''set'' the second time it appears.

3. In § 2.62, in paragraph (h)(5), remove the words ''the panel'' in each place they occur, and add the words ''the examiner'' in their place.

Dated: July 21, 1997.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 97–19708 Filed 7–25–97; 8:45 am]

BILLING CODE 4410–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 97–034]

RIN 2115–AF46

Radar Requirements for Towing Vessels 300 Gross Tons or More

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: On July 3, 1996, the Coast Guard published a final rule requiring certain towing vessels of 12 meters (39.4 feet) or more in length, operating in the navigable waters of the United States other than the St. Lawrence Seaway, to be equipped with a marine radar. This final rule included a provision requiring, in some cases, towing vessels of 300 tons gross tonnage or more to have a radar that is azimuth stabilized. This requirement is scheduled to go into effect on August 2, 1997. Following issuance of the final rule, the Coast Guard received comments expressing concern about the need for and the expense of this requirement on vessels operating on inland routes. After reviewing this requirement with respect to towing vessels on inland waters, the Coast Guard is issuing a final rule which revises the radar requirement for a towing vessel of 300 tons gross tonnage or more engaged in towing on Western rivers and U.S. navigable waters other than Western rivers.

DATES: This rule is effective on July 28, 1997.

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

FOR FURTHER INFORMATION CONTACT: Mr. Edward LaRue, Navigation Rules Division (G–MOV–3), 202–267–0416.

Regulatory History

The regulatory history for this rulemaking is recounted in the preamble of the final rule entitled ''Navigation

Safety Equipment for Towing Vessels'' (61 FR 35064, July 3, 1996). After publication of the final rule, the Coast Guard received verbal comments expressing concern about the requirement for towing vessels 300 tons gross tonnage or more to have azimuth stabilized radar.

Background and Purpose

Background information on navigation safety equipment for towing vessels is provided in the preambles to the notice of proposed rulemaking (NPRM) (60 FR 55890; November 3, 1995) and the final rule (61 FR 35064; July 3, 1996).

Discussion of Comments and Changes

Verbal comments from the American Waterways Operators (AWO) received by the Coast Guard expressed concern about the radar requirement for towing vessels 300 tons gross tonnage or more to have azimuth stabilized radar. Because river maps published by the Army Corps of Engineers do not normally contain latitude and longitude references or a compass rose, the utility of an azimuth stabilized radar is greatly diminished. AWO concurred with the Coast Guard that this requirement was appropriate for towing vessels 300 gross tons or more, but was financially burdensome to towing vessels operating on inland routes. The Towing Safety Advisory Committee (TSAC) supported AWO's comments and stated that reducing the radar requirement would not reduce navigational safety. TSAC recommended that the Coast Guard amend the radar requirements for vessels 300 tons gross tonnage or more.

The Coast Guard concurs. This final rule will reduce the economic burden on the towing industry by changing the radar requirement for towing vessels 300 tons gross tonnage or more operating on certain U.S. navigable waters, including Western rivers. Because owners of towing vessels affected by the current radar requirement may be planning purchases of gyrocompasses or new radar to be in compliance with the August 2, 1997, implementation date, the Coast Guard desires that the reduced requirement become effective as soon as possible. The Coast Guard has determined that not requiring an azimuth stabilized radar for vessels on inland routes will not adversely affect safety and is consistent with the precepts of the original rulemaking (61 FR 35064, July 3, 1996).

TSAC also requested clarification of the language in the Radio Technical Commission for Maritime Services (RTCM) standards dealing with range performance. For towing vessels of less than 300 tons gross tonnage, performance is rated at an antenna height of 15 meters. The section then states parenthetically, ''the 15 meter height is a test criteria only and not an installation requirement.'' Although similar language is not used in the standards for vessels of 300 tons gross tonnage or more, the Coast Guard does apply the same logic. For vessels of 300 tons gross tonnage or more, the 15 meter height is a test criteria and not an installation requirement.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040 (February 26, 1979)).

A final Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT has been prepared for the final rule requiring radars on towing vessels (61 FR 35064; July 3, 1996) and is available in docket CGD 94–020 for inspection or copying where indicated under **ADDRESSES.**

In addition to the original rule's Regulatory Evaluation, the Coast Guard conducted a cost/benefit analysis based on this change of radar requirements. The Coast Guard has determined that approximately 400 towing vessels 300 tons gross tonnage or more would be affected by the azimuth stabilized radar requirement. This change would have created an economic burden to the regulated industry of approximately $8.4 million. The original regulatory Evaluation did not anticipate that vessels operating on the Western rivers or on inland waters would have to be outfitted with a gyrocompass, at a cost of approximately $21,000, in order to meet the radar requirements. The Coast Guard has determined that while a marine surface-navigation radar is an essential piece of navigational-safety equipment, for vessels operating in sheltered or protected waters the requirement to have the radar azimuth stabilized is not critical. Therefore, in this final rule the Coast Guard has removed the stabilization requirement for towing vessels operating on Western rivers and U.S. navigable waters other than Western rivers.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Approximately 200 towing vessels owned and operated by an estimated 45 small entities would save $21,000 per vessel by this rule. Therefore, the Coast Guard certifies that under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities and is, in fact, beneficial to them.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small business and need assistance understanding the provisions of this rule, please contact the Coast Guard Captain of the Port (COTP) closest to your vessel's operational area.

Collection of Information

This final rule does not include any collection requirements nor change the collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) of the final rule published in the **Federal Register** (61 FR 35064).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraphs 2.B.2e(34) (d) and (e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule requires navigation safety equipment and the recordkeeping of the inspection and testing of said equipment. The environmental impact of this rule will be to reduce maritime accidents and oils spills in the marine environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection

or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 164

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

Dated: July 14, 1997.

R. C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

§ 164.72 [Amended]

2. Amend § 164.72 by revising paragraph (a)(1)(iii); designating and revising paragraph (a)(1)(iv) as (a)(1)(v); adding a new paragraph (a)(1)(iv); and revising paragraph (c) and table 164.72 to read as follows:

§ 164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(a) * * *

(1) * * *

(iii) For a vessel of 300 tons gross tonnage or more that engages in towing on navigable waters of the U.S., including Western rivers, the radar must meet—

(A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191–93/SC112–X, Version 1.2 except the requirements for azimuth stabilization in paragraph 3.10.

(iv) For a vessel of 300 tons gross tonnage or more that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet—

(A) The requirements of the FCC specified by 47 CFR Part 80; and

(B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191–93/SC112–X, Version 1.2.

(v) A towing vessel with an existing radar must meet the applicable requirements of paragraphs (a)(1) (i) through (iv) of this section by August 2, 1998; except that a towing vessel with an existing radar must meet the display and stabilization requirements of paragraph (a)(1)(ii)(B) of this section by August 2, 2001.

* * * * *

(c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length engaged in towing:

TABLE 164.72.—EQUIPMENT, CHARTS OR MAPS, AND PUBLICATIONS FOR TOWING VESSELS OF 12 METERS OR MORE IN LENGTH

	Western rivers	U.S. navigable waters other than western rivers	Waters seaward of navigable waters and 3 NM or more from shore on the Great Lakes
Marine Radar:			
Towing Vessels of Less Than 300 GT.	RTCM Paper 71–95/SC112–STD Version 1.1, Display Category II[1] Stabilization Category BRAVO.	RTCM Paper 71–95/SC112–STD Version 1.1, Display Category II[1] Stabilization Category BRAVO.	RTCM Paper 71–95/SC112–STD Version 1.1, Display Category I[2] Stabilization Category ALPHA.
Towing Vessels of 300 GT or More.	RTCM Paper 191–93/SC112–X Version 1.2 (except the Azmuth stabilization requirement in paragraph 3.10).[1].	RTCM Paper 191–93/SC112–X Version 1.2 (except the Azmuth stabilization requirement in paragraph 3.10).[1].	RTCM Paper 191–93/SC112–X Version 1.2.[1]
Searchlight	X	X	X
VHF–FM Radio	X	X	X
Magnetic Compass.	X[3]	X	X
Swing-Meter	X[3]		
Echo Depth-Sounding Device.		X	X
Electronic Position-Fixing Device.			X
Charts or Maps	(1) Large enough scale (2) Current edition or currently corrected edition.	(1) Large enough scale (2) Current edition or currently corrected edition.	(1) Large enough scale. (2) Currently corrected edition.
General Publications.	(1) U.S. Coast Guard Light List (2) Notices to Navigation or Local Notices to Mariners. (3) River-current Tables	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot	(1) U.S. Coast Guard Light List. (2) Local Notices to Mariners. (3) Tidal-current Tables. (4) Tide Tables. (5) U.S. Coast Pilot.

Notes:

[1] Towing vessels with existing radar must meet this requirement by August 2, 1998.

[2] Towing vessels with existing radar must meet this requirement by August 2, 1998 but do not need to meet the display and stabilization requirements until August 2, 2001.

[3] A towing vessel may carry either a swing-meter or a magnetic compass.

[FR Doc. 97–19782 Filed 7–25–97; 8:45 am]
BILLING CODE 4910–14–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05–96–010]

RIN 2115–AE84

Regulated Navigation Area; Delaware Bay and River, Salem River, Christina River, and Schuylkill River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations governing a regulated navigation area on the Delaware Bay and River. The changes extend the current regulated navigation area to include the Salem, Christina, and Schuylkill Rivers between Trenton, NJ, and the Delaware Breakwater. The changes also establish new regulations governing vessel movement within the expanded regulated navigation area. Many of these requirements were previously imposed on a case-by-case basis through issuance of temporary rules and Captain of the Port Orders. The Coast Guard believes these changes will increase public awareness and improve navigation safety within the regulated navigation area.

EFFECTIVE DATE: This rule is effective on August 27, 1997.

ADDRESSES: The comments and other materials referred to in this preamble are available for inspection or copying at the Marine Safety Office Philadelphia, PA during normal working hours between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lt Robert Hennessy, Assistant Chief, Port Operations Department (ACPOD), at the Marine Safety Office Philadelphia, PA, or by telephone at (215) 271–4883.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 7, 1996, the Coast Guard published a notice of proposed rulemaking entitled Regulated Navigation Area; Delaware Bay and River, Salem River, Christina River, and Schuylkill River in the **Federal Register** (61 FR 57599). The comment period ended February 5, 1997. The Coast Guard received two letters commenting on the proposal. No public hearing was requested, and none was held.

Background and Purpose

This rule is adopted as part of an overall safety program implemented by the Captain of the Port, Philadelphia, PA to enhance the safe transportation of certain dangerous cargoes in the Captain of the Port zone.

Existing 33 CFR 165.510 established a regulated navigation area for the waters of the Delaware Bay and Delaware River south of the Delaware Memorial Bridge. It prohibits a vessel with a draft of greater than 55 feet from entering the regulated navigation area. It also prohibits oil transfer operations within the regulated navigation area except within specified anchorage grounds or with the authorization of the Captain of the Port. This rule expands the regulated navigation area, applies it when vessels transit with dangerous cargoes, and imposes operational restrictions on vessels operating within the regulated navigation area.

In the past, the Captain of the Port, Philadelphia, established a temporary safety zone whenever a vessel carrying a specified dangerous cargo transited the area. The temporary safety zone regulations routinely prohibited entry into the waters surrounding the vessel and facility without specific permission from the Coast Guard. The COTP imposed operating restrictions, similar to the measures contained in this final rule, as a condition of entry into the safety zone. The temporary rules were often issued on short notice and, as a result, may not have been timely published in the **Federal Register**.

To avoid the need to issue temporary rules and improve the public's knowledge of potential restrictions on navigation, the Coast Guard is amending 33 CFR 165.510. Definitions routinely included in the temporary rules are included in the final rule. The final rule applies to all vessels operating in the regulated navigation area, except vessels engaged in law enforcement, servicing aids to navigation, or surveying, maintaining or improving the waterways (e.g., dredges and survey vessels). The 55-foot draft limitation is retained, but a note is added indicating that the project depth of the Delaware River is 40 feet. Vessel to vessel oil transfer operations, excluding bunkering, will continue to be prohibited within the regulated navigation area except within designated anchorage grounds or with permission of the COTP.

Both vessels carrying dangerous cargoes and vessels operating in the vicinity of vessels carrying dangerous cargoes must comply with operational requirements and restrictions. The master, owner, or operator of a vessel carrying dangerous cargo must give notice to the COTP at least 72 hours before entering or departing the regulated navigation area and at least 12 hours before any vessel movement within the regulated navigation area. The required notice must include a report of the vessel's propulsion and machinery status and, for foreign flag vessels, the notice must include any outstanding deficiencies identified by the flag state or classification society.

A vessel carrying dangerous cargo is prohibited from transiting within the regulated navigation area if visibility is or is expected to be less than two nautical miles. Anchoring is permitted only in an emergency or upon COTP approval. Unless the vessel has two separate and independent steering control systems with duplicate pilot house steering gear controls, the master, owner, or operator is required to maintain a manned watch within the steering gear compartment during any transit within the regulated navigation area. While at anchor, the master, owner, or operator is required to have the engines in a condition that full power would be available within five minutes whenever sustained winds exceeded 25 knots. If sustained winds reach or exceed 40 knots, the vessel's main engines must be on line. Each vessel is required to have emergency towing gear rigged while underway, at anchor, or moored. Transfer of dangerous cargo is also prohibited while a vessel is at anchor or bunkering.

Operational restrictions are also imposed on vessels operating in the vicinity of a vessel carrying dangerous cargo. While a vessel carrying dangerous cargo is underway, no vessel is permitted within 500 yards of either side or within 1000 yards of the bow or stern without permission of the COTP. No vessel is allowed within 100 yards of a moored or anchored vessel carrying dangerous cargo. Commercial vessels attending a vessel carrying dangerous cargo are allowed to transit within this area with permission from the master of the vessel carrying dangerous cargo. If permitted to enter, the vessel is required to maintain a continuous radio guard, operate at a ''no wake'' speed or the minimum speed to maintain steerage, and to proceed as otherwise directed by the COTP. No vessel is permitted to overtake a vessel carrying dangerous cargo unless the overtaking can be completed before reaching any bends in the channel and the masters or operators of both vessels clearly agree on arrangements for the overtaking.

Specific restrictions also apply to vessels operating above the C&D Canal.

A vessel carrying dangerous cargo is required to have a tug escort, and to the maximum extent possible, vessel masters or operators are required to avoid meeting situations on river bends.

This final rule includes a provision that the COTP will announce scheduled movements of vessels carrying dangerous cargoes via Broadcast Notices to Mariners. These broadcasts will not only alert the maritime public that restrictions will be in effect, but they will also allow mariners to plan activities to minimize the impact of the restrictions.

Discussion of Comments and Changes

Two respondents to the Notice of Proposed Rulemaking provided a number of specific comments on the proposed rule. One letter was from a company that operates barges which carry dangerous cargoes. The other letter was from the operator of a launch service.

One comment noted that the proposed rule, by incorporating the definition of dangerous cargoes provided in 33 CFR 160.203, would require barges carrying bulk cargoes listed in Table 1 of 46 CFR part 153 to adhere to the requirements of the NPRM. The Coast Guard's intention in this rulemaking was to establish a permanent rule to incorporate requirements previously imposed through issuance of temporary rules and Captain of the Port Orders. This rulemaking was not intended to expand the scope to apply restrictions to all barges carrying cargoes that were not previously subject to case-by-case restrictions. Therefore, for the purposes of this part, the definition of dangerous cargo excludes those substances listed in Table 1 of 46 CFR part 153 and referred to in § 160.203(d). Additionally, paragraph 510(f) of this rule has been changed to expressly not incorporate Table 1 of 46 CFR part 153.

Proposed § 165.510(b) defined COTP as Captain of the Port Philadelphia and any Coast Guard commissioned, warrant, or petty officer authorized to act on his or her behalf. One comment asked how the public would know that a commissioned, warrant or petty officer had been authorized to act on behalf of the COTP. Under existing Coast Guard policy, a commissioned, warrant, or petty officer is designated in writing to act on behalf of the COTP when he or she completes qualification requirements for various positions. A commissioned, warrant, or petty officer would not be assigned responsibilities onscene if he or she had not been delegated the necessary authority. However, if a member of the public has concerns about the authority behind a specific request or order, he or she should request clarification.

One comment questioned the exemption in proposed § 165.510(c) for vessels engaged in law enforcement, servicing aids to navigation, dredging, or surveying, maintaining, or improving waterways. The commenter disagreed that law enforcement vessels, vessels servicing aids to navigation, and survey vessels within the Regulated Navigation Area should be exempt from this rule at all times. Although the Coast Guard understands this concern, the final rule has not been changed. The exemption applies only to a vessel actually engaged in one of the specified activities within the Regulated Navigation Area, and not when a vessel is merely transiting. Additionally, the Coast Guard does not believe that the hazard to navigation created by a vessel conducting surveys or engaged in dredging is such that it should always be required to discontinue its operations when a vessel carrying dangerous cargo is transiting the area. However, the Coast Guard will closely monitor this activity on a case-by-case basis, and may require a vessel which poses a particular risk to cease operations and maintain an appropriate safe distance. The Coast Guard also believes that nothing in this rule relieves any master from the general requirement to operate his or her vessel in a prudent manner at all times.

In § 165.510(d) of the NPRM, the Coast Guard proposed a requirement that a vessel with a draft greater than 55 feet obtain permission of the Captain of the Port prior to transiting the area between the southern boundary of the Regulated Navigation Area and the southern span of the Delaware Memorial Bridge. The Coast Guard received no comments on this paragraph. The Coast Guard believes, however, that the wording in the proposed paragraph is unnecessarily confusing, and therefore has changed that wording to more clearly state that a vessel with a draft greater than 55 feet may not enter the Regulated Navigation Area without obtaining permission of the Captain of the Port. Also, in § 165.510(d) of the NPRM, the Coast Guard proposed adding a Note stating that the project depth of the Delaware River is 40 feet. The project depth in parts of the Delaware River, such as Newbold Channel is less than 40 feet, however. Therefore, the Coast Guard has changed the Note to eliminate possible confusion.

In § 165.510(e) of the NPRM, the Coast Guard proposed a requirement to prohibit oil transfer operations between the southern boundary of the RNA and the southern span of the Delaware Memorial Bridge except as authorized by the COTP or within the anchorage designated in 33 CFR 110.157(a)(1). The Coast Guard received no comments on this paragraph; however, after further consideration, the Coast Guard believes this requirement is unduly restrictive. As written, 165.510(e) prohibits oil transfer operations at fixed facilities, as well as all bunkering operations. This paragraph does not reflect the Coast Guard's intent to codify the current practice achieved through issuance of temporary safety zones. Therefore, the Coast Guard is amending § 165.510(e) to more precisely state that unless authorized by the COTP, no vessel to vessel oil transfer operations, excluding bunkering, may be conducted within the area between the southern boundary of the RNA and the southern span of the Delaware Memorial Bridge except within the anchorage ground designated in 33 CFR 110.157(a)(1).

In § 165.510(f)(6) of the NPRM, the Coast Guard proposed a requirement that a vessel carrying dangerous cargo and anchored within the regulated area have its main engines on five-minute standby when sustained winds are greater than 25 knots but less than 40 knots, and on line when sustained winds reached 40 knots or more. One comment suggested modifying this provision to require that engines be on five-minute standby when sustained winds are greater than 25 knots but less than 30 knots, on line when sustained winds are forecast to be greater than 30 knots but less than 40 knots, and that the vessel also have a pilot embarked and tug alongside whenever sustained winds of greater than 40 knots are forecast. The Coast Guard has carefully considered this comment, but has not changed the requirement in this final rule. The Coast Guard developed the proposed requirement after receiving input from the Philadelphia Maritime Advisory Committee and the Delaware Bay and River Pilots Association. Mariners must monitor weather forecasts in order to take the steps necessary to comply with this rule. Most vessels are capable of safely maintaining their positions at anchor or maneuvering as needed even if winds are 40 knots or greater. The Coast Guard will continue to monitor vessel and weather status. If a specific vessel poses a particular threat, the COTP may issue a COPT order requiring additional protective measures on a case-by-case basis. The COTP may also establish a temporary safety zone to limit vessel movement if severe weather, such as hurricane conditions, is forecast.

Another comment stated that the requirement in proposed § 165.510(g)

that passing vessels remain 500 yards from the sides and 1,000 yards from the bow or stern of a vessel carrying dangerous cargo would essentially halt all large commercial traffic during any transit of a vessel carrying dangerous cargo in most areas of the regulated area. The Coast Guard notes that a vessel may approach closer with COTP permission. It is not the Coast Guard's intent to stop all traffic within the port. The COTP may permit a vessel to enter within 500 yards from the sides and 1,000 yards from the bow or stern of a vessel carrying dangerous cargo if the masters or pilots of both vessels have coordinated safe passing arrangements. Therefore, the Coast Guard has not changed this provision in the final rule.

In § 165.510(g)(2)(ii) of the NPRM, the Coast Guard proposed a requirement that a master, owner, or operator of a vessel given permission to come or remain near a vessel carrying dangerous cargo under paragraph (g)(1) operate at a ''no wake'' speed or the minimum speed needed to maintain steerage, whichever is less. Although no comments were received on this paragraph, the Coast Guard believes that the wording in the proposed paragraph is unnecessarily confusing and could create an unsafe situation in the event that the ''no wake'' speed is less than the speed necessary to maintain steerage. Therefore, the Coast Guard has eliminated the phrase ''whichever is less'' from the final rule.

Section 165.510(h)(2) of the NPRM proposed additional requirements for vessels operating above the C&D Canal. The proposed paragraph required that a vessel carrying dangerous cargo and an oncoming vessel shall not meet at a relative speed greater than prudent under the prevailing weather conditions or 20 knots, whichever is less. The Coast Guard did not receive comments on this paragraph; however, upon further review, the Coast Guard believes that requiring vessels to maintain a relative speed of 20 knots or less is unnecessarily restrictive. The Coast Guard believes that basic seamanship and the rules of the road should dictate the relative speed of oncoming vessels. Therefore, the Coast Guard has eliminated the first clause of § 165.510(h)(2) which limits the speed of vessels. As amended, § 165.510(h)(2) will merely state that meeting situations shall be avoided on river bends to the maximum extent possible.

A comment also noted that many recreational vessels do not monitor marine frequencies. Therefore, recreational boaters may not be aware of a Broadcast Notice to Mariners concerning scheduled movements of a vessel carrying dangerous cargo and the restrictions imposed by this rule. The Coast Guard agrees that many vessels do not monitor Broadcast Notices or follow other prudent navigation practices. However, failure to do so would not excuse a violation of this rule.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The practice of establishing a safety zone around a vessel loaded with certain dangerous cargoes, notably explosives and Liquefied Petroleum Gas, has been in effect for many years. Small and large companies with vessels operating in Philadelphia are aware of scheduled transits of vessels loaded with dangerous cargoes and adjust their vessel movements to minimize any economic impact. These restrictions have been implemented on a case-by-case basis in the form of Captain of the Port Orders or temporary safety zones for each transit. By establishing a permanent rule the Coast Guard will achieve economies in manpower and administrative time, provide the Port of Philadelphia with the widest dissemination of these precautionary measures, and minimize the potential dangers of these movements to the port community. Because this regulated navigation area is not expected to unduly impede the flow of traffic, the impact of this rule is expected to be minimal, and the Coast Guard believes that this rule will have only minimal economic impact.

Small Entities

The Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' included (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. This rule merely codifies the Captain of the Port's past practices of issuing temporary rules and Captain of the Port Orders when vessels carrying certain dangerous cargoes are transiting. Because those practices were conducted without adverse affects to small entities, the impact of this rule is expected to be minimal. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2e.(34) of Commandant Instruction M16475.1B (as revised by 61 FR 13563, March 27, 1996), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination Statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the Preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–6, and 160.5; 49 CFR 1.46.

2. Section 165.510 is revised to read as follows:

§ 165.510 Delaware Bay and River, Salem River, Christina River and Schuylkill River-Regulated Navigation Area.

(a) *Regulated Navigation Area.* The following is a Regulated Navigation Area: The navigable waters of Delaware Bay and River, Salem River, Christina River, and Schuylkill River, in an area

bounded on the south by a line drawn across the entrance to the Delaware Bay between Cape May Light and Harbor of Refuge Light and then continuing to the northernmost extremity of Cape Henlopen, and bounded on the north by a line drawn across the Delaware River between Trenton, NJ and Morrisville, PA along the southern side of the U.S. Route 1 Bridge.

(b) *Definitions.* As used in this section:

COTP means the Captain of the Port, Philadelphia, PA and any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his or her behalf.

Dangerous Cargo means those cargoes listed in § 160.203 of this chapter when carried in bulk, but does not include cargoes listed in Table 1 of 46 CFR part 153.

Underway means that a vessel is not at anchor, made fast to the shore, or aground.

(c) *Applicability.* This section applies to any vessel operating within the Regulated Navigation Area, including a naval or public vessel, except a vessel engaged in:

(1) Law enforcement;

(2) Servicing aids to navigation; or

(3) Surveying, maintaining, or improving waters within the Regulated Navigation Area.

(d) *Draft limitation.* Unless otherwise authorized by the COTP, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

Note: The project depth in many areas of the Regulated Navigation Area is less than 55 feet.

(e) *Oil transfer operations.* Unless otherwise authorized by the COTP, no vessel to vessel oil transfer operations, excluding bunkering, may be conducted within the area between the southern boundary of this regulated navigation area and the southern span of the Delaware Memorial Bridge except within the anchorage ground designated in 110.157(a)(1) of this chapter.

(f) *Requirements for vessels carrying dangerous cargoes.* The master, owner, or operator of a vessel carrying a dangerous cargo shall:

(1) Notify the COTP at least 72 hours before the vessel enters or departs the regulated navigation area and at least 12 hours before the vessel moves within the regulated navigation area. The notice must include a report of the vessel's propulsion and machinery status and, for foreign flag vessels, the notice must include any outstanding deficiencies identified by the vessel's flag state or classification society;

(2) Not enter, get or remain underway within the regulated navigation area if visibility is or is expected to be less than two (2) miles. If during the transit visibility becomes less than two (2) miles, the vessel must seek safe anchorage and notify the COTP immediately;

(3) Not anchor in any area within the regulated navigation area unless in times of emergency or with COTP permission;

(4) Not transfer dangerous cargo while the vessel is at anchor or bunkering;

(5) Maintain a manned watch in the steering compartment whenever the vessel is underway within the regulated navigation area unless the vessel has two separate and independent steering control systems with duplicate pilothouse steering gear control systems which meet the requirements of 46 CFR 85.25–55;

(6) When anchored within the regulated navigation area and:

(i) Sustained winds are greater than 25 knots but less than 40 knots, ensure the main engines are ready to provide full power in five minutes or less; and

(ii) Sustained winds are 40 knots or over, ensure that the main engines are on line to immediately provide propulsion;

(7) While moored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the outboard side of the vessel;

(8) While underway or anchored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the vessel; and,

(9) Proceed as directed by the COTP.

(g) *Requirements for vessels operating in the vicinity of a vessel carrying dangerous cargoes.* (1) Except for a vessel that is attending a vessel carrying dangerous cargo with permission from the master of the vessel carrying dangerous cargo or a vessel that is anchored or moored at a marina, wharf, or pier, and which remains moored or at anchor, no vessel may, without the permission of the COTP:

(i) Come or remain within 500 yards of the port or starboard side or within 1,000 yards of the bow or stern of an underway vessel that is carrying dangerous cargo; or

(ii) Come or remain within 100 yards of a moored or anchored vessel carrying dangerous cargo.

(2) The master, owner, or operator of any vessel receiving permission under paragraph (g)(1) of this section shall:

(i) Maintain a continuous radio guard on VHF–FM channels 13 and 16;

(ii) Operate at ''no wake'' speed or the minimum speed needed to maintain steerage; and

(iii) Proceed as directed by the COTP.

(3) No vessel may overtake a vessel carrying dangerous cargoes unless the overtaking can be completed before reaching any bend in the channel. Before any overtaking, the pilots, masters or operators of both the overtaking vessel and the vessel being overtaken must clearly agree on the circumstances of the overtaking, including vessel speeds, time and location of overtaking.

(h) *Additional restrictions above the C&D Canal.* When operating on the Delaware River above the C&D Canal:

(1) A vessel carrying dangerous cargo must be escorted by at least one commercial tug; and

(2) Meeting situations shall be avoided on river bends to the maximum extent possible.

(i) The COTP will issue a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements during which the restrictions imposed by paragraphs (g) and (h) of this section will be in effect.

Dated: July 8, 1997.

Roger T. Rupe, Jr.,

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 97–19780 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13–97–019]

RIN 2115–AA97

Safety Zone Regulation; Naval Air Station Whidbey Island Air Show, Puget Sound, Washington

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Puget Sound from 11 a.m. (PDT) to 5 p.m. (PDT) July 26 and 27, 1997. The Captain of the Port Puget Sound, Seattle, Washington is taking the following action to safeguard watercraft and their occupants from the safety hazards associated with high performance aircraft conducting complex maneuvers at high speeds and low altitudes. The safety zone will encompass the area beginning at the shoreline at position latitude 48°20′20″ N, longitude 122°41′20″ W; thence to

position latitude 48°20′14″ N, longitude 122°44′23″ W; thence to position latitude 48°19′41″ N, longitude 122°44′20″ W; thence to the shoreline at position latitude 48°19′47″ N, 122°41′27″ W; thence along the shoreline of Whidbey Island to the point of origin. It is effective July 26 and 27, 1997 from 11 a.m. (PDT) to 5 p.m. (PDT). Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective on July 26 and 27, 1997, from 11 a.m. (PDT) to 5 p.m. (PDT) on each day.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection and copying at U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134. Normal office hours are between 7 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT J.B. Roberts, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217–6232.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective less than 30 days from the date of publication in the **Federal Register.** Publishing a NPRM would be contrary to the public interest since immediate action is necessary to ensure the safety vessels and spectators operating in the area of the air show. Notice of the event was not provided to the Coast Guard until two weeks prior to the event. Therefore, sufficient time was not available to publish the proposed rules in advance of the event or to provide a delayed effective date. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Background and Purpose

The Coast Guard is adopting a temporary safety zone regulation for the U.S. Naval Air Station Whidbey Island SEA ‘N SKY FEST which features a number of air show performances including the USAF THUNDERBIRDS. The safety zone encompasses the area beginning at the shoreline at position latitude 48°20′20″ N, longitude 122°41′20″ W; thence to position latitude 48°20′14″ N, longitude 122°44′23″ W; thence to position latitude 48°19′41″ N, longitude 122°44′20″ W; thence to the shoreline at position latitude 48°19′47″ N, 122°41′27″ W; thence along the shoreline of Whidbey Island to the point of origin. The zone is needed to protect watercraft and their occupants, who may wish to view the air shows in close quarters, from safety hazards associated with high performance aircraft conduction complex maneuvers at high speeds. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other Federal, state, and local agencies.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the regulated area established by the proposed regulation is outside the Puget Sound traffic separation scheme and will have minimal impact on vessel transiting this area. The safety zone is centered on a line extending from the NAS runway on a heading of 247° Magnetic. The regulated area resembles a rectangle 2 nautical miles in length and 1000 yards in width, encompassing an area of approximately 3.2 square miles.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ‘‘Small entities’’ include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ‘‘small business concerns’’ under section 3 of the Small Business Act (15 U.S.C. 632). Because the impacts of this proposal are expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and has concluded that under Section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary § 165.T13–016 is added to read as follows:

§ 165.T13–016 Safety Zone; Naval Air Station Whidbey Island Air Show, Puget Sound, WA.

(a) *Location.* The following area is a safety zone: All waters of Puget Sound bounded by a line commencing at position latitude 48°20′20″ N, longitude 122°41′20″ W; thence to position latitude 48°20′14″ N, longitude 122°44′23″ W; thence to position latitude 48°19′41″ N, longitude 122°44′20″ W; thence to the shoreline at position latitude 48°19′47″ N, longitude 122°41′27″ W; thence along the shoreline of Whidbey Island to the point of origin. All coordinates reference datum 1983. The area represents a 2 nautical mile long by 1000 yard wide rectangle that extends from the west end of the NAS Whidbey Island runway on a heading of 247°M.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of

this part, no person or vessel may enter or remain in this zone, except for participants in the event, supporting personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives.

Effective dates. This regulation becomes effective on July 26 and 27, 1997, from 11 a.m. (PDT) to 5 p.m. (PDT) each day, unless sooner terminated by the Captain of the Port.

Dated: July 18, 1997.

Myles S. Boothe,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 97–19783 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 334

Danger Zone, Pacific Ocean, Naval Air Weapons Station, Point Mugu, Ventura County, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule invites comments on the Corps proposal to establish a danger zone in the waters of the Pacific Ocean extending 5,000 meters offshore from the small arms range at the Naval Air Weapons Station, Point Mugu, Ventura County, California. The danger zone would provide an appropriate and enforceable zone in which the Navy may conduct small arms test firing to qualify military and civilian security personnel.

DATES: Interim final rule effective July 28, 1997. Written comments must be submitted on or before August 27, 1997.

ADDRESSES: HQUSACE, CECW–OR, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Ms. Tiffany Welch at (805) 641–2935 or Mr. Ralph Eppard at (202) 761–1783.

SUPPLEMENTARY INFORMATION: The Commander, Naval Air Weapons Station, Point Mugu, has requested that the Corps establish a danger zone in the waters of the Pacific Ocean north of Point Mugu. The area will be open to public use at all times except when the Navy is using the firing range on shore. The Navy will give advance notice of closure of the area by local newspapers, VHF radio, contact with individual vessels and contact with certain fishing organizations. There are no anticipated navigational hazards or interference with existing traffic. General public use of the area is restricted due to ongoing naval activities. Therefore, no loss of resources or use of resources would be borne by the public. On February 28, 1997, the Corps Los Angeles District Engineer issued a public notice soliciting comments on this proposed danger zone to all known interested parties. The District did not receive any objections to the establishment of the danger zone. In view of the existing threat to public safety within this area, this interim final rule is effective upon publication in the **Federal Register.** The Corps will consider all comments received in response to this interim final rule and in the event substantive comments are received, the Corps will take appropriate action which may include further revision or suspension of the rules.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply. This interim final rule has been reviewed under the Regulatory Flexibility Act (P.L. 96–354), which requires the preparation of a regulatory flexibility and analysis for any regulation that will have significant economic impact on a substantial number of small businesses (i.e., small businesses and small Government jurisdictions). It has been determined that establishment of this danger zone would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, the Corps certifies that this proposal if adopted, will have no significant economic impact on small entities and preparation of a regulatory flexibility analysis is not warranted.

Review Under the National Environmental Policy Act

An environmental assessment has been prepared for this action. We have concluded that the establishment of the danger zone off Point Mugu will not have a significant impact to the human environment and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the Los Angeles District Office. Please contact Ms. Tiffany Welch at (805) 641–2935 for further information.

Unfunded Mandates Act

This interim final rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

Submission to Congress and the General Accounting Office

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this interim final rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office. This interim final rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger Zones, Navigation (water), Transportation.

In consideration of the above, the Corps of Engineers is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 226; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Add § 334.1125 to read as follows:

§ 334.1125 Pacific Ocean Naval Air Weapons Station, Point Mugu, Small Arms Range, Ventura County, California; danger zone

(a) *The area.* A triangular area extending southerly into the waters of the Pacific Ocean from a point on the beach north of Point Mugu, California, as follows:

Station	Latitude	Longitude
1	34°05′48″ N	119°07′03″ W.
2	34°03′20″ N	119°08′16″ W.
3	34°03′11″ N	119°07′39″ W.
4	34°05′42″ N	119°06′59″ W.
5	34°05′41″ N	119°06′51″ W.
6	34°05′45″ N	119°06′52″ W.

(b) *The regulations.* (1) Range firing will normally take place between 7 a.m. and 5 p.m. Monday through Friday.

(2) The danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means:

(i) Notice published in Ventura County daily newspaper, at least two

days in advance of the date of said use and in the local ''Notice to Mariners.''

(ii) Display of red flag from the tower at 34°05′53″ N., 119°06′59″ W; or display of red flashing beacons in the case of night firing.

(iii) Radio broadcast on VHF–FM channel 16.

(iv) Notice to individual craft by visit of United States vessel.

(v) Telephone advice to such fisherman's organizations as may request, in writing, that such advice be given.

(3) Safety observers will be on duty at all times when the range is in use. Upon completion of firings, or if the scheduled firing is canceled for any reason, fishermen and small boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(4) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag or beacon is being displayed unless authorized to do so by the range officer in the control tower.

(5) The regulations in this section shall be enforced by personnel attached to the Naval Air Weapons Station, Point Mugu, California, and by such other agencies as the Commandant, Eleventh Naval District, San Diego, California, may designate.

Dated: July 14, 1997.

Russell L. Fuhrman,

Major General, USA, Director of Civil Works.

[FR Doc. 97–19777 Filed 7–25–97; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI34

Veterans Education: Approval of Training by Independent Study, Including Television

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and educational benefit regulations of the Department of Veterans Affairs (VA). It updates the definition of independent study; makes changes to reflect statutory provisions; updates authority citations; and makes other changes for purposes of clarification.

DATES: Effective: This final rule is effective July 28, 1997.

Applicability: Certain of the statutory interpretations, restatements of statute, and changes in authority citations contained in this final rule will be applied retroactively from the effective date of the statutory provisions. For more information concerning the dates of application of the provisions of this final rule, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: This document amends 38 CFR part 21, which contains VA educational assistance and educational benefit regulations.

Prior to the enactment of section 104 of the Veterans' Benefits Improvements Act of 1996 (Pub. L. 104–275), an individual's enrollment in an open-circuit television course was permitted for VA educational benefit purposes, only if the course were offered as an integral part of a residence program leading to a standard college degree. The regulations retain the requirement that an open-circuit television course lead to a standard college degree, but Pub. L. 104–275 removed the requirement that an open-circuit television course must be pursued as a part of a residence program. Accordingly, 38 CFR 21.4233, 21.7112, and 21.7612 are amended to reflect this statutory change. With these changes, open-circuit television training is treated as independent study.

Under 38 U.S.C. 3680A, educational assistance is provided to veterans enrolled in independent study programs. A definition of ''independent study'' is set forth at 38 CFR 21.4267. This definition was intended to interpret the statutory term ''independent study.'' The definition necessitates interaction between the student and the faculty. Previously, § 21.4267 provided that such interaction could be by mail, by telephone, or in person. The definition, however, was not intended to restrict the use of other available means of communication. Accordingly, the definition of ''independent study'' is changed to include the use of modern communication technologies for the necessary interaction between faculty and student.

38 U.S.C. 3672 provides for State approving agencies to approve courses for VA training. This includes courses offered by independent study. The regulations at § 21.4267 are amended to reflect these statutory provisions.

Other changes are also made for the purpose of clarity and to reflect current authority citations.

The statutory interpretations and restatements of statute contained in this final rule and changes in authority citations to reflect statutory amendments will be applied retroactively from the effective dates of the statutory provisions. The changes to paragraphs amended solely for purposes of clarification will not be applied retroactively. Accordingly, the dates of application for the provisions covered by this document are as follows: October 9, 1996: §§ 21.4233(c); 21.4267(a); 21.4267(b)(2); 21.7112; and 21.7612. July 28, 1997: Subparts D and K authority citations; §§ 21.4233(d); 21.4267(b)(1)(i); and 21.4267(f).

This document consists of restatements of statute, interpretive rules, updates to authority citations, and changes for purpose of clarification. Therefore, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Department of Defense (DOD), the Department of Transportation (Coast Guard), and VA are jointly issuing this final rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by VA. The remainder of this final rule is issued solely by VA.

The Secretary of Defense, Commandant of the Coast Guard, and Secretary of Veterans Affairs hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will not cause educational institutions to make significant changes in their activities and will not have discernible monetary effects. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance numbers for programs affected by this final rule are 64.117, 64.120, and 64.124. The final rule also affects the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 25, 1997.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: July 7, 1997.

Normand G. Lezy,

Lieutenant General, USAF, Deputy Assistant Secretary (Military Personnel Policy).

Approved: June 13, 1997.

Alan M. Steinman,

Assistant Commandant for Human Resources Acting.

For the reasons set forth in the preamble, 38 CFR part 21 (subparts D, K, and L) are amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

1. The authority citation for part 21, subpart D, is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4233, paragraph (d) is amended by removing ''a veteran or other'' and adding, in its place, ''an''; and paragraph (c) is revised to read as follows:

§ 21.4233 Combination.

* * * * *

(c) *Television.* (1) A course offered by open-circuit television is an independent study course. In order for an eligible person to receive educational assistance while pursuing such a course, the course must meet all the requirements for independent study found in § 21.4267.

(Authority: 38 U.S.C. 3523, 3680A)

* * * * *

3. In § 21.4267, the authority citations for paragraphs (a) and (b), and paragraph (b)(1)(i) are revised, and paragraph (f) is added to read as follows:

§ 21.4267 Approval of independent study.

(a) * * *

(Authority: 38 U.S.C. 3014, 3523, 3672, 3676(e), 3680A(a))

(b) * * *

(1) * * *

(i) It consists of a prescribed program of study with provision for interaction between the student and the regularly employed faculty of the institution of higher learning. The interaction may be personally or through use of communications technology, including mail, telephone, videoconferencing, computer technology (to include electronic mail), and other electronic means;

* * * * *

(Authority: 38 U.S.C. 3523, 3676(e), 3680A(a))

* * * * *

(f) *Course approval.* A State approving agency may approve a course offered by independent study or a combination of independent study and resident training only if—

(1) The course is accredited and leads to a standard college degree; and

(2) The course meets the requirements of § 21.4253.

(Authority: 38 U.S.C. 3672, 3675, 3680A(a)(4))

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

4. The authority citation for subpart K is revised to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

5. In § 21.7112, paragraph (c) is revised to read as follows:

§ 21.7112 Programs of education combining two or more types of courses.

* * * * *

(c) *Television.* In determining whether a veteran or servicemember may pursue all or part of a program of education under 38 U.S.C. chapter 30 by television, VA will apply the provisions of § 21.4233(c).

(Authority: 38 U.S.C. 3034(a))

6. In § 21.7612, paragraph (b) is revised to read as follows:

§ 21.7612 Programs of education combining two or more types of courses.

* * * * *

(b) *Television.* In determining whether a reservist may pursue all or part of a program of education by television, VA will apply the provisions of § 21.4233(c).

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680A)

[FR Doc. 97–19728 Filed 7–25–97; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[OH107–2a; KY94–9717a; FRL–5863–8]

Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Ohio; Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; withdrawal.

SUMMARY: On May 27, 1997 (62 FR 28634), EPA extended the attainment date for the Cincinnati-Hamilton interstate moderate ozone nonattainment area from November 15, 1996 to November 15, 1997. This extension was based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1996. Accordingly, EPA revised the table in the Code of Federal Regulations concerning ozone attainment dates in this area. The EPA is withdrawing this final rule due to the receipt of adverse comments on EPA's rulemaking action. In a subsequent final rule, EPA will summarize and respond to the comments received and announce final rulemaking action on the attainment date extension requests.

EFFECTIVE DATE: July 28, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Atlanta Federal Center, Region 4, Air Planning Branch, 61 Forsyth Street S.W., Atlanta, Georgia 30303–3104.

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano at (312) 886–6036 or Joseph M. LeVasseur at (404) 562–9035.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Volatile organic compounds.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: July 8, 1997.

Michael V. Peyton,

Acting Regional Administrator, Region 4.

Dated: July 17, 1997.

David A. Ullrich,

Acting Regional Administrator, Region 5.

Accordingly, under the authority of 42 U.S.C. 7401–7671q, the final rule published on May 27, 1997 (62 FR 28634) is withdrawn.

[FR Doc. 97–19643 Filed 7–25–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 10

[CGD 95–062]

RIN 2115–AF26

Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW)

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; corrections.

SUMMARY: This document contains corrections to the interim rule [CGD 95–062], published on Thursday, June 26, 1997 (FR Doc. 97–16109). The rule amends the domestic rules on licensing and documentation of personnel serving on U.S. seagoing vessels. It implements the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended in 1995.

DATES: The interim rule and this correction becomes effective on July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Project Manager, Operating and Environmental Standards (G–MSO), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, telephone (202) 267–0216.

SUPPLEMENTARY INFORMATION:

Background

The interim rule that is the subject of these corrections changes the Coast Guard's domestic rules on licensing, documentation, and manning, in compliance with amendments to STCW. These amendments were adopted by a Conference of Parties to STCW in July 1995, and came into force on February 1, 1997.

Need for Correction

As published, the interim rule contains errors that may prove to be misleading and therefore need to be corrected. Accordingly, make the following corrections to 46 CFR part 10:

List of Subjects in 46 CFR Part 10

Fees, Marine safety, Incorporation by reference, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

PART 10—LICENSING OF MARITIME PERSONNEL

1. The authority citation for part 10 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45, 1.46; Sec. 10.107 also issued under the authority of 44 U.S.C. 3507.

2. In the section ''Discussion of Comments and Changes'', on page 34515, in line 9 of the first paragraph of the first column under the heading ''Simulators'', ''Technology and Graduated studies'' should read ''Technology and Graduate Studies''.

3. On page 34522, 2nd column, 2nd paragraph, line 12, the sentence should end: ''* * * new requirements under §§ 10.205 (l), (m), (n), (o), or (p), 10.304, or 10.901:''.

4. On page 34524, 2nd column, last paragraph the reference to paragraph (e) should be to paragraph (a).

5. On page 34525, 1st column, line 12, the reference to August 1, 2002, should be to February 1, 2002.

§ 10.202 [Corrected]

6. On page 34529, § 10.202(k) should begin: ''Notwithstanding § 10.205 (l), (m), (n), (o) and (p), § 10.304, and * * *''.

7. On page 34530, from § 10.202(l), remove ''* * * meet the requirements of subpart J, because the vessels are * * *'', and add in its place, ''* * * hold STCW certificates or endorsements, because they are * * * ''.

§ 10.205 [Corrected]

8. On page 34530, in § 10.205, remove the (1) after the heading of paragraph (l).

9. On the same page, in § 10.205(n)(1)(ii), change ''approved'' to ''approved or accepted''.

10. On the same page, in § 10.205(n)(2), ''Paragraph (m)'' should read ''Paragraph (n)(1)''.

§ 10.209 [Corrected]

11. On page 34531, in § 10.209(k), line 9 should read ''* * * (l), (m), (n), and (o) in § 10.205 and shall * * *''.

Dated: July 18, 1997.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–19784 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 2, 80, and 87

[PR Docket No. 92–257; FCC 97–217]

Maritime and Aviation Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a *Second Report and Order* in PR Docket No. 92–257 which provides adaptive regulations and improves radio communications capabilities in the maritime services. Specifically, the Commission amends the maritime service rules to permit medium frequency (MF), high frequency (HF), and very high frequency (VHF) public coast stations to automatically connect marine radios with the public switched network (PSN); allow VHF public coast stations to serve units on land, provided priority is given to communications originating on vessels; eliminate the requirement for VHF public coast stations to provide a showing of channel loading prior to assignment of additional channels; require a minimum digital selective calling (DSC) capability on all MF, HF, and VHF radios; permit brief scanning transmissions in the 2–30 MHz band for the purposes of automatic link establishment (ALE); permit vessel and coast stations to utilize alternative data communications protocols on narrow-band direct-printing (NB-DP) frequencies; and eliminate unnecessary regulatory burdens on the boating public.

DATES: Effective August 27, 1997.

FOR FURTHER INFORMATION CONTACT: Scot Stone of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, at (202) 418–0638 or via E-mail to ''sstone@fcc.gov''.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in the *Second Report and Order and Second Further Notice of Proposed Rule Making,* PR Docket No. 92–257, FCC 97–217, adopted June 17, 1997, and released June 26, 1997, with Commissioner Ness issuing a statement.

The full text of this *Second Report and Order and Second Further Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street, N.W., Washington, D.C. 20037, telephone (202) 857–3800.

Summary of the Second Report and Order in the Second Report and Order and Second Further Notice of Proposed Rule Making

1. The Commission initiated the instant proceeding to update the Maritime Service rules to promote the use of new, spectrally efficient radio communications techniques. In the *Further Notice of Proposed Rule Making* (60 FR 34198, June 30, 1995), the Commission proposed rules to provide more flexible regulatory treatment of public coast stations, relief from congestion on maritime frequencies, enhancements in marine communications equipment, and a reduction in regulatory burdens for non-commercial marine radio users. The Commission also asked for comment on ways to increase the efficient use of maritime radio spectrum and remove economic disincentives for coast and mobile station operators, while ensuring that the safety of life and property at sea was not adversely affected. In order to permit the implementation of state-of-the-art communications techniques found in most other land mobile radio services, the Commission amends the rules as follows:

2. First, the Commission amends the rules to permit MF, HF, and VHF public coast stations to automatically connect marine radios with the PSN using any ''open'' communications protocol, *i.e.*, any means of radio signaling whose documentation is available to the general public and is non-proprietary in nature. Because automatic interconnection eliminates the need for an operator to connect calls, the Commission amends the rules to eliminate the current requirement that a licensed operator be on duty at the control point of the station. The Commission also eliminates the requirement to have a licensed operator at radiotelephone coast stations.

3. Second, the Commission amends the rules to eliminate the requirement for VHF public coast stations to provide a showing of channel loading prior to assignment of additional channels. Presently, VHF public coast stations are initially authorized for a single channel and must provide a showing of significant channel usage prior to obtaining an additional channel. This type of channel loading requirement unfairly impairs the ability of public coast stations to compete with other Commercial Mobile Radio Service providers.

4. Third, the Commission amends the rules to allow VHF public coast stations, including Automated Maritime Telecommunications System (AMTS) coast stations, to serve units on land, both fixed and mobile (including hand-held units), provided that priority is given to communications originating on vessels. This will permit public coast stations to expand marine telecommunications services and reduce communications costs for vessel operators, while preserving the core safety purpose of the marine radio spectrum.

5. Fourth, the Commission amends the rules to require a minimum DSC capability on all MF, HF, and VHF radios. Upon full implementation of the Global Maritime Distress and Safety System in 1999, compulsory vessels, *i.e.*, ships required to carry radio equipment for safety purposes, will be equipped with DSC equipment, and vessels using conventional marine radios will not be able to communicate with them. To ensure interoperable distress and safety communications among compulsory and exempt vessels, all type acceptance applications for new MF, HF, and VHF marine radios received by the Commission on or after June 17, 1999 must comply with international or Coast Guard DSC requirements, though radios for which type acceptance applications are received before that date will be permitted to be manufactured and used indefinitely.

6. Fifth, the Commission amends the rules to permit brief scanning transmissions on a secondary, non-interference basis in the 2–30 MHz band for the purposes of ALE. ALE systems eliminate the need for a trained radio operator by automatically checking the quality of each frequency and selecting a clear channel for the user. The Commission also amends the table of frequency allocations set out in its rules to reflect the decisions of the 1995 World Radiocommunication Conference for these frequency bands.

7. Sixth, the Commission amends the rules to permit vessel and coast stations to utilize alternative data communications protocols on NB–DP frequencies. To increase technical flexibility for vessel operators, the use of advanced digital communications protocols, higher data rates, and error correction techniques will be permitted on NB–DP frequencies.

8. Seventh, the Commission will allow trunking on public coast station spectrum, pending the result of a separate proceeding to consider trunking in the marine VHF band based on any applicable recommendations adopted by the 1997 World Radiocommunication Conference.

9. Finally, the Commission amends the rules to eliminate unnecessary regulatory burdens on the boating public. Instead of requiring the owner to modify its license every time it purchases new equipment, the licensing rules are amended to provide a blanket authorization to use all marine radio frequencies normally available to vessel operators. The license may be kept anywhere on board instead of being posted at at the principal control point of the station. Also, a 90-day grace period following the expiration of ship and aircraft station licenses will be allowed during which a licensee can renew its license and retain the same call sign.

10. The Commission also amends the rules to allow mobile units to be used under private coast station licenses, and to permit VHF private coast stations that operate at less than 25 watts carrier power to use transmitters with a frequency tolerance of 10 parts per million (the same power frequency tolerance as transmitters type accepted for ship operation). The Commission amends the rules to permit data and facsimile transmission over marine VHF channel 68 (156.425 MHz) between vessels and between vessels and private coast stations serving Alaskan waters, and to automatically add marine VHF channel 68 to all current Alaskan private coast station licenses, for facsimile and data transmissions only.

11. The Commission also amends the rules to provide for the joint use of marine VHF frequencies by commercial and non-commercial vessels in regions to be chosen based on the recommendations of the Coast Guard.

Regulatory Flexibility Act

Final Regulatory Flexibility Analysis

12. As required by Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the Further Notice of Proposed Rule Making in this proceeding (Further Notice). The Commission sought written public comments on the proposals in the Further Notice, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) for the

Second Report and Order conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Pub. L. No. 104–121, 110 Stat. 847 (1996).[1]

13. Need for and Purpose of the Action. Our objective is to promote innovative telecommunications services, improve communications capabilities, and reduce regulatory burdens for licensees in the Maritime Service. Specifically, this action will: (1) permit public coast stations to provide automated services, immediately obtain new channels, and serve units on land (VHF stations only); (2) ensure that affordable DSC radio equipment is available for recreational vessels; (3) improve high seas communications by permitting ALE transmissions in the 2–30 MHz band; (4) allow stations using NB–DP equipment to employ alternative data communications protocols; (5) reduce regulatory burdens for coast station licensees by eliminating the radiotelephone operator requirement, permitting hand-helds to be used under private coast authorizations, unifying the frequency tolerance requirement for 25 watt coast transmitters, and permitting facsimile on marine VHF channel 68 in Alaska; and (6) reduce regulatory burdens for ship station licensees by providing a ''blanket'' authorization for all radio equipment on board a vessel and permitting vessel owners to store their station licenses away from the harsh marine environment.

14. In making these broad changes to the Maritime Service rules, we find that the potential benefits to the maritime community exceed any negative effects that may result from the promulgation of rules for this purpose. Thus, we conclude that the public interest is served by amending our rules as described above.

15. Issues Raised in Response to the IRFA. No comments were submitted in response to the IRFA. In general comments on the Further Notice, however, some small business commenters raised issues that might affect small business entities. In particular, some small business commenters argued that requiring public coast stations to use a standard signaling protocol (*e.g.*, DSC) is unnecessary, would be overly burdensome to licensees that have already started developing alternative protocols, and would inhibit the development of innovative protocols to better respond to regional market demands. Small business commenters also pointed out that restricting the types or number of land units to be served by VHF public coast stations would inhibit a station's ability to provide needed services (*e.g.*, customers using hand-held radios or dockside dispatch stations) and prevent a station from maximizing maritime spectrum efficiency. Further, small business commenters asked that the Commission require marine radios to have a minimum DSC capability which is less extensive and cheaper to implement than the internationally mandated DSC standard for large cargo vessels and passenger vessels. Small business commenters also urged the Commission not to allow recreational vessels to communicate on marine VHF band commercial frequencies on a nationwide basis. These commenters noted that such action would increase congestion on safety channels and inhibit tugs and towing vessels from doing business via marine radio near major ports and waterways. The Commission carefully considered each of these comments in reaching the decision set forth in herein.

16. Description and Number of Small Entities Involved. The rules adopted herein will apply to small businesses that choose to use, manufacture, design, import, or sell MF, HF, or VHF marine radios. Since this rule making proceeding applies to three groups of small entities, we will analyze the effects of these rules on each of these groups.

17. Estimates for marine radio manufacturers/importers. The Commission has not developed a definition of the term ''small entity'' specifically applicable to marine radio manufacturers and importers. Therefore, the applicable definition of small entity is the definition under the Small Business Administration rules applicable to radio and television broadcasting and communications equipment manufacturers. This definition provides that a small entity is any entity employing less than 750 persons. *See* 13 CFR 121.201, Standard Industrial Classification (SIC) Code 3663. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small entities that may choose to manufacture or import marine radio equipment and is unable at this time to make a meaningful estimate of the number of potential manufacturers or importers which are small businesses.

18. The 1992 Census of Manufacturers, conducted by the Bureau of Census, which is the most comprehensive and recent information available, shows that approximately 925 out of the 948 entities manufacturing radio and television transmitting equipment in 1992 employed less than 750 persons. We are unable to discern from the Census data precisely how many of these manufacturers produce marine radios. Further, any entity may choose to manufacture of produce marine radio equipment. Therefore, for the purposes of our evaluations and conclusions in this Final Regulatory Flexibility Analysis, we estimate that there are at least 925 potential manufacturers and importers of marine radio equipment which are small businesses, as that term is defined by the Small Business Administration.

19. Estimates for public coast station licensees. The Commission has not developed a definition of the term ''small entity'' specifically applicable to public coast station licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration rules applicable to radiotelephone service providers. This definition provides that a small entity is any entity employing less than 1,500 persons. *See* 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small entities that may choose to provide public coast services and is unable at this time to make a meaningful estimate of the number of potential public coast service providers which are small businesses.

20. The size data provided by the Small Business Administration does not enable us to make a meaningful estimate of the number of public coast station licensees which are small businesses. Therefore, we used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. There are over 50 public coast station licensees. Based on the proposals contained herein, it is unlikely that more than 9 licensees will be authorized in the future. Therefore, for purposes of our evaluations and conclusions in this FRFA, we estimate that there are approximately 50 public coast station licensees which are small businesses, as that term is defined by the Small Business Administration.

[1] Subtitle II of the CWAAA is ''The Small Business Regulatory Enforcement Fairness Act of 1996'' (SBREFA), codified at 5 U.S.C. 601 et seq.

21. Estimates for private coast station licensees. The Commission has not developed a definition of the term ''small entity'' specifically applicable to private coast station licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration rules applicable to radiotelephone service providers. This definition provides that a small entity is any entity employing less than 1,500 persons. *See* 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small entities that may choose to provide private coast services and is unable at this time to make a meaningful estimate of the number of potential private coast service providers which are small businesses.

22. The size data provided by the Small Business Administration does not enable us to make a meaningful estimate of the number of private coast station licensees which are small businesses. Therefore, we used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. There are presently over 100 private coast station licensees. There is no limitation, however, as to the number of private coast station licensees that may be authorized. Therefore, for purposes of our evaluations and conclusions in this Final Regulatory Flexibility Analysis, we estimate that there are over 100 private coast station licensees which are small businesses, as that term is defined by the Small Business Administration.

23. Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements. In order to provide for distress signaling capabilities for recreational vessels we are imposing a single regulatory burden that may affect small businesses. Each MF, HF, and VHF marine radio for which an application for type acceptance is received on or after June 17, 1999, must comply with either the international requirements set forth in ITU–R Recommendation 493 (including only equipment classes A, B, D, and E) or the minimum requirements set forth in Radio Technical Commission for Maritime Services Paper 56–95/SC101–STD (SC101). This requirement, however, will not apply to battery-operated, portable hand-held radio equipment or to AMTS equipment operating in the 216–220 MHz band. All classes of small businesses could potentially be affected by this requirement. In order to have a unit type accepted, a small entity would have to test the radio equipment and provide clerical support to file the requisite FCC application forms. Both of these functions could be handled by a third party.

24. Steps Taken to Minimize Burdens of Small Entities. The Commission in this proceeding has considered comments on ways to implement broad changes to the maritime service rules. In doing so, the Commission has adopted alternatives which minimize burdens placed on small entities. First, it has decided to permit land units to operate under the authority of an associated public coast station's license without having to be individually licensed by the Commission. This approach eliminates the need for fixed and mobile units on land to file forms and submit fees to the Commission. Second, it has decided to permit marine radio manufacturers to continue producing and selling conventional marine radios indefinitely, even though it has set a deadline for the type acceptance for such equipment. This approach manufacturers to sell existing stock and continue to sell units to vessel operators in areas of the country where DSC capability is not needed or desired. Third, it has decided not to license each ALE transmitter individually. This approach provides for system licensing of ALE transmitters nationwide and greatly reduces filing burdens for licensees providing ALE service. Fourth, it has decided not to mandate DSC as the single protocol to be used by public coast stations for interconnection with the PSN. This approach permits coast station licensees to choose an interconnection protocol that meets market demands, rather than presupposing a protocol that may be too expensive or undesirable to implement in certain areas of the country. Fifth, it has decided to simplify ship and aircraft radio licensing and provide a 90-day grace period for renewing ship and aircraft station licenses. This approach eliminates the need for licensees to re-notify the Commission and pay a modification fee each time a new type of radio equipment is added to the station. Further, this approach eliminates the need for licensees to apply for a new station license, and be assigned a new call sign in cases where they forget to renew their license before it expired. Changing a station's call sign would have hidden costs for small businesses that may have literature or training information referencing the present call sign. Sixth, it has decided not to continue requiring private coast station licensees to get a separate marine utility station license to use hand-held radios. This approach eliminates the need for private coast station licensees to apply for this additional license and pay a fee. Seventh, it has decided to eliminate the frequency tolerance requirement for low powered private coast stations. This approach will allow private coast stations to use economical ship radios for short range communications from land. Eighth, it has decided to authorize, by rule, private coast stations and vessels communicating in Alaskan waters to use marine VHF channel 68. This approach eliminates the need for private coast station licensees to modify their licenses, and pay a fee, to request the new authority.

25. Significant Alternatives Considered and Rejected. The Commission considered and rejected several significant alternatives. The Commission rejected the alternative of requiring public coast stations to implement DSC as the single protocol for automatic interconnection because it determined that licensees should be given the flexibility to respond to market demands using the most efficient and cost effective protocols available for their particular area of the country. The Commission also rejected the alternative of limiting public coast station serve to units on land to a certain number of vehicles. Instead, it determined that licensees should be given the flexibility to serve any number of fixed or mobile units so long as they provide priority to marine-originating communications. The Commission rejected the alternative of prohibiting the sale, after a certain date, conventional marine radios without a DSC capability. Instead, it determined that small businesses and vessel operators may have a future need for non-DSC radios in areas of the country where DSC is not needed or desirable. The Commission rejected the alternative of requiring all DSC marine radios to meet an international standard. Instead, it determined that the SC101 minimum DSC capability, as endorsed by the Coast Guard, will provide manufacturers with the technical flexibility to respond to the communications needs of all types of vessels, e.g., commercial vessels sailing internationally, recreational vessels on inland waterways. The Commission rejected the alternative of including telegraph and NB-DP authority in the

''blanket license'' for vessel stations because it determined that stations using telegraphy or NB-DP must ask for a Morse working series or SELCAL number. Because these are allocated internationally and are used by only a small percentage of U.S. vessels, it would be unreasonable to hand out Morse working series and SELCAL numbers to each vessel requesting a license. The Commission rejected the alternative of permitting facsimile transmissions on marine VHF frequencies nationwide because it determined, as the Coast Guard states, that there is too much congestion on marine VHF channels at this point to introduce data communications. Instead, this issue is best addressed at the same time the Commission considers narrowband operations. The Commission rejected the alternative of combining the ''commerical'' and ''non-commerical'' classifications of private marine VHF channels because it determined, and the Coast Guard agreed, that such sharing would be limited to niche markets and specific regions of the country. Instead, the Commission will consider specific requests by the Coast Guard to implement sharing on a regional basis. Finally, the Commission rejected the alternative of permitting public coast stations to share private land mobile radio (PLMR) frequencies because it determined that such sharing should be considered only after the resolution of PLMR service consolidation issues.

26. Report to Congress. The Commission shall send a copy of this Final Regulatory Flexibility Analysis with this *Second Report and Order* in a report to Congress pursuant to Section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A).

Paperwork Reduction Act

27. This *Second Report and Order* does not contain either a proposed or modified information collection.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Parts 2, 80, and 87

Communications equipment, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

47 CFR Parts 0, 2, 80, and 87 are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 255, unless otherwise noted.

2. Section 0.331(d) is revised to read as follows:

§ 0.331 Authority delegated.

* * * * *

(d) *Authority concerning rulemaking proceedings.* The Chief, Wireless Telecommunications Bureau shall not have the authority to act upon notices of proposed rulemaking and inquiry, final orders in rulemaking proceedings and inquiry proceedings, and reports arising from any of the foregoing except such orders involving ministerial conforming amendments to rule parts, or orders conforming any of the applicable rules to formally adopted international conventions or agreements where novel questions of fact, law, or policy are not involved. Also, the addition of new Marine VHF frequency coordination committee(s) to § 80.514 of this chapter need not be referred to the Commission if they do not involve novel questions of fact, policy or law, as well as requests by the United States Coast Guard to:

(1) Designate radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine channels as VTS frequencies for these areas; or

(2) Designate regions for shared commercial and non-commercial vessel use of VHF marine frequencies.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

3. The authority citation for part 2 continues to read as follows:

Authority: Secs. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

4. Amend § 2.106 as follows:

a. Remove the existing entries for 2000–28000 kHz, 28–30 MHz, and 158.115–161.575 MHz;

b. Add entries in numerical order for 2000–27500 kHz, 27.5–30 MHz, and 158.115–161.575 MHz;

c. In the International Footnotes under heading I., add footnotes S5.92, S5.93, S5.103, S5.104, S5.105, S5.106, S5.107, S5.108, S5.109, S5.110, S5.111, S5.112, S5.113, S5.114, S5.115, S5.116, S5.117, S5.118, S5.119, S5.120, S5.122, S5.123, S5.124, S5.125, S5.126, S5.127, S5.128, S5.129, S5.130, S5.131, S5.132, S5.133, S5.134, S5.135, S5.136, S5.137, S5.138, S5.139, S5.140, S5.141, S5.142, S5.143, S5.144, S5.145, S5.146, S5.147, S5.148, S5.151, S5.152, S5.153, S5.154, S5.155, S5.155A, S5.155B, S5.156, S5.156A, S5.157, S5.226, and S5.229 in numerical order;

d. In the International Footnotes under heading II., remove footnotes 496, 497, 498, 500, 500A, 500B, 502, 503, 504, 505, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 520A, 520B, 521, 522, 523, 524, 525, 526, 527, 528, 529, 529A, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, and 546;

e. Add footnote US340 in numerical order; and

f. Add footnote NG155 in numerical order.

§ 2.106 Table of Frequency Allocations.

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International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
2000–2025 FIXED MOBILE except aeronautical mobile (R)	2000–2025 FIXED MOBILE	2000–2025 FIXED MOBILE	2000–2025 FIXED MOBILE	2000–2025 MARITIME MOBILE	MARITIME (80)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S5.92 S5.103			US340	US340 NG19		
2025–2045 FIXED MOBILE except aeronautical mobile (R) Meteorological Aids S5.104 S5.92 S5.103	2025–2045 FIXED MOBILE	2025–2045 FIXED MOBILE	2025–2045 FIXED MOBILE US340	2025–2045 MARITIME MOBILE US340 NG19	MARITIME (80)	
2045–2065 FIXED MARITIME MOBILE LAND MOBILE S5.92	2045–2065 FIXED MOBILE	2045–2065 FIXED MOBILE	2045–2065 FIXED MOBILE US340	2045–2065 MARITIME MOBILE US340 NG19	MARITIME (80)	
2065–2107 FIXED MARITIME MOBILE LAND MOBILE S5.92	2065–2107 MARITIME MOBILE S5.105 S5.106	2065–2107 MARITIME MOBILE S5.105 S5.106	2065–2107 MARITIME MOBILE S5.105 US296 US340	2065–2107 MARITIME MOBILE S5.105 US296 US340	MARITIME (80)	
2107–2160 FIXED MARITIME MOBILE LAND MOBILE S5.92	2107–2160 FIXED MOBILE	2107–2160 FIXED MOBILE	2107–2160 FIXED MOBILE US340	2107–2160 FIXED MARITIME MOBILE LAND MOBILE US340 NG19	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2160–2170 RADIOLOCATION S5.93 S5.107	2160–2170 FIXED MOBILE	2160–2170 FIXED MOBILE	2160–2170 FIXED MOBILE US340	2160–2170 FIXED MARITIME MOBILE LAND MOBILE US340 NG19	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2170–2173.5 MARITIME MOBILE	2170–2173.5 MARITIME MOBILE	2170–2173.5 MARITIME MOBILE	2170–2173.5 MARITIME MOBILE (telephony) US340	2170–2173.5 MARITIME MOBILE US340	MARITIME (80)	
2173.5–2190.5 MOBILE (distress and calling) S5.108 S5.109 S5.110 S5.111	2173.5–2190.5 MOBILE (distress and calling) S5.108 S5.109 S5.110 S5.111	2173.5–2190.5 MOBILE (distress and calling) S5.108 S5.109 S5.110 S5.111	2173.5–2190.5 MOBILE (distress and calling) S5.108 S5.109 S5.110 S5.111 US279 US340	2173.5–2190.5 MOBILE (distress and calling) S5.108 S5.109 S5.110 S5.111 US279 US340	AVIATION (87) MARITIME (80)	2182 kHz: distress and calling
2190.5–2194 MARITIME MOBILE	2190.5–2194 MARITIME MOBILE	2190.5–2194 MARITIME MOBILE	2190.5–2194 MARITIME MOBILE (telephony) US340	2190.5–2194 MARITIME MOBILE US340	MARITIME (80)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2194–2300 FIXED MOBILE except aeronautical mobile (R) S5.92 S5.103 S5.112	2194–2300 FIXED MOBILE	2194–2300 FIXED MOBILE S5.112	2194–2300 FIXED MOBILE US340	2194–2300 FIXED LAND MOBILE MARITIME MOBILE US340 NG19	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2300–2495 FIXED MOBILE except aeronautical mobile (R) BROADCASTING S5.113 S5.103	2300–2495 FIXED MOBILE BROADCASTING S5.113	2300–2495 FIXED MOBILE BROADCASTING S5.113	2300–2495 FIXED MOBILE US340	2300–2495 FIXED LAND MOBILE MARITIME MOBILE US340 NG19	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2495–2498 FIXED MOBILE except aernoautical mobile (R) BROADCASTING S5.113 S5.103	2495–2498 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz)	2495–2498 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz)	2495–2498 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz) US340	2495–2498 STANDARD FREQUENCY AND TIME SIGNAL US340		
2498–2501 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz)	2498–2501 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz)	2498–2501 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz)	2498–2501 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz) US340	2498–2501 STANDARD FREQUENCY AND TIME SIGNAL US340	2500 kHz: standard frequency	
2501–2502 STANDARD FREQUENCY AND TIME SIGNAL Space Research	2501–2502 STANDARD FREQUENCY AND TIME SIGNAL Space Research	2501–2502 STANDARD FREQUENCY AND TIME SIGNAL Space Research	2501–2502 STANDARD FREQUENCY AND TIME SIGNAL US340 G106	2501–2502 STANDARD FREQUENCY AND TIME SIGNAL US340		
2502–2505 FIXED MOBILE except aeronautical mobile (R) S5.92 S5.103 S5.114	2502–2505 STANDARD FREQUENCY AND TIME SIGNAL	2502–2505 STANDARD FREQUENCY AND TIME SIGNAL	2502–2505 STANDARD FRQUENCY AND TIME SIGNAL US340	2502–2505 STANDARD FRQUENCY AND TIME SIGNAL US340		
2505–2605 FIXED MOBILE except aeronautical mobile (R)	2505–2605 FIXED MOBILE	2505–2605 FIXED MOBILE	2505–2605 FIXED MOBILE	2505–2605 FIXED LAND MOBILE MARITIME MOBILE	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S5.92 S5.103 S5.114			US285 UA340	US285 US340		
2605–2625 FIXED MOBILE except aeronautical mobile (R) S5.92 S5.103 S5.114	2605–2625 FIXED MOBILE	2605–2625 FIXED MOBILE	2605–2625 FIXED MOBILE US285 UA340	2605–2625 FIXED LAND MOBILE MARITIME MOBILE US285 US340 US285 US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2625–2650 MARITIME MOBILE MARITIME RADIONAVIGATION PS5.92	2625–2650 FIXED MOBILE	2625–2650 FIXED MOBILE	2625–2650 FIXED MOBILE US285 UA340	2625–2650 FIXED LAND MOBILE MARITIME MOBILE US285 US340 US285 US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2650–2850 FIXED MOBILE expect aeronautical mobile (R) S5.92 S5.103	2650–2850 FIXED MOBILE	2650–2850 FIXED MOBILE	2650–2850 FIXED MOBILE US285 US340 US285 UA340	2650–2850 FIXED LAND MOBILE MARITIME MOBILE US285 US340 US285 US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
2850–3025 AERONAUTICAL MOBILE (R) S5.111 S5.115	2850–3025 AERONAUTICAL MOBILE (R) S5.111 S5.115	2850–3025 AERONAUTICAL MOBILE (R) S5.111 S5.115	2850–3025 AERONAUTICAL MOBILE (R) S5.111 S5.115 US283 US340	2850–3025 AERONAUTICAL MOBILE (R) S5.111 S5.115 US283 US340	AVIATION (87)	
3025–3155 AERONAUTICAL MOBILE (OR)	3025–3155 AERONAUTICAL MOBILE (OR)	3025–3155 AERONAUTICAL MOBILE (OR)	3025–3155 AERONAUTICAL MOBILE (OR) US340	3025–3155 AERONAUTICAL MOBILE (OR) US340		
3155–3200 FIXED MOBILE except aeronautical mobile (R) S5.116 S5.117	3155–3200 FIXED MOBILE except aeronautical mobile (R) S5.116	3155–3200 FIXED MOBILE except aeronautical mobile (R) S5.116 S5.117	3155–3200 FIXED MOBILE except aeronautical mobile (R) US340	3155–3200 FIXED MOBILE except aeronautical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
3200–3230 FIXED MOBILE except aeronautical mobile (R) BROADCASTING S5.113 S5.116	3200–3230 FIXED MOBILE except aeronautical mobile (R) BROADCASTING S5.113 S5.116	3200–3230 FIXED MOBILE except aeronautical mobile (R) BROADCASTING S5.113 S5.116	3200–3230 FIXED MOBILE except aeronautical mobile (R) US340	3200–3230 FIXED MOBILE except aeronautical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
3230–3400 FIXED MOBILE except aeronautical mobile BROADCASTING S5.113 S5.116	3230–3400 FIXED MOBILE except aeronautical mobile BROADCASTING S5.113 S5.116 S5.118	3230–3400 FIXED MOBILE except aeronautical mobile BROADCASTING S5.113 S5.116 S5.118	3230–3400 FIXED MOBILE except aeronautical mobile Radiolocaton US340	3230–3400 FIXED MOBILE except aeronautical mobile Radiolocaton US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
3400–3500 AERONAUTICAL MOBILE (R)	3400–3500 AERONAUTICAL MOBILE (R)	3400–3500 AERONAUTICAL MOBILE (R)	3400–3500 AERONAUTICAL MOBILE (R) US283 US340	3400–3500 AERONAUTICAL MOBILE (R) US283 US340	AVIATION (87)	
3500–3750 AMATEUR S5.120 FIXED MOBILE except aeronautical mobile S5.92	3500–3750 AMATEUR S5.120 S5.119	3500–3750 AMATEUR S5.120 FIXED MOBILE	3500–3750 US340	3500–3750 AMATEUR S5.120 US340	AMATEUR (97)	
3750–3800 AMATEUR S5.120 FIXED MOBILE except aeronautical mobile S5.92	3750–3800 AMATEUR S5.120 FIXED MOBILE except aeronautical mobile (R) S5.122	3750–3800 AMATEUR S5.120 FIXED MOBILE	3750–3800 US340	3750–3800 AMATEUR S5.120 US340	AMATEUR (97)	
3800–3900 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	3800–3900 AMATEUR S5.120 FIXED MOBILE except aeronautical mobile (R) S5.122	3800–3900 AMATEUR S5.120 FIXED MOBILE	3800–3900 US340	3800–3900 AMATEUR S5.120 US340	AMATEUR (97)	
3900–3950 AERONAUTICAL MOBILE (OR) S5.123	3900–3950 AMATEUR S5.120 FIXED MOBILE except aeronautical mobile (R) S5.122	3900–3950 AERONAUTICAL MOBILE BROADCASTING	3900–3950 US340	3900–3950 AMATEUR S5.120 US340	AMATEUR (97)	
3950–4000 FIXED BROADCASTING	3950–4000 AMATEUR S5.120 FIXED MOBILE except aeronautical mobile (R) S5.122 S5.124 S5.125	3950–4000 FIXED BROADCASTING S5.125	3950–4000 US340	3950–4000 AMATEUR S5.120 US340	AMATEUR (97)	
4000–4063 FIXED MARITIME MOBILE S5.127	4000–4063 FIXED MARITIME MOBILE S5.127	4000–4063 FIXED MARITIME MOBILE S5.127 S5.126	4000–4063 MARITIME MOBILE US236 US340	4000–4063 MARITIME MOBILE US236 US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
4063–4438 MARITIME MOBILE S5.109 S5.110 S5.130 S5.131 S5.132 S5.128 S5.129	4063–4438 MARITIME MOBILE S5.109 S5.110 S5.130 S5.131 S5.132 S5.129	4063–4438 MARITIME MOBILE S5.109 S5.110 S5.130 S5.131 S5.132 S5.128 S5.129	4063–4438 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 US82 US296 US340	4063–4438 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 US82 US296 US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
4438–4650 FIXED MOBILE except aeronautical mobile (R)	4438–4650 FIXED MOBILE except aeronautical mobile (R)	4438–4650 FIXED MOBILE except aeronautical mobile	4438–4650 FIXED MOBILE except aeronautical mobile (R) US340	4438–4650 FIXED MOBILE except aeronautical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
4650–4700 AERONAUTICAL MOBILE (R)	4650–4700 AERONAUTICAL MOBILE (R)	4650–4700 AERONAUTICAL MOBILE (R)	4650–4700 AERONAUTICAL MOBILE (R) US282 US283 US340	4650–4700 AERONAUTICAL MOBILE (R) US282 US283 US340	AVIATION (87)	
4700–4750 AERONAUTICAL MOBILE (OR)	4700–4750 AERONAUTICAL MOBILE (OR)	4700–4750 AERONAUTICAL MOBILE (OR)	4700–4750 AERONAUTICAL MOBILE (OR) US340	4700–4750 AERONAUTICAL MOBILE (OR) US340		
4750–4850 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE BROADCASTING S5.113	4750–4850 FIXED MOBILE except aeronautical mobile (R) BROADCASTING S5.113	4750–4850 FIXED BROADCASTING S5.113 Land Mobile	4750–4850 FIXED MOBILE except aeronautical mobile (R) US340	4750–4850 FIXED MOBILE except aeronautical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
4850–4995 FIXED LAND MOBILE BROADCASTING S5.113	4850–4995 FIXED LAND MOBILE BROADCASTING S5.113	4850–4995 FIXED LAND MOBILE BROADCASTING S5.113	4850–4995 FIXED MOBILE US340	4850–4995 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
4995–5003 STANDARD FREQUENCY AND TIME SIGNAL (5000 kHz)	4995–5003 STANDARD FREQUENCY AND TIME SIGNAL (5000 kHz)	4995–5003 STANDARD FREQUENCY AND TIME SIGNAL (5000 kHz)	4995–5003 STANDARD FREQUENCY AND TIME SIGNAL (5000 kHz) US340	4995–5003 STANDARD FREQUENCY AND TIME SIGNAL US340		5000 kHz: standard frequency
5003–5005 STANDARD FREQUENCY AND TIME SIGNAL Space Research	5003–5005 STANDARD FREQUENCY AND TIME SIGNAL Space Research	5003–5005 STANDARD FREQUENCY AND TIME SIGNAL Space Research	5003–5005 STANDARD FREQUENCY AND TIME SIGNAL US340 G106	5003–5005 STANDARD FREQUENCY AND TIME SIGNAL US340		
5005–5060 FIXED BROADCASTING S5.113	5005–5060 FIXED BROADCASTING S5.113	5005–5060 FIXED BROADCASTING S5.113	5005–5060 FIXED	5005–5060 FIXED	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			US340	US340		
5060–5250 FIXED MOBILE except aeronautical mobile S5.133	5060–5250 FIXED MOBILE except aeronautical mobile	5060–5250 FIXED MOBILE except aeronautical mobile	5060–5250 FIXED MOBILE except aeronautical mobile US212 US340	5060–5250 FIXED MOBILE except aeronautical mobile US212 US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
5250–5450 FIXED MOBILE except aeronautical mobile	5250–5450 FIXED MOBILE except aeronautical mobile	5250–5450 FIXED MOBILE except aeronautical mobile	5250–5450 FIXED MOBILE except aeronautical mobile US340	5250–5450 FIXED MOBILE except aeronautical mobile US340	AVIATION (87) INTERNAITONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
5450–5480 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	5450–5480 AERONUATICAL MOBILE (R)	5450–5480 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	5450–5480 AERONAUTICAL MOBILE (R) US283 US340	5450–5480 AERONAUTICAL MOBILE (R) US283	AVIATION (87) US340	
5480–5680 AERONAUTICAL MOBILE (R) S5.111 S5.115	5480–5680 AERONAUTICAL MOBILE (R) S5.111 S5.115	5480–5680 AERONAUTICAL MOBILE (R) S5.111 S5.115	5480–5680 AERONAUTICAL MOBILE (R) S5.111 S5.115 US283 US340	5480–5680 AERONAUTICAL MOBILE (R) S5.111 S5.115 US283 US340	AVIATION (87)	
5680–5730 AERONAUTICAL MOBILE (OR) S5.111 S5.115	5680–5730 AERONAUTICAL MOBILE (OR) S5.111 S5.115	5680–5730 AERONAUTICAL MOBILE (OR) S5.111 S5.115	5680–5730 AERONAUTICAL MOBILE (OR) S5.111 S5.115 US340	5680–5730 AERONAUTICAL MOBILE (OR) S5.111 S5.115 US340		
5730–5900 FIXED LAND MOBILE	5730–5900 FIXED MOBILE except aeronautical mobile (R)	5730–5900 FIXED MOBILE except aeronautical mobile (R)	5730–5900 FIXED MOBILE except aeronautical mobile (R) US340	5730–5900 FIXED MOBILE except aeronautical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
5900–5950 BROADCASTING S5.134 S5.135 S5.136	5900–5950 BROADCASTING S5.134 S5.135 S5.136	5900–5950 BROADCASTING S5.134 S5.135 S5.136	5900–5950 FIXED MOBILE except aeronautical mobile (R) US340	5900–5950 FIXED MOBILE except aeronuatical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
5950–6200 BROADCASTING	5950–6200 BROADCASTING	5950–6200 BROADCASTING	5950–6200 BROADCASTING US340	5950–6200 BROADCASTING US340	RADIO BROADCAST (HF)(73)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government Allocation kHz	Non-Government Allocation kHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
6200–6525 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 S5.137	6200–6525 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 S5.137	6200–6525 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 S5.137	6200–6525 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 US82 US296 US340	6200–6525 MARITIME MOBILE S5.109 S5.110 S5.130 S5.132 US82 US296 US340	MARITIME (80)	
6525–6685 AERONAUTICAL MOBILE (R)	6525–6685 AERONAUTICAL MOBILE (R)	6525–6685 AERONAUTICAL MOBILE (R)	6525–6685 AERONAUTICAL MOBILE (R) US283 US340	6525–6685 AERONAUTICAL MOBILE (R) US283 US340	AVIATION (87)	
6685–6765 AERONAUTICAL MOBILE (OR)	6685–6765 AERONAUTICAL MOBILE (OR)	6685–6765 AERONAUTICAL MOBILE (OR)	6685–6765 AERONAUTICAL MOBILE (OR) US340	6685–6765 AERONAUTICAL MOBILE (OR) US340		
6765–7000 FIXED LAND MOBILE S5.139 S5.138	6765–7000 FIXED LAND MOBILE S5.138	6765–7000 FIXED LAND MOBILE S5.138	6765–7000 FIXED MOBILE S5.138 US340	6765–7000 FIXED MOBILE S5.138 US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	6780±15 kHz: industrial scientific, and medical
7000–7100 AMATEUR S5.120 AMATEUR-SATELLITE S5.140 S5.141	7000–7100 AMATEUR S5.120 AMATEUR-SATELLITE	7000–7100 AMATEUR S5.120 AMATEUR-SATELLITE	7000–7100 US340	7000–7100 AMATEUR S5.120 AMATEUR-SATELLITE US340	AMATEUR (97)	
7100–7300 BROADCASTING	7100–7300 AMATEUR S5.120 S5.142	7100–7300 BROADCASTING	7100–7300 S5.142 US340	7100–7300 AMATEUR S5.120 S5.142 US340	AMATEUR (97)	
7300–7350 BROADCASTING S5.134 S5.135 S5.143	7300–7350 BROADCASTING S5.134 S5.135 S5.143	7300–7350 BROADCASTING S5.134 S5.135 S5.143	7300–7350 FIXED MOBILE US340	7300–7350 FIXED MOBILE US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
7350–8100 FIXED LAND MOBILE	7350–8100 FIXED LAND MOBILE	7350–8100 FIXED LAND MOBILE S5.144	7350–8100 FIXED LAND MOBILE US340	7350–8100 FIXED LAND MOBILE US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) PRIVATE LAND MOBILE (90)	
8100–8195 FIXED MARITIME MOBILE	8100–8195 FIXED MARITIME MOBILE	8100–8195 FIXED MARITIME MOBILE	8100–8195 FIXED MARITIME MOBILE US236 US340	8100–8195 FIXED MARITIME MOBILE US236 US340	MARITIME (80)	
8195–8815 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	8195–8815 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	8195–8815 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	8195–8815 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145 S5.111 US82 US296	8195–8815 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145 S5.111 US82 US296	MARITIME (80)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S5.111	S5.111	S5.111	US340	US340		
8815–8965 AERONAUTICAL MOBILE (R)	8815–8965 AERONAUTICAL MOBILE (R)	8815–8965 AERONAUTICAL MOBILE (R)	8815–8965 AERONAUTICAL MOBILE (R) US340	8815–8965 AERONAUTICAL MOBILE (R) US340	AVIATION (87)	
8965–9040 AERONAUTICAL MOBILE (OR)	8965–9040 AERONAUTICAL MOBILE (OR)	8965–9040 AERONAUTICAL MOBILE (OR)	8965–9040 AERONAUTICAL MOBILE (OR) US340	8965–9040 AERONAUTICAL MOBILE (OR) US340		
9040–9400 FIXED	9040–9400 FIXED	9040–9400 FIXED	9040–9400 FIXED US340	9040–9400 FIXED US340	INTERNATIONAL FIXED PUBLIC (23 Aviation (87)	
9400–9500 BROADCASTING S5.134 S5.135 S5.146	9400–9500 BROADCASTING S5.134 S5.135 S5.146	9400–9500 BROADCASTING S5.134 S5.135 S5.146	9400–9500 FIXED US340	9400–9500 FIXED US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80) Aviation (87)	
9500–9900 BROADCASTING S5.147 S5.148	9500–9900 BROADCASTING S5.147 S5.148	9500–9900 BROADCASTING S5.147 S5.148	9500–9900 BROADCASTING S5.147 S5.148 US235 US340	9500–9900 BROADCASTING S5.147 S5.148 US235 US340	RADIO BROADCAST (HF) (73) INTERNATIONAL FIXED PUBLIC (23)	
9900–9995 FIXED	9900–9995 FIXED	9900–9995 FIXED	9900–9995 FIXED US340	9900–9995 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
9995–10003 STANDARD FREQUENCY AND TIME SIGNAL (10000 kHz) S5.111	9995–10003 STANDARD FREQUENCY AND TIME SIGNAL (10000 kHz) S5.111	9995–10003 STANDARD FREQUENCY AND TIME SIGNAL (10000 kHz) S5.111	9995–10003 STANDARD FREQUENCY AND TIME SIGNAL (10000 kHz) S5.111 US340	9995–10003 STANDARD FREQUENCY AND TIME SIGNAL S5.111 US340		10000 kHz: standard frequency
10003–10005 STANDARD FREQUENCY AND TIME SIGNAL Space Research S5.111	10003–10005 STANDARD FREQUENCY AND TIME SIGNAL S5.111	10003–10005 STANDARD FREQUENCY AND TIME SIGNAL S5.111	10003–10005 STANDARD FREQUENCY AND TIME SIGNAL S5.111 US340	10003–10005 STANDARD FREQUENCY AND TIME SIGNAL S5.111 US340		
10005–10100 AERONAUTICAL MOBILE (R) S5.111	10005–10100 AERONAUTICAL MOBILE (R) S5.111	10005–10100 AERONAUTICAL MOBILE (R) S5.111	10005–10100 AERONAUTICAL MOBILE (R) S5.111 US283 US340	10005–10100 AERONAUTICAL MOBILE (R) S5.111 US283 US340	10005–10100 AERONAUTICAL MOBILE (R)	AVIATION (87)
10100–10150 FIXED Amateur S5.120	10100–10150 FIXED Amateur S5.120	10100–10150 FIXED Amateur S5.120	10100–10150 US247 US340	10100–10150 AMATEUR S5.120 US247 US340	AMATEUR (97)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
10150–11175 FIXED MOBILE except aeronautical mobile (R)	10150–11175 FIXED MOBILE except aeronautical mobile (R)	1050–11175 FIXED MOBILE except aeronautical mobile (R)	10150–11175 FIXED MOBILE except aeronautical mobile (R) US340	10150–11175 FIXED MOBILE except aeronautical mobile (R) US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
11175–11275 AERONAUTICAL MOBILE (OR)	11175–11275 AERONAUTICAL MOBILE (OR)	11175–11275 AERONAUTICAL MOBILE (OR)	11175–11275 AERONAUTICAL MOBILE (OR) US340	11175–11275 AERONAUTICAL MOBILE (OR) US340		
11275–11400 AERONAUTICAL MOBILE (R)	11275–11400 AERONAUTICAL MOBILE (R)	11275–11400 AERONAUTICAL MOBILE (R)	11275–1140 AERONAUTICAL MOBILE (R) US283 US340	11275–11400 AERONAUTICAL MOBILE (R) US283 US340	AVIATION (87)	
11400–11600 FIXED	11400–11600 FIXED	11400–11600 FIXED	11400–11600 FIXED US340	11400–11600 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
11600–11650 BROADCASTING S5.134 S5.135 S5.146	11600–11650 BROADCASTING S5.134 S5.135 S5.146	11600–11650 BROADCASTING S5.134 S5.135 S5.146	11600–11650 FIXED US340	11600–11650 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
11650–12050 BROADCASTING S5.147 S5.148	11650–12050 BROADCASTING S5.147 S5.148	11650–12050 BROADCASTING S5.147 S5.148	11650–12050 BROADCASTING US235 US340	11650–12050 BROADCASTING US235 US340	RADIO BROADCAST (HF)(73) INTERNATIONAL FIXED PUBLIC (23)	
12050–12100 BROADCASTING S5.134 S5.135 S5.146	12050–12100 BROADCASTING S5.134 S5.135 S5.146	12050–12100 BROADCASTING S5.134 S5.135 S5.146	12050–12100 FIXED US340	12050–12100 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
12100–12230 FIXED	12100–12230 FIXED	12100–12230 FIXED	12100–12230 FIXED US340	12100–12230 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
12230–13200 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	12230–13200 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	12230–13200 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	12230–13200 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145 US82 US296 US340	12230–13200 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145 US82 US296 US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
13200–13260 AERONAUTICAL MOBILE (OR)	13200–13260 AERONAUTICAL MOBILE (OR)	13200–13260 AERONAUTICAL MOBILE (OR)	13200–13260 AERONAUTICAL MOBILE (OR) US340	13200–13260 AERONAUTICAL MOBILE (OR) US340		
13260–13360 AERONAUTICAL MOBILE (R)	13260–13360 AERONAUTICAL MOBILE (R)	13260–13360 AERONAUTICAL MOBILE (R)	13260–13360 AERONAUTICAL MOBILE (R) US283 US340	13260–13360 AERONAUTICAL MOBILE (R) US283 US340	AVIATION (87)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
13360–13410 FIXED RADIO ASTRONOMY S5.149	13360–13410 FIXED RADIO ASTRONOMY S5.149	13360–13410 FIXED RADIO ASTRONOMY S5.149	13360–13410 RADIO ASTRONOMY S5.149 G115	13360–13410 RADIO ASTRONOMY S5.149		
13410–13570 FIXED MOBILE except aeronautical mobile (R) S5.150	13410–13570 FIXED MOBILE except aeronautical mobile (R) S5.150	13410–13570 FIXED MOBILE except aeronautical mobile (R) S5.150	13410–13570 FIXED MOBILE except aeronautical mobile (R) S5.150 US340	13410–13570 FIXED S5.150 US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	13560±7 kHz: industrial, scientific and medical
13570–13600 BROADCASTING S5.134 S5.135 S5.151	13570–13600 BROADCASTING S5.134 S5.135 S5.151	13570–13600 BROADCASTING S5.134 S5.135 S5.151	13570–13600 FIXED Mobile except aeronautical mobile (R) US340	13570–13600 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
13600–13800 BROADCASTING S5.148	13600–13800 BROADCASTING S5.148	13600–13800 BROADCASTING S5.148	13600–13800 BROADCASTING S5.148 US340	13600–13800 BROADCASTING S5.148 US340	RADIO BROADCAST (HF) (73) INTERNATIONAL FIXED PUBLIC (23)	
13800–13870. BROADCASTING S5.134 S5.135 S5.151	13800–13870 BROADCASTING S5.134 S5.135 S5.151	13800–13870 BROADCASTING S5.134 S5.135 S5.151	13800–13870 FIXED Mobile except aeronautical mobile (R) US340	13800–13870 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
13870–14000 FIXED MOBILE except aeronautical mobile (R)	13870–14000 FIXED MOBILE except aeronautical mobile (R)	13870–14000 FIXED MOBILE except aeronautical mobile (R)	13870–14000 FIXED MOBILE except aeronautical mobile (R) US340	13870–14000 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
14000–14250 AMATEUR S5.120 AMATEUR-SATELLITE	14000–14250 AMATEUR S5.120 AMATEUR-SATELLITE	14000–14250 AMATEUR S5.120 AMATEUR-SATELLITE	14000–14250 US340	14000–14250 AMATEUR S5.120 AMATEUR-SATELLITE US340	AMATEUR (97)	
14250–14350 AMATEUR S5.120 S5.152	14250–14350 AMATEUR S5.120	14250–14350 AMATEUR S5.120 S5.152	14250–14350 US340	14250–14350 AMATEUR S5.120 US340	AMATEUR (97)	
14350–14990 FIXED MOBILE except aeronautical mobile (R)	14350–14990 FIXED MOBILE except aeronautical mobile (R)	14350–14990 FIXED MOBILE except aeronautical mobile (R)	14350–14990 FIXED MOBILE except aeronautical mobile (R) US340	14350–14990 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
14990–15005 STANDARD FREQUENCY AND TIME SIGNAL (15000 kHz) S5.111	14990–15005 STANDARD FREQUENCY AND TIME SIGNAL (15000 kHz) S5.111	14990–15005 STANDARD FREQUENCY AND TIME SIGNAL (15000 kHz) S5.111	14990–15005 STANDARD FREQUENCY AND TIME SIGNAL (15000 kHz) S5.111 US340	14990–15005 STANDARD FREQUENCY AND TIME SIGNAL S5.111 US340		15000 kHz: standard frequency

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
15005–15010 STANDARD FREQUENCY AND TIME SIGNAL Space Research	15005–15010 STANDARD FREQUENCY AND TIME SIGNAL Space Research	15005–15010 STANDARD FREQUENCY AND TIME SIGNAL Space Research	15005–15010 STANDARD FREQUENCY AND TIME SIGNAL US340 G106	15005–15010 STANDARD FREQUENCY AND TIME SIGNAL US340		
15010–15100 AERONAUTICAL MOBILE (OR)	15010–15100 AERONAUTICAL MOBILE (OR)	15010–15100 AERONAUTICAL MOBILE (OR)	15010–15100 AERONAUTICAL MOBILE (OR) US340	15010–15100 AERONAUTICAL MOBILE (OR) US340		
15100–15600 BROADCASTING S5.148	15100–15600 BROADCASTING S5.148	15100–15600 BROADCASTING S5.148	15100–15600 BROADCASTING S5.148 US340	15100–15600 BROADCASTING S5.148 US340	RADIO BROADCAST (HF) (73) INTERNATIONAL FIXED PUBLIC (23)	
15600–15800 BROADCASTING S5.134 S5.135 S5.146	15600–15800 BROADCASTING S5.134 S5.135 S5.146	15600–15800 BROADCASTING S5.134 S5.135 S5.146	15600–15800 FIXED US340	15600–15800 FIXED US340	AVIATION (87) INTERNATIONAL PUBLIC FIXED (23)	
15800–16360 FIXED S5.153	15800–16360 FIXED S5.153	15800–16360 FIXED S5.153	15800–16360 FIXED US340	15800–16360 FIXED US340	AVIATION (87) INTERNATIONAL PUBLIC FIXED (23)	
16360–17410 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	16360–17410 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	16360–17410 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145	16360–17410 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145 US82 US296 US340	16360–17410 MARITIME MOBILE S5.109 S5.110 S5.132 S5.145 US82 US296 US340	MARITIME (80)	
17410–17480 FIXED	17410–17480 FIXED	17410–17480 FIXED	17410–17480 FIXED US340	17410–17480 FIXED US340	AVIATION (87) INTERNATIONAL PUBLIC FIXED (23)	
17480–17550 BROADCASTING S5.134 S5.135 S5.146	17480–17550 BROADCASTING S5.134 S5.135 S5.146	17480–17550 BROADCASTING S5.134 S5.135 S5.146	17480–17550 FIXED US340	17480–17550 FIXED US340	AVIATION (87) INTERNATIONAL PUBLIC FIXED (23)	
17550–17900 BROADCASTING S5.148	17550–17900 BROADCASTING S5.148	17550–17900 BROADCASTING S5.148	17550–17900 BROADCASTING S5.148 US340	17550–17900 BROADCASTING S5.148 US340	RADIO BROADCAST (HF) (73) iNTERNATIONAL FIXED PUBLIC (23)	
17900–17970 AERONAUTICAL MOBILE (R)	17900–17970 AERONAUTICAL MOBILE (R)	17900–17970 AERONAUTICAL MOBILE (R)	17900–17970 AERONAUTICAL MOBILE (R) US283 US340	17900–17970 AERONAUTICAL MOBILE (R) US283 US340	AVIATION (87)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
17970–18030 AERONAUTICAL MOBILE (OR)	17970–18030 AERONAUTICAL MOBILE (OR)	17970–18030 AERONAUTICAL MOBILE (OR)	17970–18030 AERONAUTICAL MOBILE (OR) US340	17970–18030 AERONAUTICAL MOBILE (OR) US340		
18030–18052 FIXED	18030–18052 FIXED	18030–18052 FIXED	18030–18052 FIXED US340	18030–18052 FIXED US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
18052–18068 FIXED space research	18052–18068 FIXED space research	18052–18068 FIXED space research	18052–18068 FIXED space research US340	18052–18068 FIXED space research US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
18068–18168 AMATEUR S5.120 AMATEUR-SATELLITE S5.154	18068–18168 AMATEUR S5.120 AMATEUR-SATELLITE	18068–18168 AMATEUR S5.120 AMATEUR-SATELLITE	18068–18168 US340	18068–18168 AMATEUR S5.120 AMATEUR-SATELLITE US340	AMATEUR (97) INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
18168–18780 FIXED MOBILE except aeronautical mobile	18168–18780 FIXED MOBILE except aeronautical mobile	18168–18780 FIXED MOBILE except aeronautical mobile	18168–18780 FIXED MOBILE US340	18168–18780 FIXED MOBILE US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23) MARITIME 80	
18780–18900 MARITIME MOBILE	18780–18900 MARITIME MOBILE	18780–18900 MARITIME MOBILE	18780–18900 MARITIME MOBILE US82 US296 US340	18780–18900 MARITIME MOBILE US82 US296 US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
18900–19020 BROADCASTING S5.134 S5.135 S5.146	18900–19020 BROADCASTING S5.134 S5.135 S5.146	18900–19020 BROADCASTING S5.134 S5.135 S5.146	18900–19020 FIXED US340	18900–19020 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
19020–19680 FIXED	19020–19680 FIXED	19020–19680 FIXED	19020–19680 FIXED US340	19020–19680 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
19680–19800 MARITIME MOBILE S5.132	19680–19800 MARITIME MOBILE S5.132	19680–19800 MARITIME MOBILE S5.132	19680–19800 MARITIME MOBILE S5.132 US340	19680–19800 MARITIME MOBILE S5.132 US340	MARITIME (80)	
19800–19900 FIXED	19800–19900 FIXED	19800–19900 FIXED	19800–19900 FIXED US340	19800–19900 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
19900–19995 STANDARD FREQUENCY AND TIME SIGNAL space research S5.111	19900–19995 STANDARD FREQUENCY AND TIME SIGNAL space research S5.111	19900–19995 STANDARD FREQUENCY AND TIME SIGNAL space research S5.111	19900–19995 STANDARD FREQUENCY AND TIME SIGNAL space research S5.111 US340 G106	19900–19995 STANDARD FREQUENCY AND TIME SIGNAL space research S5.111 US340		
19995–20010 STANDARD FREQUENCY AND TIME SIGNAL (20000 kHz) S5.111	19995–20010 STANDARD FREQUENCY AND TIME SIGNAL (20000 kHz) S5.111	19995–20010 STANDARD FREQUENCY AND TIME SIGNAL (20000 kHz) S5.111	19995–20010 STANDARD FREQUENCY AND TIME SIGNAL S5.111 US340 G106	19995–20010 STANDARD FREQUENCY AND TIME SIGNAL S5.111 US 340		2000 kHz: STANDARD FREQUENCY
20010–21000 FIXED MOBILE	20010–21000 FIXED MOBILE	20010–21000 FIXED MOBILE	20010–21000 FIXED MOBILE US340	20010–21000 FIXED US340		
21000–21450 AMATEUR S5.120 AMATEUR-SATELLITE	21000–21450 AMATEUR S5.120 AMATEUR-SATELLITE	21000–21450 AMATEUR S5.120 AMATEUR-SATELLITE	21000–21450 US340	21000–21450 AMATEUR S5.120 AMATEUR-SATELLITE US340	AMATEUR (97)	
21450–21850 BROADCASTING S5.148	21450–21850 BROADCASTING S5.148	21450–21850 BROADCASTING S5.148	21450–21850 BROADCASTING S5.148 US340	21450–21850 BROADCASTING S5.148 US340	INTERNATIONAL FIXED PUBLIC (23) RADIO BROADCAST (HF)(73)	
21850–21870 FIXED S5.155A S5.155	21850–21870 FIXED	21850–21870 FIXED	21850–21870 FIXED US340	21850–21870 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
21870–21924 FIXED S5.155B	21870–21924 FIXED S5.155B	21870–21924 FIXED S5.155B	21870–21924 FIXED US340	21870–21924 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
21924–22000 AERONAUTICAL MOBILE (R)	21924–22000 AERONAUTICAL MOBILE (R)	21924–22000 AERONAUTICAL MOBILE (R)	21924–22000 AERONAUTICAL MOBILE (R) US340	21924–22000 AERONAUTICAL MOBILE (R) US340	AVIATION (87)	
22000–22855 MARITIME MOBILE S5.132 S5.156	22000–22855 MARITIME MOBILE S5.132	22000–22855 MARITIME MOBILE S5.132	22000–22855 MARITIME MOBILE S5.132 US82 US296 US340	22000–22855 MARITIME MOBILE S5.132 US82 US296 US340	INTERNATIONAL FIXED PUBLIC (23) MARITIME (80)	
22855–23000 FIXED	22855–23000 FIXED	22855–23000 FIXED	22855–23000 FIXED	22855–23000 FIXED	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S5.156			US340	US340		
23000–23200 FIXED MOBILE except aeronautical mobile (R) S5.156	23000–23200 FIXED MOBILE except aeronautical mobile (R)	23000–23200 FIXED MOBILE except aeronautical mobile (R)	23000–23200 FIXED MOBILE except aeronautical mobile (R) US340	23000–23200 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
23200–23350 AERONAUTICAL MOBILE (OR) FIXED S5.156A	23200–23350 AERONAUTICAL MOBILE (OR) FIXED S5.156A	23200–23350 AERONAUTICAL MOBILE (OR) FIXED S5.156A	23200–23350 AERONAUTICAL MOBILE (OR) US340	23200–23350 AERONAUTICAL MOBILE (OR) US340		
23350–24000 FIXED MOBILE except aeronautical mobile S5.157	23350–24000 FIXED MOBILE except aeronautical mobile S5.157	23350–24000 FIXED MOBILE except aeronautical mobile S5.157	23350–24000 FIXED MOBILE except aeronautical mobile US340	23350–24000 FIXED US340	AVIATION (87) INTERNATONAL FIXED PUBLIC (23)	
24000–24890 FIXED LAND MOBILE	24000–24890 FIXED LAND MOBILE	24000–24890 FIXED LAND MOBILE	24000–24890 FIXED MOBILE except aeronautical mobile US340	24000–24890 FIXED US340	AVIATION (87) INTERNATONAL FIXED PUBLIC (23)	
24890–24990 AMATEUR S5.120 AMATEUR-SATELLITE	24890–24990 AMATEUR S5.120 AMATEUR-SATELLITE	24890–24990 AMATEUR S5.120 AMATEUR-SATELLITE	24890–24990 US340	24890–24990 AMATEUR S5.120 AMATEUR-SATELLITE US340	AMATEUR (97)	
24990–25005 STANDARD FREQUENCY AND TIME SIGNAL (25000 kHz)	24990–25005 STANDARD FREQUENCY AND TIME SIGNAL (25000 kHz)	24990–25005 STANDARD FREQUENCY AND TIME SIGNAL (25000 kHz)	24990–25005 STANDARD FREQUENCY AND TIME SIGNAL (25000 kHz) US340	24990–25005 STANDARD FREQUENCY AND TIME SIGNAL (25000 kHz) US340		25000 kHz: STANDARD FREQUENCY
25005–25010 STANDARD FREQUENCY AND TIME SIGNAL space research	25005–25010 STANDARD FREQUENCY AND TIME SIGNAL space research	25005–25010 STANDARD FREQUENCY AND TIME SIGNAL space research	25005–25010 STANDARD FREQUENCY AND TIME SIGNAL US340 G106	25005–25010 STANDARD FREQUENCY AND TIME SIGNAL US340		
25010–25070 FIXED MOBILE except aeronautical mobile	25010–25070 FIXED MOBILE except aeronautical mobile	25010–25070 FIXED MOBILE except aeronautical mobile	25010–25070 US340	25010–25070 LAND MOBILE US340 NG112	PRIVATE LAND MOBILE (90)	
25070–25210 MARITIME MOBILE	25070–25210 MARITIME MOBILE	25070–25210 MARITIME MOBILE	25070–25210 MARITIME MOBILE US82 US281 US296 US340	25070–25210 MARITIME MOBILE US82 US281 US296 US340 NG112	MARITIME (80) PRIVATE LAND MOBILE (90)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
25210–25330 FIXED MOBILE except aeronautical mobile	25210–25330 FIXED MOBILE except aeronautical mobile	25210–25330 FIXED MOBILE except aeronautical mobile	25210–25330 US340	25210–25330 LAND MOBILE US340	PRIVATE LAND MOBILE (90)	
25330–25550 FIXED MOBILE except aeronautical mobile	25330–25550 FIXED MOBILE except aeronautical mobile	25330–25550 FIXED MOBILE except aeronautical mobile	25330–25550 FIXED MOBILE except aeronautical mobile US340	25330–25550 US340		
25550–25670 RADIO ASTRONOMY S5.149	25550–25670 RADIO ASTRONOMY S5.149	25550–25670 RADIO ASTRONOMY S5.149	25550–25670 RADIO ASTRONOMY US74 S5.149	25550–25670 RADIO ASTRONOMY US74 S5.149		
25670–26100 BROADCASTING	25670–26100 BROADCASTING	25670–26100 BROADCASTING	25670–26100 BROADCASTING US25 US340	25670–26100 BROADCASTING US25 US340	RADIO BROADCAST (HF)(73) Remote Pickup (74D)	
26100–26175 MARITIME MOBILE S5.132	26100–26175 MARITIME MOBILE S5.132	26100–26175 MARITIME MOBILE S5.132	26100–26175 MARITIME MOBILE S5.132 US340	26100–26175 MARITIME MOBILE S5.132 US340	AUXILIARY BROADCASTING (74) MARITIME (80)	
26175–26480 FIXED MOBILE except aeronautical mobile	26175–26480 FIXED MOBILE except aeronautical mobile	26175–26480 FIXED MOBILE except aeronautical mobile	26175–26480 US340	26175–26480 LAND MOBILE US340	AUXILIARY BROADCASTING (74)	
26480–26950 FIXED MOBILE except aeronautical mobile	26480–26950 FIXED MOBILE except aeronautical mobile	26480–26950 FIXED MOBILE except aeronautical mobile	26480–26950 FIXED MOBILE except aeronautical mobile US10 US340	26480–26950 US10 US340		
26950–26960 FIXED MOBILE except aeronautical mobile S5.150	26950–26960 FIXED MOBILE except aeronautical mobile S5.150	26950–26960 FIXED MOBILE except aeronautical mobile S5.150	26950–26960 S5.150 US340	26950–26960 FIXED S5.150 US340	INTERNATIONAL FIXED PUBLIC (23)	
26960–27230 FIXED MOBILE except aeronautical mobile S5.150	26960–27230 FIXED MOBILE except aeronautical mobile S5.150	26960–27230 FIXED MOBILE except aeronautical mobile S5.150	26960–27230 S5.150 US340	26960–27230 MOBILE except aeronautical mobile S5.150 US340	PERSONAL (95)	27120±163 kHz: industrial, scientific and medical
27230–27410 FIXED MOBILE except aeronautical mobile S5.150	27230–27410 FIXED MOBILE except aeronautical mobile S5.150	27230–27410 FIXED MOBILE except aeronautical mobile S5.150	27230–27410 S5.150 US340	27230–27410 FIXED MOBILE except aeronautical mobile S5.150 US340	PERSONAL (95) PRIVATE LAND MOBILE (90)	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
27410–27500 FIXED MOBILE except aeronautical mobile	27410–27500 FIXED MOBILE except aeronautical mobile	27410–27500 FIXED MOBILE except aeronautical mobile	27410–27500 US340	27410–27500 FIXED LAND MOBILE US340	PRIVATE LAND MOBILE (90)	
27.5–27.54 METEOROLOGICAL AIDS FIXED MOBILE	27.5–27.54 METEOROLOGICAL AIDS FIXED MOBILE	27.5–27.54 METEOROLOGICAL AIDS FIXED MOBILE	27.5–27.54 US340	27.5–27.54 FIXED LAND MOBILE US340	PRIVATE LAND MOBILE (90)	
27.54–28 METEOROLOGICAL AIDS FIXED MOBILE	27.54–28 METEOROLOGICAL AIDS FIXED MOBILE	27.54–28 METEOROLOGICAL AIDS FIXED MOBILE	27.54–28 FIXED LAND MOBILE US298 US340	27.54–28 US298 US340		
28–29.7 AMATEUR AMATEUR-SATELLITE	28–29.7 AMATEUR AMATEUR-SATELLITE	28–29.7 AMATEUR AMATEUR-SATELLITE	28–29.7 US340	28–29.7 AMATEUR AMATEUR-SATELLITE US340	AMATEUR (97)	
29.7–29.8 FIXED MOBILE	29.7–29.8 FIXED MOBILE	29.7–29.8 FIXED MOBILE	29.7–29.8 US340	29.7–29.8 LAND MOBILE US340	PRIVATE LAND MOBILE (90)	
29.8–29.89 FIXED MOBILE	29.8–29.89 FIXED MOBILE	29.8–29.89 FIXED MOBILE	29.8–29.89 US340	29.8–29.89 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
29.89–29.91 FIXED MOBILE	29.89–29.91 FIXED MOBILE	29.89–29.91 FIXED MOBILE	29.89–29.91 FIXED MOBILE US340	29.89–29.91 US340		
29.91–30 FIXED MOBILE	29.91–30 FIXED MOBILE	29.91–30 FIXED MOBILE	29.91–30 US340	29.91–30 FIXED US340	AVIATION (87) INTERNATIONAL FIXED PUBLIC (23)	
*	*	*	*	*	*	*
158.115–161.575 FIXED MOBILE except aeronautical mobile S5.226 S5.229	158.115–161.575 FIXED MOBILE S5.226 S5.230 S5.231 S5.232	158.115–161.575 FIXED MOBILE S5.226 S5.230 S5.231 S5.232	158.115–161.575 S5.226	158.115–161.575 FIXED LAND MOBILE S5.226 NG6 NG28 NG70 NG112 NG124 NG148 NG155	PUBLIC MOBILE (22) PRIVATE LAND MOBILE (90) MARITIME (80)	
*	*	*	*	*	*	*

International Footnotes

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I. New ''S'' Numbering Scheme

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S5.92 Some countries of Region 1 use radiodetermination systems in the bands 1606.5–1625 kHz, 1635–1800 kHz, 1850–2160 kHz, 2194–2300 kHz, 2502–2850 kHz and 3500–3800 kHz, subject to agreement obtained under Article 14/No. S9.21. The radiated mean power of these stations shall not exceed 50W.

S5.93 *Additional allocation:* in Angola, Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Nigeria, Uzbekistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Russia, Tajikistan, Chad, Turkmenistan and Ukraine, the bands 1625–1635 kHz, 1800–1810 kHz and 2160–2170 kHz are also allocated to the fixed and land mobile services on a primary basis, subject to agreement obtained under Article 14/No. S9.21.

S5.103 In Region 1, in making assignments to stations in the fixed and mobile services in the bands 1850–2045 kHz, 2194–2498 kHz, 2502–2625 kHz and 2650–2850 kHz, administrations should bear in mind the special requirements of the maritime mobile service.

S5.104 In Region 1, the use of the band 2025–2045 kHz by the meteorological aids service is limited to oceanographic buoy stations.

S5.105 In Region 2, except in Greenland, coast stations and ship stations using radiotelephony in the band 2065–2107 kHz shall be limited to class J3E emissions and to a peak envelope power not exceeding 1kW. Preferably, the following carrier frequencies should be used: 2065.0 kHz, 2079.0 kHz, 2082.5 kHz, 2086.0 kHz, 2093.0 kHz, 2096.5 kHz, 2100.0 kHz and 2103.5 kHz. In Argentina and Uruguay, the carrier frequencies 2068.5 kHz and 2075.5 kHz are also used for this purpose, while the frequencies within the band 2072–2075.5 kHz are used as provided in No. 4323BD/S52.165.

S5.106 In Regions 2 and 3, provided no harmful interference is caused to the maritime mobile service, the frequencies between 2065 kHz and 2107 kHz may be used by stations of the fixed service communicating only within national borders and whose mean power does not exceed 50 W. In notifying the frequencies, the attention of the Bureau should be drawn to these provisions.

S5.107 *Additional allocation:* in Saudi Arabia, Botswana, Eritrea, Ethiopia, Iraq, Lesotho, Libya, Malawi, Somalia, Swaziland and Zambia, the band 2160–2170 kHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services on a primary basis. The mean power of stations in these services shall not exceed 50 W.

S5.108 The carrier frequency 2182 kHz is an international distress and calling frequency for radiotelephony. The conditions for the use of the band 2173.5–2190.5 kHz are prescribed in Articles N38/S31 and 60/S52 and in Articles 37 and 38/Appendix S13.

S5.109 The frequencies 2187.5 kHz, 4207.5 kHz, 6312 kHz, 8414.5 kHz, 12577 kHz and 16804.5 kHz are international distress frequencies for digital selective calling. The conditions for the use of these frequencies are prescribed in Article N38/S31.

S5.110 The frequencies 2174.5 kHz, 4177.5 kHz, 6268 kHz, 8376.5 kHz, 12520 kHz and 16695 kHz are international distress frequencies for narrow-band direct-printing telegraphy. The conditions for the use of these frequencies are prescribed in Article N38/S31.

S5.111 The carrier frequencies 2182 kHz, 3023 kHz, 5680 kHz, 8364 kHz and the frequencies 121.5 MHz, 156.8 MHz and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles. The conditions for the use of the frequencies are prescribed in Article N38/S31 and in Article 38/Appendix S13.

The same applies to the frequencies 10003 kHz, 14993 kHz and 19993 kHz, but in each of these cases emissions must be confined in a band of ± 3 kHz about the frequency.

S5.112 *Alternative allocation:* in Belgium, Bosnia and Herzegovina, Cyprus, Denmark, Spain, France, Greece, Iceland, Italy, Malta, Norway, the United Kingdom, Singapore, Sri Lanka, Turkey and Yugoslavia, the band 2194–2300 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.113 For the conditions for the use of the bands 2300–2495 kHz (2498 kHz in Region 1), 3200–3400 kHz, 4750–4995 kHz and 5005–5060 kHz by the broadcasting service, see Nos. S5.16 to S5.20, S5.21 and 2666/S23.3 to 2673/S23.10.

S5.114 *Alternative allocation:* in Belgium, Bosnia and Herzegovina, Cyprus, Denmark, Spain, France, Greece, Iraq, Italy, Malta, Norway, the United Kingdom, Turkey and Yugoslavia, the band 2502–2625 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.115 The carrier (reference) frequencies 3023 kHz and 5680 kHz may also be used, in accordance with Article N38/S31 and Article 38/Appendix S13 by stations of the maritime mobile service engaged in coordinated search and rescue operations.

S5.116 Administrations are urged to authorize the use of the band 3155–3195 kHz to provide a common worldwide channel for low power wireless hearing aids. Additional channels for these devices may be assigned by administrations in the bands between 3155 kHz and 3400 kHz to suit local needs.

It should be noted that frequencies in the range 3000 kHz to 4000 kHz are suitable for hearing aid devices which are designed to operate over short distances within the induction field.

S5.117 *Alternative allocation:* in Belgium, Bosnia and Herzegovina, Cameroon, Cyprus, Côte d'Ivoire, Denmark, Egypt, Spain, France, Greece, Iceland, Italy, Liberia, Malta, Norway, the United Kingdom, Singapore, Sri Lanka, Togo, Turkey and Yugoslavia, the band 3155–3200 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.118 *Additional allocation:* in the United States, Japan, Mexico, Peru and Uruguay, the band 3230–3400 kHz is also allocated to the radiolocation service on a secondary basis.

S5.119 *Additional allocation:* in Honduras, Mexico, Peru and Venezuela, the band 3500–3750 kHz is also allocated to the fixed and mobile services on a primary basis.

S5.120 For the use of the bands allocated to the amateur service at 3.5 MHz, 7.0 MHz, 10.1 MHz, 14.0 MHz, 18.068 MHz, 21.0 MHz, 24.89 MHz and 144 MHz in the event of natural disasters, see Resolution 640.

S5.122 *Alternative allocation:* in Argentina, Bolivia, Chile, Ecuador, Paraguay, Peru and Uruguay, the band 3750–4000 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.123 *Additional allocation:* in Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, the band 3900–3950 kHz is also allocated to the broadcasting service on a primary basis, subject to agreement obtained under Article 14/No. S9.21.

S5.124 *Additional allocation:* in Canada, the band 3950–4000 kHz is also allocated to the broadcasting service on a primary basis. The power of broadcasting stations operating in this band shall not exceed that necessary for a national service within the frontier of this country and shall not cause harmful interference to other services operating in accordance with the Table.

S5.125 *Additional allocation:* in Greenland, the band 3950–4000 kHz is also allocated to the broadcasting service on a primary basis. The power of the broadcasting stations operating in this band shall not exceed that necessary for a national service and shall in no case exceed 5 kW.

S5.126 In Region 3, the stations of those services to which the band 3995–4005 kHz is allocated may transmit standard frequency and time signals.

S5.127 The use of the band 4000–4063 kHz by the maritime mobile service is limited to ship stations using radiotelephony (see No. 4374/S52.220 and Appendix 16/S17).

S5.128 In Afghanistan, Argentina, Armenia, Australia, Azerbaijan, Belarus, Botswana, Burkina Faso, Central African Republic, China, Georgia, India, Kazakhstan, Mali, Moldova, Niger, Kyrgyzstan, Russia, Tajikistan, Chad, Turkmenistan and Ukraine, in the bands 4063–4123 kHz, 4130–4133 kHz and 4408–4438 kHz, stations of limited power in the fixed service which are situated at least 600 km from the coast may operate on condition that harmful interference is not caused to the maritime mobile service.

S5.129 On condition that harmful interference is not caused to the maritime mobile service, the frequencies in the bands 4063–4123 kHz and 4130–4438 kHz may be used exceptionally by stations in the fixed service communicating only within the boundary of the country in which they are located with a mean power not exceeding 50 W.

S5.130 The conditions for the use of the carrier frequencies 4125 kHz and 6215 kHz are prescribed in Articles N38/S31 and 60/S52 and in Articles 37 and 38/Appendix S13.

S5.131 The frequency 4209.5 kHz is used exclusively for the transmission by coast stations of meteorological and navigational warnings and urgent information to ships by means of narrow-band direct-printing techniques (see Resolution 339 WRC–95).

S5.132 The frequencies 4210 kHz, 6314 kHz, 8416.5 kHz, 12579 kHz, 16806.5 kHz, 19680.5 kHz, 22376 kHz and 26100.5 kHz are the international frequencies for the transmission of Maritime Safety Information (MSI) (see Resolution 333 (Mob-87) and Appendix 31/S17).

S5.133 *Different category of service:* in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Uzbekistan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 5130–5250 kHz to the mobile, except aeronautical mobile, service is on a primary basis (see No. S5.33).

S5.134 The use of the bands 5900–5950 kHz, 7300–7350 kHz, 9400–9500 kHz, 11600–11650 kHz, 12050–12100 kHz, 13570–13600 kHz, 13800–13870 kHz, 15600–15800 kHz, 17480–17550 kHz and 18900–19020 kHz by the broadcasting service is limited to single-sideband emissions with the characteristics specified in Appendix 45/S11 to the Radio Regulations.

S5.135 The use of the bands 5900–5950 kHz, 7300–7350 kHz, 9400–9500 kHz, 11600–11650 kHz, 12050–12100 kHz, 13570–13600 kHz, 13800–13870 kHz, 15600–15800 kHz, 17480–17550 kHz and 18900–19020 kHz by the broadcasting service shall be subject to the planning procedures to be drawn up by a competent world administrative radio conference.

S5.136 The band 5900–5950 kHz is allocated, until 1 April 2007, to the fixed service on a primary basis, as well as to the following services: in Region 1 to the land mobile service on a primary basis, in Region 2 to the mobile except aeronautical mobile (R) service on a primary basis, and in Region 3 to the mobile except aeronautical mobile (R) service on a secondary basis, subject to application of the procedure referred to in Resolution 21 (Rev.WRC–95). After 1 April 2007, frequencies in this band may be used by stations in the above-mentioned services, communicating only within the boundary of the country in which they are located, on the condition that harmful interference is not caused to the broadcasting service. When using frequencies for these services, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S5.137 On condition that harmful interference is not caused to the maritime mobile service, the bands 6200–6213.5 kHz and 6220.5–6525 kHz may be used exceptionally by stations in the fixed service, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 W. At the time of notification of these frequencies, the attention of the Bureau will be drawn to the above conditions.

S5.138 The following bands:

6765–6795 kHz (centre frequency 6780 kHz),
433.05–434.79 MHz (centre frequency 433.92 MHz) in Region 1 except in the countries mentioned in No. S5.280,
61–61.5 GHz (centre frequency 61.25 GHz),
122–123 GHz (centre frequency 122.5 GHz), and
244–246 GHz (centre frequency 245 GHz)

are designated for industrial, scientific and medical (ISM) applications. The use of these frequency bands for ISM applications shall be subject to special authorization by the administration concerned, in agreement with other administrations whose radiocommunication services might be affected. In applying this provision, administrations shall have due regard to the latest relevant ITU–R Recommendations.

S5.139 *Different category of service:* in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 6765–7000 kHz to the land mobile service is on a primary basis (see No. S5.33).

S5.140 *Additional allocation:* in Angola, Iraq, Rwanda, Somalia and Togo, the band 7000–7050 kHz is also allocated to the fixed service on a primary basis.

S5.141 *Alternative allocation:* in Egypt, Eritrea, Ethiopia, Guinea, Libya, Madagascar and Malawi, the band 7000–7050 kHz is allocated to the fixed service on a primary basis.

S5.142 The use of the band 7100–7300 kHz in Region 2 by the amateur service shall not impose constraints on the broadcasting service intended for use within Region 1 and Region 3.

S5.143 The band 7300–7350 kHz is allocated, until 1 April 2007, to the fixed service on a primary basis and to the land mobile service on a secondary basis, subject to application of the procedure referred to in Resolution 21 (Rev. WRC–95). After 1 April 2007, frequencies in this band may be used by stations in the above-mentioned services, communicating only within the boundary of the country in which they are located, on condition that harmful interference is not caused to the broadcasting service. When using frequencies for these services, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S5.144 In Region 3, the stations of those services to which the band 7995–8005 kHz is allocated may transmit standard frequency and time signals.

S5.145 The conditions for the use of the carrier frequencies 8291 kHz, 12290 kHz and 16420 kHz are prescribed in Articles N38/S31 and 60/S52 and in Article 38/Appendix S13.

S5.146 The bands 9400–9500 kHz, 11600–11650 kHz, 12050–12100 kHz, 15600–15800 kHz, 17480–17550 kHz and 18900–19020 kHz are allocated to the fixed service on a primary basis until 1 April 2007, subject to application of the procedure referred to in Resolution 21 (Rev. WRC–95). After 1 April 2007, frequencies in these bands may be used by stations in the fixed service, communicating only within the boundary of the country in which they are located, on condition that harmful interference is not caused to the broadcasting service. When using frequencies in the fixed service, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S5.147 On condition that harmful interference is not caused to the broadcasting service, frequencies in the bands 9775–9900 kHz, 11650–11700 kHz and 11975–12050 kHz may be used by stations in the fixed service communicating only within the boundary of the country in which they are located, each station using a total radiated power not exceeding 24 dBW.

S5.148 The bands 9775–9900 kHz, 11650–11700 kHz, 11975–12050 kHz, 13600–13800 kHz, 15450–15600 kHz, 17550–17700 kHz and 21750–21850 kHz are allocated to the fixed service on a primary basis subject to the procedure described in Resolution 8. The use of these bands by the broadcasting service shall be subject to provisions established by the World Administrative Radio Conference for the Planning of the HF Bands Allocated to the Broadcasting Service (see Resolution 508). The provisions of Resolution 512 (HFBC–87) also apply. Within these bands, the date of commencement of operations in the broadcasting service on a planned channel shall not be earlier than the date of completion of satisfactory transfer, according to the procedures described in Resolution 8, of all assignments to stations in the fixed service operating in accordance with the Table and other provisions of the Radio Regulations, which are recorded in the Master Register and which may be affected by broadcasting operations on that channel.

* * * * *

S5.151 The bands 13570–13600 kHz and 13800–13870 kHz are allocated, until 1 April 2007, to the fixed service on a primary basis and to the mobile except aeronautical mobile (R) service on a secondary basis, subject to application of the procedure referred to in Resolution 21 (Rev.WRC–95). After 1 April 2007, frequencies in these bands may be used by stations in the above-mentioned services, communicating only within the boundary of the country in which they are located, on the condition that harmful interference is not caused to the broadcasting service. When using frequencies in these services, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S5.152 *Additional allocation:* in Armenia, Azerbaijan, Belarus, China, Côte d'Ivoire, Georgia, the Islamic Republic of Iran, Kazakhstan, Moldova, Uzbekistan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Ukraine, the band 14250–14350 kHz is also allocated to the fixed service on a primary basis. Stations of the fixed service shall not use a radiated power exceeding 24 dBW.

S5.153 In Region 3, the stations of those services to which the band 15995–16005 kHz

is allocated may transmit standard frequency and time signals.

S5.154 *Additional allocation:* in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Uzbekistan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Ukraine, the band 18068–18168 kHz is also allocated to the fixed service on a primary basis for use within their boundaries, with a peak envelope power not exceeding 1 kW.

S5.155 *Additional allocation:* in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russia, Tajikistan, Turkmenistan and Ukraine, the band 21850–21870 kHz is also allocated to the aeronautical mobile (R) services on a primary basis.

S5.155A In Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russia, Tajikistan, Turkmenistan and Ukraine, the use of the band 21850–21870 kHz by the fixed service is limited to provision of services related to aircraft flight safety.

S5.155B The band 21870–21924 kHz is used by the fixed service for provision of services related to aircraft flight safety.

S5.156 *Additional allocation:* in Nigeria, the band 22720–23200 kHz is also allocated to the meteorological aids service (radiosondes) on a primary basis.

S5.156A The use of the band 23200–23350 kHz by the fixed service is limited to provision of services related to aircraft flight safety.

S5.157 The use of the band 23350–24000 kHz by the maritime mobile service is limited to inter-ship radiotelegraphy.

S5.226 The frequency 156.8 MHz is the international distress, safety and calling frequency for the maritime mobile VHF radiotelephone service. The conditions for the use of this frequency are contained in Article N38/S31 and Article 38/Appendix S13.

In the bands 156–156.7625 MHz, 156.8375–157.45 MHz, 160.6–160.975 MHz and 161.475–162.05 MHz, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by the administration (see Articles N38/S31 and 60/S52 and Article 38/Appendix S13).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiocommunication service.

However, the frequency 156.8 MHz and the frequency bands in which priority is given to the maritime mobile service may be used for radiocommunications on inland waterways subject to agreement between interested and affected administrations and taking into account current frequency usage and existing agreements.

S5.229 *Alternative allocation:* in Morocco, the band 162–174 MHz is allocated to the broadcasting service on a primary basis. The use of this band shall be subject to agreement with administrations having services, operating or planned, in accordance with the Table which are likely to be affected. Stations in existence on 1 January 1981, with their technical characteristics as of that date, are not affected by such agreement.

* * * * *

United States (US) Footnotes

* * * * *

US340 The 2–30 MHz band is available on a secondary noninterference basis to Government and non-Government maritime and aeronautical stations for the purposes of measuring the quality of reception on radio channels. See 47 C.F.R. § 87.149 for the list of protected frequencies and bands within this frequency range. Actual communications shall be limited to those frequencies specifically allocated to the maritime mobile and aeronautical mobile services.

* * * * *

Non-Government (NG) Footnotes

* * * * *

NG155 The bands 159.500–159.675 MHz and 161.375–161.550 MHz are allocated to the maritime service as described in Part 80 of this chapter. Additionally, the frequencies 159.550, 159.575 and 159.600 MHz are available for low-power intership communications.

* * * * *

PART 80—STATIONS IN THE MARITIME SERVICES

5. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

6. Amend § 80.13 by revising paragraph (b) to read as follows:

§ 80.13 Station license required.

* * * * *

(b) One ship station license will be granted for operation of all maritime services transmitting equipment on board a vessel. Radiotelegraph and narrow-band directing-printing equipment will not be authorized, however, unless specifically requested by the applicant.

* * * * *

7. Amend § 80.25 by revising paragraphs (a) and (b) to read as follows:

§ 80.25 License term.

(a) Licenses for ship stations in the maritime services will normally be issued for a term of ten years from the date of original issuance, major modification, or renewal. Licensees may apply for renewal of the station license up to ninety (90) days after the date the license expires.

(b) Licenses other than ship stations in the maritime services will normally be issued for a term of five years from the date of original issuance, major modification, or renewal. Licenses, other than Public Coast and Alaska Public Fixed stations, may be renewed up to ninety (90) days after the date the license expires.

* * * * *

8. Amend § 80.89 by revising the first sentence of paragraph (f) introductory text to read as follows:

§ 80.89 Unauthorized transmissions.

* * * * *

(f) Transmit while on board vessels located on land unless authorized under a public coast station license. * * *

* * * * *

9. Add § 80.123 under the undesignated center heading ''Special Procedures—Public Coast Stations'' to read as follows:

§ 80.123 Service to stations on land.

Marine VHF public coast stations, including AMTS coast stations, may provide public correspondence service to stations on land in accordance with the following:

(a) The public coast station licensee must provide each associated land station with a letter, which shall be presented to authorized FCC representatives upon request, acknowledging that the land station may operate under the authority of the associated public coast station's license:

(b) Each public coast station serving stations on land must afford priority to marine-originating communications through any appropriate electrical or mechanical means.

(c) Land station identification shall consist of the associated public coast station's call sign, followed by a unique numeric or alphabetic unit identifier;

(d) Radio equipment used on land must be type accepted for use under part 22, part 80, or part 90 of this chapter. Such equipment must operate only on the public correspondence channels authorized for use by the associated public coast station;

(e) Transmitter power shall be in accordance with the limits set in § 80.215 for ship stations and antenna height shall be limited to 6.1 meters (20 feet) above ground level;

(f) Land stations may only communicate with public coast stations and must remain within radio range of associated public coast stations; and,

(g) The land station must cease operation immediately upon written notice by the Commission to the associated public coast station that the

land station is causing harmful interference to marine communications.

10. Add § 80.133 under the undesignated center heading ''Special Procedures—Private Coast Stations'' to read as follows:

§ 80.133 Private coast stations using facsimile in Alaska.

Facsimile techniques may be implemented in accordance with the following paragraphs.

(a) Private coast stations in Alaska are eligible to use facsimile techniques with associated ship stations and other private coast stations in accordance with § 80.505(b).

(b) The frequency 156.425 MHz is assigned by rule to private coast stations in Alaska for facsimile transmissions.

(c) Equipment used for facsimile operations is subject to the applicable provisions of subpart E of this part.

11. Amend § 80.153 by revising the entry for ''Coast telephone, all classes'' in paragraph (b) to read as follows:

§ 80.153 Coast station operator requirements.

* * * * *

(b) * * *

Coast telephone, all classes—None.

* * * * *

12. Amend § 80.177 by revising paragraph (c) to read as follows:

§ 80.177 When operator license is not required.

* * * * *

(c) No operator license is required to operate coast telephone stations or marine utility stations.

* * * * *

13. Amend § 80.179 by revising paragraphs (b), (c), and (d) to read as follows:

§ 80.179 Unattended operation.

* * * * *

(b) Automatic use of a transmitter during narrow-band direct-printing (NB-DP) operations in accordance with § 80.219.

(c) Automatic use of a transmitter during selective calling operations in accordance with § 80.225.

(d) Automatic use of a transmitter when operating as part of the Automated Maritime Telecommunications System (AMTS), an automated multi-station system for which provisions are contained in this part, or an automated public coast station.

* * * * *

14. Amend § 80.203 by adding new paragraph (n) to read as follows:

§ 80.203 Authorization of transmitters for licensing.

* * * * *

(n) Applications for type acceptance of all marine radio transmitters operating in the 2–27.5 MHz band or the 156–162 MHz band received on or after June 17, 1999, must have a DSC capability in accordance with § 80.225. This requirement does not apply to transmitters used with AMTS or hand-held portable transmitters.

15. Amend the table in § 80.205 paragraph (a) by revising the second ''J2B'' entry to read as follows:

§ 80.205 Bandwidths.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kHz)
*	*	*
J2B [5]	300HJ2B	0.5
*	*	*

[5] NB-DP radiotelegraph and data transmissions for communications with public coast stations.

* * * * *

16. Amend § 80.207 by revising paragraph (a) and footnotes 1 and 2 to the table in paragraph (d), and adding footnote 14 to both entries for ''NB–DP'' in the table in paragraph (d) to read as follows:

§ 80.207 Classes of emission.

(a) Authorization to use radiotelephone and radiotelegraph emissions by ship and coast stations includes the use of digital selective calling and selective calling techniques in accordance with § 80.225.

* * * * *

(d) * * *

Types of stations	Classes of emission
Ship Stations [1]	
Radiotelegraphy:	
*	*
1605–27500 kHz:	
*	*
NB–DP [14]	F1B, J2B
*	*
Land Stations [1]	
Radiotelegraphy:	
*	*
4000–27500 kHz:	
*	*
NB–DP [14]	F1B, J2B

Types of stations	Classes of emission
* * * * * *	*

[1] Excludes distress, EPIRBs, survival craft, and automatic link establishment.

[2] Frequencies used for public correspondence and in Alaska 156.425 MHz. *See* §§ 80.371(c), 80.373(f) and 80.385(b). Transmitters type accepted before January 1, 1994, for G3E emissions will be authorized indefinitely for F2C, F3C, F1D and F2D emissions. Transmitters type accepted on or after January 1, 1994, will be authorized for F2C, F3C, F1D or F2D emissions only if they are type accepted specifically for each emission designator.

* * * * * * *

[14] NB–DP operations which are not in accordance with CCIR Recommendation 625 or 476 are permitted to utilize any modulation, so long as emissions are within the limits set forth in § 80.211(f).

* * * * * * *

17. Amend § 80.209 in the table by revising the entry for (a)(5)(i) and adding footnote 7 to read as follows:

§ 80.209 Transmitter frequency tolerance.

(a) * * *

Frequency bands and categories of stations	Tolerances [1]
* * * * * * *	
(5) * * *	
(i) Coast stations:	
For stations licensed to operate with a carrier power:	
Below 3 watts	10.
3 to 100 watts	[7] 5.
* * * * * * *	

[1] Transmitters authorized prior to January 2, 1990, with frequency tolerances equal to or better than those required after this date will continue to be authorized in the maritime services provided they retain type acceptance and comply with the applicable standards of this part.

* * * * * * *

[7] For transmitters operated at private coast stations with antenna heights less than 6 meters (20 feet) above ground and output power of 25 watts or less the frequency tolerance is 10 parts in 10.[6]

* * * * * * *

18. Amend § 80.211 by revising paragraph (d) to read as follows:

§ 80.211 Emission limitations.

* * * * *

(d) The mean power of emissions from radiotelephone survival craft transmitters, 9 GHz search and rescue transponders, and radiotelegraph survival craft transmitters must be attenuated below the mean output power of the transmitter as follows:

(1) On any frequency removed from the assigned frequency by more than 50 percent, up to and including 100 percent of the authorized bandwidth: at least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 100 percent of the authorized bandwidth: at least 30 dB.

* * * * *

19. Revise § 80.219 to read as follows:

§ 80.219 Special requirements for narrowband direct-printing (NB–DP) equipment.

NB–DP and data transmission equipment installed in ship and coast stations before October 1, 1990, that operates on the frequencies in the 4,000–27,500 kHz bands must be capable of operation in accordance with the technical requirements of either CCIR Recommendation 476 or CCIR Recommendation 625 and may be used indefinitely. Equipment installed on or after October 1, 1990, must be capable of operation in accordance with the technical requirements of CCIR Recommendation 625. NB–DP and data transmission equipment are additionally permitted to utilize any modulation, so long as emissions are within the limits set forth in § 80.211(f) and the equipment is also capable of operation in accordance with CCIR recommendation 625.

20. Amend § 80.225 by revising the title, the first sentence in the introductory text, and paragraphs (a), (c) introductory text to read as follows:

§ 80.225 Requirements for selective calling equipment.

This section specifies the requirements for voluntary digital selective calling (DSC) equipment and selective calling equipment installed in ship and coast stations. * * *

(a) DSC equipment voluntarily installed in coast or ship stations must meet either the requirements of CCIR Recommendation 493 (including only equipment classes A, B, D, and E) or RTCM Paper 56–95/SC101–STD. DSC equipment must not be used with the sensors referred to in § 80.179(e)(2). DSC equipment used on compulsorily fitted ships must meet the requirements contained in subpart W for GMDSS.

* * * * *

(c) Selective calling equipment, other than that designed in accordance with paragraph (a) of this section, is authorized as follows:

* * * * *

(3) Equipment functioning under the provisions of § 80.207(a) includes the brief use of radiotelegraphy, including keying only the modulating audio frequency, tone signals, and other signalling devices to establish or maintain communications provided that:

(i) These signalling techniques are not used on frequencies designated for general purpose digital selective calling (DSC) and distress and safety DSC calling as listed in § 80.359;

(ii) The authorized radiotelephone emission bandwidth is not exceeded;

(iii) Documentation of selective calling protocols must be available to the general public; and,

(iv) Harmful interference is not caused to stations operating in accordance with the International Radio Regulations.

21. Add § 80.229 to subpart E to read as follows:

§ 80.229 Special requirements for automatic link establishment (ALE).

Brief signalling for the purposes of measuring the quality of a radio channel and thereafter establishing communication shall be permitted within the 2 MHz–30 MHz band. Public coast stations providing high seas service are authorized by rule to use such signalling under the following conditions:

(a) The transmitter power shall not exceed 100 W ERP;

(b) Transmissions must sweep linearly in frequency at a rate of at least 60 kHz per second, occupying any 3 kHz bandwidth for less than 50 milliseconds;

(c) The transmitter shall scan the band no more than four times per hour;

(d) Transmissions within 6 kHz of the following protected frequencies and frequency bands must not exceed 10 μW peak ERP:

(1) Protected frequencies (kHz)

2091.0	4188.0	6312.0	12290.0	16420.0
2174.5	4207.5	8257.0	12392.0	16522.0
2182.0	5000.0	8291.0	12520.0	16695.0
2187.5	5167.5	8357.5	12563.0	16750.0
2500.0	5680.0	8364.0	12577.0	16804.5
3023.0	6215.0	8375.0	15000.0	20000.0
4000.0	6268.0	8414.5	16000.0	25000.0
4177.5	6282.0	10000.0		

(2) Protected bands (kHz)

4125.0–4128.0
8376.25–8386.75
13360.0–13410.0
25500.0–25670.0

(e) The instantaneous signal, which refers to the peak power that would be measured with the frequency sweep stopped, along with spurious emissions generated from the sweeping signal, must be attenuated below the peak carrier power (in watts) as follows:

(1) On any frequency more than 5 Hz from the instantaneous carrier frequency, at least 3 dB;

(2) On any frequency more than 250 Hz from the instantaneous carrier frequency, at least 40 dB; and

(3) On any frequency more than 7.5 kHz from the instantaneous carrier frequency, at least 43 + $10\log_{10}$ (peak power in watts) db.

22. In § 80.363, add paragraph (c) to read as follows:

§ 80.363 Frequencies for facsimile.

* * * * *

(c) The frequency 156.425 MHz is assigned by rule to private coast stations and ship stations in Alaska for ship-to-shore and ship-to-ship facsimile transmissions using F2C or F3C emissions.

23. Amend § 80.371 by revising paragraph (c) introductory text to read as follows:

§ 80.371 Public correspondence frequencies.

* * * * *

(c) *Working frequencies in the marine VHF 156–162 MHz band.* The frequency pairs listed in the table below are available for assignment to public coast stations for public correspondence communications with ship stations and units on land.

* * * * *

24. Amend § 80.373 paragraph (f) table by adding footnote 17 to the first item under center heading ''Noncommercial'' to read as follows:

§ 80.373 Private communications frequencies.

* * * * *

(f) * * *

Channel designator	Carrier frequency (MHz)		Points of communication (Intership and between coast and ship unless otherwise indicated)
	Ship transmit	Coast transmit	
* * * * * * *			
68 [17]	156.425	156.425	
* * * * * * *			

* * * * * * *

[17] The frequency 156.425 MHz is assigned by rule to private coast stations in Alaska for facsimile transmissions as well as voice communications.

* * * * * * *

25. Amend § 80.405 by revising the third sentence of paragraph (c) to read as follows:

§ 80.405 Station license.

* * * * *

(c) * * * When the station license cannot be posted as in the case of a marine utility station operating at temporary unspecified locations or the ship or recreational boat does not have an enclosed wheelhouse, it must be kept where it will be readily available for inspection. * * *

26. Amend § 80.453 by adding paragraph (a)(4) to read as follows:

§ 80.453 Scope of communications.

* * * * *

(a) * * *

(4) With units on land in accordance with § 80.123.

* * * * *

27. Amend § 80.477 by revising the title and paragraph (a) to read as follows:

§ 80.477 AMTS points of communication.

(a) AMTS coast stations may communicate with fixed platform stations located in the offshore waters of the Gulf of Mexico, with ship stations, and with land units in accordance with § 80.123.

* * * * *

28. Amend § 80.507 by adding paragraph (d) to read as follows:

§ 80.507 Scope of service.

* * * * *

(d) Each private coast station is authorized by rule to use hand-held marine radios in the vicinity of the station's fixed transmitter site on those frequencies assigned to the private coast station. Hand-held communications must conform to those normally permitted under a marine utility station authorization and must be limited to contact with the associated private coast station and ship stations in the vicinity of the private coast station.

29. Amend § 80.519 by revising paragraph (b) to read as follows:

§ 80.519 Station identification.

* * * * *

(b) Marine utility stations, private coast stations, and associated hand-held radios, when exchanging communications, may be identified by a unit identifier in lieu of the call sign. Identification by transmission of the assigned call sign must be at the end of the exchange or at least once every 15 minutes.

30. Amend § 80.653 by revising paragraph (b)(2) to read as follows:

§ 80.653 Scope of communications.

* * * * *

(b)* * *

(2) Transmissions necessary for the test and maintenance of maritime radio equipment at repair shops and at temporary unspecified locations;

* * * * *

PART 87—AVIATION SERVICES

31. The authority citation for part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

32. Amend § 87.27 by revising paragraphs (a) and (b) to read as follows:

§ 87.27 License term.

(a) Licenses for aircraft stations will normally be issued for a term of ten years from the date of original issuance, major modification or renewal. Licensees may apply for renewal of the station license up to ninety (90) days after the date the license expires.

(b) Licenses other than aircraft stations in the aviation services will normally be issued for a term of five years from the date of original issuance, major modification, or renewal. Licensees, other than Aeronautical Advisory (unicom) stations licensed under § 87.215(b), Aeronautical Fixed, Aeronautical Enroute, and Airport Control Tower stations, may apply for renewal of the station license up to ninety (90) days after the date the license expires.

* * * * *

33. Amend § 87.131 by adding footnote 9 to to the column heading ''Authorized emission(s)'' to read as follows:

§ 87.131 Power and emissions.

* * * * *

Class of station	Frequency band/frequency	Authorized emission(s) [9]	Maximum power [1]

* * * * *

[1] The power is measured at the transmitter output terminals and the type of power is determined according to the emission designator as follows:

(i) Mean power (pY) for amplitude modulated emissions and transmitting both sidebands using unmodulated full carrier.

(ii) Peak envelope power (pX) for all emission designators other than those referred to in paragraph (i) of this note.

* * * * *

[9] Excludes automatic link establishment.

34. Add § 87.149 to subpart D to read as follows:

§ 87.149 Special requirements for automatic link establishment (ALE).

Brief signalling for the purposes of measuring the quality of a radio channel and thereafter establishing communication shall be permitted within the 2 MHz–30 MHz band. Public coast stations licensed under part 80 of this chapter providing high seas service are authorized by rule to use such signalling under the following conditions:

(a) The transmitter power shall not exceed 100 W ERP;

(b) Transmissions must sweep linearly in frequency at a rate of at least 60 kHz per second, occupying any 3 kHz bandwidth for less than 50 milliseconds;

(c) The transmitter shall scan the band no more than four times per hour;

(d) Transmissions within 6 kHz of the following protected frequencies and frequency bands must not exceed 10 μW peak ERP:

(1) Protected frequencies (kHz)

2091.0	4188.0	6312.0	12290.0	16420.0
2174.5	4207.5	8257.0	12392.0	16522.0
2182.0	5000.0	8291.0	12520.0	16695.0
2187.5	5167.5	8357.5	12563.0	16750.0
2500.0	5680.0	8364.0	12577.0	16804.5
3023.0	6215.0	8375.0	15000.0	20000.0
4000.0	6268.0	8414.5	16000.0	25000.0
4177.5	6282.0	10000.0		

(2) Protected bands (kHz)

4125.0–4128.0
8376.25–8386.75
13360.0–13410.0
25500.0–25670.0

(e) The instantaneous signal, which refers to the peak power that would be measured with the frequency sweep stopped, along with spurious emissions generated from the sweeping signal, must be attenuated below the peak carrier power (in watts) as follows:

(1) On any frequency more than 5 Hz from the instantaneous carrier frequency, at least 3 dB;

(2) On any frequency more than 250 Hz from the instantaneous carrier frequency, at least 40 dB; and

(3) On any frequency more than 7.5 kHz from the instantaneous carrier frequency, at least 43 + $10\log_{10}$ (peak power in watts) db.

[FR Doc. 97–19350 Filed 7–25–97; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1852

Revision to the NASA FAR Supplement To Correct Provision and Clause Dates

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement to correct the dates of provisions and clauses.

EFFECTIVE DATE: July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, (202) 358–0478.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the July 9, 1997 **Federal Register** (62 FR 36704–36738) that revised multiple parts of the NASA FAR Supplement (NFS). The published version of that rule did not include the dates for a number of solicitation provisions and contract clauses. This final rule makes the appropriate corrections.

Impact

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

List of Subjects in 48 CFR 1852

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Part 1852 is amended as follows:

1. The authority citation for 48 CFR Part 1852 continues to read as follows:

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

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.216–89, 1852.219–73, 1852.219–75, 1852.219–76, 1852.219–77, 1852.219–79, 1852.227–72, 1852.242–73, 1852.243–70, 1852.245–70, 1852.245–71, 1852.245–77, 1852.245–79 [Amended]

2. The dates of the provisions and clauses in sections 1852.216–89, 1852.219–73, 1852.219–75, 1852.219–76, 1852.219–77, 1852.219–79, 1852.227–72, 1852.242–73, 1852.245–70, 1852.245–71, 1852.245–77, 1852.245–79, and Alternate I within the clause in section 1852.243–70, are revised to read ''(JUL 1997)''.

[FR Doc. 97–19727 Filed 7–25–97; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312–7021–02; I.D. 072297D]

Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Greenland turbot in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of Greenland turbot in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the Greenland turbot 1997 total allowable catch (TAC) in this area has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 23, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Bering Sea Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1997 TAC of Greenland turbot in the Bering Sea subarea was established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) and subsequent reserve apportionment (62 FR 31369, June 9, 1997) as 6,030 metric tons (mt). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the 1997 TAC for Greenland turbot in the Bering Sea subarea has been reached. Therefore, NMFS is requiring that further catches of Greenland turbot in the Bering Sea subarea be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 TAC for Greenland turbot in the Bering Sea subarea of the BSAI. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to public interest. The fleet has already taken the directed fishing allowance for Greenland turbot. Further delay would only result in overharvest and disrupt the FMP's objective of allowing incidental catch to be retained throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: July 22, 1997.

Gary C. Matlock,

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

[FR Doc. 97–19792 Filed 7–23–97; 4:01 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 144
Monday, July 28, 1997

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 927

[Docket Nos. AO–99–A7; FV96–927–1]

Winter Pears Grown in Oregon, Washington, and California; Secretary's Decision and Referendum Order on Proposed Further Amendment of Marketing Agreement and Order No. 927

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes amendments to the subject marketing agreement and order (order) and provides winter pear producers with the opportunity to vote in a referendum to determine if they favor the proposed amendments. The proposed amendments were submitted by the Winter Pear Control Committee (Committee). The proposed amendments would remove the State of California from the order and make related changes to provisions concerning the production area, districts, and establishment and membership of the Committee. Another amendment would allow the use of telecopiers or other electronic means in Committee voting procedures. The proposed amendments are intended to improve the administration, operation and functioning of the order.

DATES: The referendum shall be conducted from August 8, through August 29, 1997. The representative period for the purpose of the referendum herein ordered is July 1, 1996, through June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, Washington, DC 20250–0200; telephone (202) 720–2491, or FAX (202) 720–5698; or Teresa Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, OR 97204–2807; telephone (509) 326–2724 or FAX (509) 326–7440. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone (202) 720–2491; FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on June 24, 1996, and published in the June 26, 1996, issue of the **Federal Register** (61 FR 33047). Recommended Decision and Opportunity to File Written Exceptions issued on June 9, 1997, and published in the **Federal Register** on June 16, 1997 (62 FR 32548).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Preliminary Statement

The proposed amendment of Marketing Agreement and Order No. 927 is based on the record of a public hearing held in Sacramento, California, on July 9, 1996, and in Portland, Oregon, on July 10, 1996. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the ''Act,'' and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR part 900). The Notice of Hearing contained proposals submitted by the Winter Pear Control Committee (Committee), which locally administers the order.

The Committee's proposed amendments would: (1) Revise the definition of ''production area'' to mean only the States of Oregon and Washington; (2) revise ''district'' by removing California, leaving only those districts designated in the States of Oregon and Washington; (3) revise ''establishment and membership'' of the Committee to be consistent with the reduction in size of the regulated production area; (4) revise ''procedure of Control Committee'', ''(a) quorum and voting'', so that the number of members needed for a quorum is consistent with the revised Committee representation, and amend ''(b) mail voting'', to allow for the use of telecopiers and other electronic means; and (5) revise the definition of ''pears'' to exclude pears produced in California. Also included in the Notice of Hearing was the Fruit and Vegetable Division, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, proposal to make such changes as are necessary to the order, if any or all of the above amendments are adopted, so that all of its provisions conform with the proposed amendment.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS) on June 9, 1997, filed with the Hearing Clerk, U.S. Department of Agriculture, a Recommended Decision and Opportunity to File Written Exceptions thereto by June 26, 1997. No exceptions were received.

Small Business Considerations

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $500,000. Small agricultural service firms, which include handlers regulated under the order, are defined as those with annual receipts of less than $5,000,000.

Interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed amendments on small businesses. The record indicates that handlers would not be unduly burdened by any additional regulatory requirements, including those pertaining to reporting and

recordkeeping, that might result from this proceeding.

During the 1995–96 crop year, approximately 100 handlers were regulated under Marketing Order No. 927. In addition, there were about 1,800 producers of winter pears in the production area. Production for the 1995–96 season showed that 15,316,776 standard boxes were produced in Oregon and Washington, while California produced 434,380 standard boxes.

The Act requires the application of uniform rules on regulated handlers. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both the RFA and the Act are compatible with respect to small entities.

The proposed amendment to remove the State of California would allow the Northwest winter pear industry to operate more efficiently. There are approximately 60 growers and 19 handlers of winter pears in California who have asked to be removed from the marketing order since the harvesting and marketing seasons for California pears are different than those for pears grown in Oregon and Washington. Production for the 1995–96 season showed that 15,316,776 standard boxes were produced in Oregon and Washington, while California produced 434,380 standard boxes. Revenue generated from assessments collected in 1995–96 would be $175,923 from California compared to $6,203,295 from Oregon and Washington.

Record evidence indicated that during the 1994–95 crop year winter pears were assessed at $.43 per standard box. According to preliminary figures in the record, returns to handlers per standard box for that year were $8.31. The assessment rate is about 5 percent of the preliminary returns.

California growers believe they are funding promotion programs that are in direct competition with their own product. Record evidence showed that there would not be any additional burden imposed on handlers if such an amendment was implemented. In fact, handlers in the State of California would be relieved of any regulatory burden. Those in Oregon and Washington could continue to benefit from operation of the program. There are currently 1,700 winter pear growers and 93 winter pear handlers in Oregon and Washington producing over 15 million standard boxes of pears annually. In California, there are approximately 60 winter pear growers and 19 handlers of winter pears producing over 400,000 standard boxes of pears annually.

Record evidence also showed that the collection of information under the marketing order would not be effected if California was removed from the marketing order. A witness testified that there are alternatives that would replace the current information that is being collected from the State of California, if it is needed. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

The proposal to allow Committee members to vote by telecopiers or other electronic means would provide members with the option to use these methods if available when voting on an action is to be done quickly. This would allow Committee members to vote without assembling at a meeting place and, therefore, reduce administrative costs and act quickly on a recommendation that needs the Committee's attention. ''Other electronic means'' includes the use of modems, video and teleconferencing. The term is flexible to allow for the use of new technologies by the Committee for voting.

The additional proposals are changes that would need to be made to the marketing order to reflect the removal of the State of California.

All of these changes are designed to enhance the administration and functioning of the marketing agreement and order to the benefit of the industry.

The amendments proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with the amendments.

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

Findings and Conclusions and Rulings

The material issues, findings and conclusions, rulings, and general findings and determinations included in the Recommended Decision set forth in the June 16, 1995, issue of the **Federal Register** (62 FR 32548) are hereby approved and adopted.

Marketing Agreement and Order

Annexed hereto and made a part hereof is the document entitled ''Order Amending the Order Regulating the Handling of Winter Pears Grown in Oregon, Washington, and California.'' This document has been decided upon as the detailed and appropriate means of effectuating the foregoing findings and conclusions.

It is hereby ordered, That this entire decision be published in the **Federal Register**.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR part 900.400 *et seq.*) to determine whether the issuance of the annexed order amending the order regulating the handling of winter pears grown in Oregon, Washington, and California, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of winter pears grown in Oregon, Washington, and California.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1996, through June 30, 1997.

The agents of the Secretary to conduct such referendum are hereby designated to be Gary Olson, Regional Manager, and Teresa Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, OR 97204–2807; telephone (509) 326–2724 or FAX (509) 326–7440.

List of Subjects in 7 CFR Part 927

Marketing Agreements, Pears, Reporting and recordkeeping requirements.

Dated: July 22, 1997

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

Order Amending the Order Regulating the Handling of Winter Pears Grown in Oregon, Washington, and California [1]

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(A) Findings and Determinations Upon the Basis of the Hearing Record

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing was held upon the proposed amendments to the Marketing Agreement and Order No. 927 (7 CFR part 927), regulating the handling of winter pears grown in Oregon, Washington, and California.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, as hereby proposed to be further amended, regulates the handling of winter pears grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which hearings have been held;

(3) The order, as amended, as hereby proposed to be further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The order, as amended, as hereby proposed to be further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of winter pears grown in the production area; and

(5) All handling of winter pears grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of winter pears grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby proposed to be amended as follows:

The provisions of the proposed marketing agreement and the order amending the order contained in the Recommended Decision issued by the Administrator on June 9, 1997, and published in the **Federal Register** on June 16, 1997, shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

1. The authority citation for 7 CFR part 927 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. The part heading is revised to read as follows:

PART 927—WINTER PEARS GROWN IN OREGON AND WASHINGTON

3. Section 927.4 is revised to read as follows:

§ 927.4 Pears.

Pears means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Forelle, and Seckel varieties of pears, and any other winter pear varieties or subvarieties that are recognized by the Control Committee and approved by the Secretary.

4. Section 927.10 is revised to read as follows:

§ 927.10 Production area.

Production area means and includes the States of Oregon and Washington.

§ 927.11 [Amended]

5. In § 927.11, paragraph (e) is removed.

§ 927.20 [Amended]

6. Section 927.20 is amended by removing the number ''14'' in the first sentence and adding in its place the number ''12'', and removing the word ''seven'' each time it appears in the third sentence and adding in its place the word ''six''.

§ 927.33 [Amended]

7. In § 927.33, paragraph (a) is amended by removing the word ''ten'' in the first sentence and adding in its place the word ''nine''; and adding the words ''telecopier or other electronic means,'' and a comma after the word ''mail'' in paragraph (b) first sentence.

[FR Doc. 97–19800 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–02–P

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV–97–989–2 PR]

Raisins Produced From Grapes Grown in California; Suspension of Provisions Concerning Certain Offers of Reserve Raisins to Handlers for Free Use

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on the suspension of language in provisions of the raisin marketing order concerning certain offers of reserve raisins to handlers for free use. The marketing order regulates the handling of raisins produced from grapes grown in California, and is administered locally by the Raisin Administrative Committee (Committee). This rule would indefinitely suspend certain language to provide the Committee more flexibility in meeting its marketing needs. This proposal was unanimously recommended by the Committee.

DATES: Comments must be received by August 27, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456, Fax # (202) 720–5698. All comments should reference the docket number and the date and page number of this issue

of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Maureen Pello, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax # (209) 487–5906; or Mark A. Slupek, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2536–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 205–2830, Fax # (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

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

This proposal invites comments on the indefinite suspension of language in sections 989.54(g) and 989.67(j) of the order. The proposed suspension concerns certain offers of reserve raisins to handlers for free use. The suspension was unanimously recommended by the Committee.

Section 989.54(g) of the order describes two annual offers of reserve raisins to handlers for free use for each varietal type for which preliminary volume control percentages have been computed and announced. Each of these offers consists of 10 percent of the prior year's shipments of free raisins and reserve raisins sold for free use. These offers are known to the industry as the ''10 plus 10'' offers. The order currently mandates that the 10 plus 10 offers must be made simultaneously on or before November 15 of the crop year. The order defines the crop year for raisins as the 12-month period beginning with August 1 of any year and ending with July 31 of the following year.

Section 989.54(a) establishes that the trade demand for raisins shall be 90 percent of the prior crop year's shipments with adjustments for inventory, meaning that the trade demand excludes 10 percent of the prior year's shipments. Preliminary volume control percentages, which are computed and announced by October 5 of each crop year, make up to 85 percent of the trade demand available to handlers for disposal in any marketing channel. The final free percentage, which is recommended by the Committee by February 15 of each crop year, makes the remainder of the trade demand available to handlers.

Standard raisins are raisins which meet the minimum grade and condition standards for natural condition raisins. Handlers are required to place the reserve percentage of their standard raisin acquisitions in the reserve pool. One of the 10 plus 10 offers makes available, from the reserve pool, the 10 percent of the prior year's shipments which the final free percentage does not make available. This offer, then, equates the current year's supply with the prior year's shipments. Because the free percentage and this 10 plus 10 offer only make available the tonnage shipped during the prior year (with the appropriate inventory adjustments), the other 10+10 offer, intended for market expansion, makes an additional 10 percent available to handlers from the reserve pool. Acceptance of the 10 plus 10 offers is voluntary; handlers are not required to purchase any reserve raisins.

The Committee believes that changes in the raisin industry, particularly changes to export programs administered under the marketing order, have made the 10 plus 10 offers a more important source of raisins for many handlers. The Committee's export programs in the early 1990's allowed handlers who exported California raisins to purchase, at a reduced rate, reserve raisins for free use. This effectively blended down the cost of the raisins which were exported, allowing handlers to be price competitive in export markets, which generally feature lower prices than the domestic market. One effect of this program was that handlers would continuously purchase reserve raisins for free use throughout the crop year. Handlers who knew they would be exporting raisins did not need to purchase enough raisins to meet their needs for the entire year early in the season.

The current export program, which is in its second year of operation, offers cash, rather than reserve raisins, to exporting handlers. This has caused handlers to make larger purchases of 10 plus 10 raisins to replace the raisins formerly acquired through the export program. When handlers make large 10 plus 10 purchases early in the season, rather than small reserve purchases throughout the season, however, they are committing themselves to raisins before they have a firm estimate of their needs for the year. Handlers are forced to guess at the demand for the remainder of the crop year. If this guess is too high, prices will fall and there may be excess free tonnage inventory at the end of the crop year, resulting in market instability and a lower free percentage for the following year. If the guess is too low, market needs may not be met and the Committee may be forced to dispose of the excess reserve raisins in low income outlets.

Most raisin deliveries, and most of the associated costs, are concentrated between September and November, so handlers must establish large lines of credit at this time during each crop year. Because the Committee is required to make the 10 plus 10 offers concurrently on or before November 15 of the crop year, handlers must arrange for additional credit to make their 10 plus 10 purchases. The Committee believes that the inflexibility of the November 15 deadline and the requirement of simultaneous offers creates unnecessary financial stress on handlers.

Section 987.67(j) of the order lists other circumstances, including national emergency, crop failure, changing

economic or marketing conditions, fire or other disasters, or to supplement an inadequate inventory to carryover to the next crop year, under which the Committee can sell reserve raisins for free use. The Committee also can offer reserve raisins for free use if raisin shipments during the first 10 months of the current crop year exceed 105 percent of shipments during the comparable period of the prior crop year. This type of offer is limited to the amount exceeding 105 percent of the prior year's shipments. Thus, if the market for raisins expands rapidly during any crop year, this provision allows the Committee to make more raisins available to handlers to supply the increased market needs. The 105 percent limit was established to safeguard against depressing raisin prices by expanding the free supply by too large a quantity. Like the 10 plus 10 offers, handler acceptance of this type of offer is voluntary.

During the past two seasons, the Committee has reduced its desirable carryout inventory level by about 20 percent, meaning that the free percentage provides for fewer raisins to remain at the end of a crop year for use in the following crop year. Reduction of the desirable carryout, coupled with the elimination of the export program which offered reserve raisins for free use, has increased the likelihood that the raisin industry might have an inadequate supply of raisins late in a crop year which featured an increase in shipments. If handlers, when making acquisition decisions early in the season, underestimate their needs for the crop year, they could be forced to either lose current sales or ship raisins which were intended to be carried over, which could prevent the industry from meeting its market needs early in the next crop year.

As an example, if the raisin industry were to experience 6 percent growth over the first 10 months of a given crop year, the Committee could offer reserve raisins for free use up to 1 percent of the previous year's shipments. With the tightening of the desirable carryout and the absence of reserve raisins offered under the export program, the industry could face a short supply of free raisins while an adequate supply of reserve raisins sat unused.

At its meeting on April 10, 1997, the Committee recommended suspending language in both §§ 989.54(g) and 989.67(j). In the former, the suspension would eliminate both the simultaneous requirement and the November 15 deadline for the 10 plus 10 offers. In the latter, the 105 percent requirement would be removed from the required level of shipments and the size of the reserve offer for free use.

Elimination of the simultaneous requirement and the November 15 deadline from the first sentence of § 989.54(g) would leave the following sentence, ''the Committee shall make two offers of reserve tonnage to sell to handlers to sell as free tonnage for each varietal type for which preliminary percentages have been computed and announced.'' This means that if preliminary percentages have been established, the Committee would still be required to make two 10 plus 10 offers, but these offers could take place independently at any time during the crop year.

The Committee expects that these changes would solve some of the planning and credit problems which handlers currently face. If one or both of the offers were moved to later in the crop year, handlers would be able to make better informed acquisition decisions. At the same time, a change in the offer date would ease the autumn credit burden for many handlers.

The Committee's proposal to suspend language in § 989.67(j) would leave the following as one of the circumstances which allows the Committee to offer reserve tonnage to handlers for free use: ''free tonnage shipments during the then current crop year exceeding shipments of a comparable period of the prior crop year: Provided, that, such sale of reserve tonnage shall be limited to the quantity exceeding shipments for the first ten months of the prior crop year''. Thus, if free tonnage shipments were up during the first ten months of a crop year, the Committee could offer reserve raisins to handlers for free use in any amount exceeding the prior year's shipments.

Following the earlier example, if the raisin industry were to experience 6 percent growth over the first ten months of a given crop year, the Committee could offer reserve raisins for free use up to 6 percent of the previous year's shipments. In fact, if the growth was only 4 percent, the Committee could offer up to 4 percent of the previous year's shipments. Under the current provisions, the Committee could make no offer at 4 percent growth because the year's growth did not meet the 5 percent threshold. The Committee believes that the current inflexibility could become problematic in the future, particularly if the industry was unable to take advantage of a growth opportunity in what has, in recent years, become a relatively stagnant market.

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

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

There are approximately 20 handlers of California raisins who are subject to regulation under the raisin marketing order and approximately 4,500 producers of raisins in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than 8 handlers, and a majority of producers, of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining 8 handlers have sales less than $5,000,000, excluding receipts from any other sources.

This proposal would suspend provisions concerning certain offers of reserve raisins to handlers for free use under §§ 989.54(g) and 989.67(j) of the raisin marketing order. The current provisions in § 989.54(g) require that the Committee make two simultaneous offers of reserve raisins for free use, each equal to 10 percent of the prior year's free shipments, on or before November 15 of each crop year for each variety for which preliminary volume control percentages have been computed and announced. These ''10 plus 10'' offers are intended to ensure that the establishment of volume control regulations will not prevent the industry from having enough raisins to meet the prior year's shipments plus some raisins for market expansion.

Changes in the Committee's export programs have caused many handlers to greatly increase their 10 plus 10 purchases. During the 5 years prior to the change to the export programs, handler purchases of raisins from 10 plus 10 offers averaged 10,355 tons. In the 2 seasons since the program was modified, the purchases increased to an average of 61,033 tons, a 489 percent increase. The requirement that the offers be made simultaneously on or before

November 15 of each crop year does not allow the Committee the flexibility that it now believes is necessary for handlers to meet their market needs. Because these offers must take place so early in the season, handlers have to guess at the level of raisins they will need for the year.

Raisin handlers, because most raisin deliveries to handlers are concentrated between September and November, must establish credit lines totaling between $250–270 million each autumn. Because of the increase in 10 plus 10 purchases, handlers have had to establish an additional $75–80 million in credit during their most financially burdened period of the year. The Committee believes that the inflexibility of the November 15 deadline and the requirement of simultaneous offers creates unnecessary financial stress on handlers, and that the proposed suspension would alleviate that stress and allow the handlers to better plan to meet their market needs.

Section 989.67(j) of the order authorizes the Committee to offer reserve raisins for free use if raisin shipments during the first 10 months of the current crop year exceed shipments during the comparable period of the prior crop year. Thus, if the market for raisins expands rapidly during any crop year, this provision allows the Committee to make more raisins available to handlers to supply the increased market needs. Any such offer is limited, however, to the amount of raisins exceeding 105 percent of the prior year's shipments.

As described above, handlers are now making their acquisition decisions earlier in the season than in previous years. In addition, the Committee has tightened its supply situation during the last 2 seasons by reducing its desirable inventory level and eliminating the feature of its export program which made reserve tonnage available to handlers for free use. The Committee believes that these factors leave the industry with little room for error; if handlers underestimate the tonnage that is needed to meet the market needs, there are too few avenues for acquiring raisins for free use later in the season. In a growth year, a poor estimate could result in customers with unmet needs.

The earlier example discussed years in which the industry experienced 4 and 6 percent growth, and that the Committee now believes that the inflexibility of § 989.67(j) could prevent the industry from taking advantage of growth opportunities in what has become a relatively stagnant market. According to the Committee's 1996–97 marketing policy, during the last 10 crop years free shipments have ranged between 290,646 (in 1986–87) and 338,881 tons (1990–91). The most recent complete crop year's shipments (1995–96) were the lowest, 315,170 tons, since 1986–87. The Committee calculates that the loss of just 1 percent of annual shipments due to the inability to supply the late season market would cost about $3 million in grower revenue.

The Committee also considered the following situation. If free shipments during 10 months of a crop year were 275,000 tons, and shipments grew by 4 percent (11,000 tons) during the same time period during the following crop year, the current provision would allow for no reserve offer due to growth. Under the proposed suspension, however, the Committee could offer up to 11,000 tons of reserve raisins for free use. Assuming a profit to handlers of 1 cent per pound, the Committee calculates that operating under the current provision would cost handlers $220,000 in profit and growers $11 million in revenue. The benefits generated by this rule are not expected to be disproportionately greater or less for small handlers or producers than for large entities.

The Committee discussed alternatives to this change, including not suspending any language in either section of the order. Suspending the provisions discussed herein provides the Committee with flexibility, including the option of operating exactly as it does now. If the Committee were to find any change was not beneficial, the suspension would not prevent the Committee from returning to its current procedures for the next year. Leaving the sections as they currently stand, however, offers the Committee no marketing flexibility. The Committee also recognized that reserve raisins can be offered for free use to supplement an inadequate carryover inventory, but thought that this option could be too late to prevent lost sales. Also, this proposed suspension would not prevent the Committee from selecting such a course.

This proposed rule would suspend language concerning offers of reserve tonnage raisins under the raisin marketing order. The order currently authorizes such offers and would continue to do so. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large raisin handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

Committee and subcommittee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members (including small business entities) and other interested persons—who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Committee recommendations can be considered to represent the interests of small business entities in the industry. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is proposed to be amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 989.54 [Amended]

2. In § 989.54, paragraph (g) the words, ''On or before November 15 of the crop year,'' and ''simultaneous'', are suspended indefinitely from the first sentence.

§ 989.67 [Amended]

3. In § 989.67, paragraph (j) the words, ''by more than 5 percent'' and ''105 percent of'', are suspended indefinitely from the first sentence.

Dated: July 22, 1997.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 97–19798 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–02–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–38860; International Series Release No. 1093; File No. S7–16–97]

Regulation of Exchanges

AGENCY: Securities and Exchange Commission.

ACTION: Extension of the comment period; concept release.

SUMMARY: The Securities and Exchange Commission (''Commission'') is extending from September 2, 1997, to October 3, 1997, the comment period for Securities Exchange Act Release No. 38672 (May 23, 1997), 62 FR 30485 (June 4, 1997). In this release, the Commission reevaluated its approach to, and sought public comment on, the regulation of exchanges and other markets in light of technological advances and the corresponding growth of alternative trading systems and cross-border trading opportunities.

DATES: Comments on the release should be submitted on or before October 3, 1997.

ADDRESSES: Interested persons should submit three copies of their written data, views, and opinions to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments may also be submitted electronically at the following e-mail address: rule-comments@sec.gov. All comment letters should refer to File No. S7–16–97; this file number should be included on the subject line if comments are submitted using e-mail. All submissions will be available for public inspection and copying at the Commission's Public Reference Room, Room 1024, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will be posted on the Commission's Internet web site (http://www.sec.gov).

SUPPLEMENTARY INFORMATION: On May 23, 1997, the Commission issued a concept release soliciting comment on its approach to the regulation of exchanges and other markets in light of technological advances and the corresponding growth of alternative trading systems and cross-border trading opportunities.[1] The Commission sought comments on a broad range of questions concerning the oversight of alternative trading systems, national securities exchanges, foreign market activities in the United States, and other related issues. The Commission requested that comments on the concept release be submitted by September 2, 1997.

Recently, the Commission has received requests from interested persons for an extension of time within which to comment on the concept release. In light of the range of issues raised in the concept release and the Commission's desire to consider the views of all interested persons on the subject, the Commission believes that an extension of the comment period is appropriate. Therefore, the comment period for responding to Securities Exchange Act Release No. 38672 is extended from September 2, 1997, to October 3, 1997.

By the Commission.

Dated: July 22, 1997.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–19790 Filed 7–25–97; 8:45 am]

BILLING CODE 8010–01–P

[1] Securities Exchange Act Release No. 38672 (May 23, 1997), 62 FR 30485 (June 4, 1997).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–252487–96]

RIN 1545–AU90

Inbound Grantor Trusts With Foreign Grantors; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to correction of a notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to the correction of the proposed rulemaking and notice of public hearing (REG–252487–96), which was published in the **Federal Register** Tuesday, July 15, 1997 (62 FR 37819), relating to the application of the grantor trust rules to certain trusts established by foreign persons.

FOR FURTHER INFORMATION CONTACT: M. Grace Fleeman (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this correction contains corrections to the notice of proposed rulemaking and notice of public hearing under sections 643, 671 and 672 of the Internal Revenue Code.

Need for Correction

As published, the correction notice for REG–252487–96 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the correction to notice of proposed rulemaking and notice of public hearing (REG–252487–96), which was the subject of FR Doc. 97–18444, is corrected as follows:

1. On page 37819, column 1, in the preamble under the caption **FOR FURTHER INFORMATION CONTACT:** the language ''James Quinn, (202) 622–3060 (not a toll-free number).'' is corrected to read ''M. Grace Fleeman (202) 622–3850 (not a toll-free number).''.

§ 1.672(f)–3 [Corrected]

2. On page 37819, column 2, § 1.672(f)–3, amendatory instruction 5, last two lines, the language ''paragraph heading '*Owner is grantor.*' is corrected to read '*Death of grantor.*' '' is corrected to read ''paragraph heading '*Owner is grantor.*' '' is corrected to read '*Grantor is owner.*' ''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97–19700 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Disclosure of Parole Commission Regional Office File

AGENCY: United States Parole Commission, Justice.

ACTION: Proposed rule.

SUMMARY: U.S. Parole Commission is proposing to amend its regulations on disclosure of regional office files to comply with the ''Electronic Freedom of Information Act Amendments of 1996.''

DATES: Comments must be received by August 31, 1997.

ADDRESSES: Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492–5959.

SUPPLEMENTARY INFORMATION: On October 2, 1996, the President signed

into law the Electronic Freedom of Information Act (FOIA) Amendments of 1996. The FOIA amendments permit agencies to promulgate regulations providing for ''multitrack'' processing of FOIA requests. This establishes two separate tracks for FOIA requests. One track would contain more comprehensive requests (*e.g.*, for complete file disclosure) and would be processed at the ordinary rate, whereas the second track would contain less burdensome requests and would be processed more quickly. This track (priority disclosure) will be reserved for hearing tape requests and requests for not more than two documents (*e.g.*, the hearing summary and/or a presentence report). (Where multiple hearings are conducted before a decision is rendered, such hearings will be treated as a single hearing when a request is made for tape recordings.) The Commission is proposing to revise its regulations to include such multitrack processing.

Further, the amendments require agencies to promulgate regulations that provide for expedited processing of certain types of requests. The Commission is adopting the language of the amendments regarding expedited processing for cases demonstrating ''compelling need.'' Although the amendments to the FOIA allow the Commission to define other cases which demonstrate compelling need, the Commission is not doing so because the majority of its FOIA requesters are federal inmates and parolees, and the Parole Commission Reorganization Act (PCRA) provides these sentenced offenders with a legally sufficient opportunity for disclosure prior to all types of parole hearings, independently of the FOIA. See 18 U.S.C. 4208 and 28 CFR 2.55.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this proposed rule is not a significant rule within the meaning of Executive Order 12866, and the proposed rule has, accordingly, not been reviewed by the Office of Management and Budget. The proposed rule, if adopted, will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

The Proposed Amendment

Accordingly, the U.S. Parole Commission proposes the following amendment to 28 CFR Part 2.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. Section 2.56 is proposed to be amended by adding a new paragraph (b)(1), adding and reserving paragraph (b)(2), and by adding a new paragraph (i). These new provisions read as follows:

§ 2.56 Disclosure of Parole Commission regional office file.

* * * * *

(b) Scope of disclosure. * * *

(1) Requests that are only for a copy of the tape recording of a hearing will be processed ahead of requests seeking multiple documents from the regional office file (priority processing). A requester may limit the scope of the request to a tape recording only (or to a tape recording and/or up to two documents) and thereby qualify for priority processing. For example, a request for the tape recording and the examiner's summary of a hearing qualifies for priority processing.

(2) [Reserved]

* * * * *

(i) *Expedited processing of Requests.* (1) The Commission will provide expedited processing of a request when a requester has demonstrated a compelling need as defined in this section and has presented a statement certified by such person to be true and correct to the best of such person's knowledge and belief. A requester may demonstrate ''compelling need'' by establishing one of the following:

(i) that failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

(2) A determination as to whether to provide expedited processing shall be made within ten days after the date of the request. However, the fact of lawful imprisonment in a correctional facility or revocation of parole shall not be deemed to pose an imminent threat to the life or physical safety of an individual. The Commission shall process as soon as practicable any request for records to which it has granted expedited processing. An administrative appeal of a denial of expedited processing may be made to the Chairman of the Commission within thirty days from the date of notice denying expedited processing.

Dated: July 21, 1997.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 97–19709 Filed 7–25–97; 8:45 am]

BILLING CODE 4410–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 4

RIN 1024–AC63

Safety Belt Use Within the National Park System

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to amend its regulations concerning safety belt use within units of the NPS. Currently, the NPS has regulations requiring seat belt use by the operator and each front seat passenger. On April 16, 1997, President Clinton signed Executive Order 13043 directing the NPS to promulgate regulations that require all occupants of motor vehicles to use safety belts or child restraint devices at all times within units of the NPS when the vehicle is in motion.

DATES: Written comments will be accepted until September 26, 1997.

ADDRESSES: Comments should be addressed to: Ranger Activities Division, Suite 7408, National Park Service, 1849 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dennis Burnett, Ranger Activities Division, National Park Service, at (202) 208–4874.

SUPPLEMENTARY INFORMATION:

Background

The NPS administers 375 areas throughout the country under the broad statutory mandates to promote and regulate their use; to conserve the scenery, the natural and cultural objects and the wildlife therein; and to provide for their enjoyment in such manner as will leave them unimpaired for the enjoyment of future generations. Although the nearly 300 million annual visitors to the National Park System use a variety of access methods, the vast majority rely on motor vehicles and roadways to reach park areas and to

circulate within them. Consequently, the NPS has major responsibilities and program involvement in the areas of road construction and maintenance, traffic safety and traffic law enforcement.

The NPS currently administers over 8,000 miles of roads within the National Park System that are open to the public. These 8,000 miles compare in magnitude to the State of Arizona's state road system, except that they are scattered throughout the United States and its territories. There is great variety in the nature and extent of park roads, ranging from very short lengths of unpaved secondary roadways, to well-developed road systems complete with spur roads, parking areas and overlooks, to parkways running for hundreds of miles through several States, to parkways used primarily as commuter routes in the Washington, DC area. In addition, many park areas contain State and/or county highways and roads over which the NPS may exercise varying degrees of jurisdiction.

On December 13, 1989, the NPS promulgated a final rule (36 CFR 4.15) concerning the use of safety belts (54 FR 51199). That rule requires the operator of a motor vehicle and each front seat passenger to wear a safety belt at all times when the vehicle is in motion, unless (1) the vehicle was not originally equipped by the manufacturer with a safety belt or (2) the operator or front seat passenger has a medical condition that prevents the use of a safety belt. The regulation is applicable in park areas located within States that do not have a mandatory seatbelt law in effect and can be enforced only when another traffic violation had occurred. The regulation is implemented primarily through signing, text in brochures and incidental public contact.

Executive Order 13043, signed by President Clinton on April 16, 1997 (62 FR 19217, April 18, 1997), directed the NPS to propose rules and take other appropriate measures within their existing programs to further the use of safety belts in the national parks. This includes, but is not limited to, conducting education, awareness and other appropriate programs about the importance of wearing safety belts and the consequences of not wearing them. In addition, the NPS is directed to initiate rulemaking to consider regulatory changes with respect to enhanced safety belt use requirements and standard (primary) enforcement of such requirements in park areas and to widely publicize and actively enforce such regulations. Under the proposed rule, each operator and passenger occupying any seating position of a motor vehicle in a park area, whose seat is equipped with a seat belt or child restraint system, shall have the seat belt or child restraint system properly fastened at all times when the vehicle is in motion. Primary enforcement means that a motor vehicle may be stopped when the operator or any occupant is not wearing their seatbelt. The proposed rule would not require another traffic violation to occur before the vehicle may be stopped. The seatbelt regulation in this rulemaking is intended to apply in all NPS areas.

The President, the Department of the Interior and the NPS strongly support the use of appropriate restraint systems by all motor vehicle occupants and view the potential reduction in personal injuries and fatalities that might result from the promulgation of this regulation as highly desirable. The benefits of wearing seatbelts have been documented extensively.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review all comments and consider making changes to the rule based upon analysis of the comments.

Drafting Information

The primary author of this rule is Dennis Burnett, Ranger Activities Division, National Park Service, Washington, D.C. 20240.

Paperwork Reduction Act

This rulemaking does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). The economic effects of this rulemaking are negligible.

NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of $100 million or more in any given year on local, State or tribal governments or private entities.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) introduce incompatible uses which compromise the nature and characteristics of the area or cause physical damage to it;

(c) conflict with adjacent ownership or land uses; or

(d) cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 4

National parks, Traffic regulations.

In consideration of the foregoing, 36 CFR Chapter I is proposed to be amended as follows:

PART 4—VEHICLES AND TRAFFIC SAFETY

1. The authority citation for Part 4 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

2. Section 4.15 is revised to read as follows:

§ 4.15 Safety belts.

(a) Each operator and passenger occupying any seating position of a motor vehicle in a park area will have the safety belt or child restraint system properly fastened at all times when the vehicle is in motion. The safety belt and child restraint system will conform to applicable United States Department of Transportation standards.

(b) This section does not apply to an occupant in a seat that was not originally equipped by the manufacturer with a safety belt nor does it apply to anyone with a medical condition that prevents restraint by a safety belt or other occupant restraining device.

Dated: July 1, 1997.

Joseph E. Doddridge,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97–19608 Filed 7–25–97; 8:45 am]

BILLING CODE 4310–70–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 97–146, FCC 97–219]

Complete Detariffing for Competitive Access Providers and Competitive Local Exchange Carriers; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of July 17, 1997, a document concerning a Notice of Proposed Rulemaking (NPRM) for complete detariffing for all non-ILEC providers of interstate exchange access services. Inadvertently no due date for Reply Comments or OMB Comments was provided. This document provides those dates.

FOR FURTHER INFORMATION CONTACT: William Bailey, (202) 418–1520.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** issue of July 17, 1997, in FR Doc. 97–18882, on page 38244, in the first column, correct the **DATES** caption to read:

DATES: Comments are due on or before August 18, 1997. Reply comments are due on or before September 17, 1997. Written comments submitted by the Office of Management and Budget (OMB) on the proposed modifications to information collections are due on or before September 26, 1997.

Dated: July 22, 1997.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–19775 Filed 7–25–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE31

Endangered and Threatened Wildlife and Plants; Proposed Rule to List the Illinois Cave Amphipod as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for the Illinois cave amphipod, *Gammarus acherondytes*, Historically, the amphipod was known from six cave streams in Monroe and St. Clair counties, Illinois. Recent surveys have found the species at only three of the original six sites. This species is believed to be threatened primarily by groundwater pollution which is likely due to the application of pesticides in cave stream recharge areas (the area of land surface from which water drains into a particular cave stream). A possible secondary threat is contamination of subsurface water by human and animal wastes from sewage and septic systems and livestock feedlots.

DATES: Comments from all interested parties must be received by September 26, 1997. Public hearing requests must be received by September 11, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to the U.S. Fish and Wildlife Service, Ecological Services Field Office, 4469 48th Avenue Court, Rock Island, Illinois. Comments and materials received will be available for public inspection by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Richard C. Nelson, Field Supervisor, Illinois Field Office (see **ADDRESSES** section) (telephone 309/793–5800; facsimile 309/793–5804).

SUPPLEMENTARY INFORMATION:

Background

The Illinois cave amphipod was described by Hubricht and Mackin (1940). Type specimens were collected by Leslie Hubricht in 1938 from Morrison's Cave (now Illinois Caverns), near Burksville, Illinois.

Sexually mature males are up to 20.0 millimeters (mm) (0.8 inch (in.)) long; sexually mature females are 12.0 to 16.0 mm (0.5 to 0.6 in.) long. Their color in light is light gray-blue and their eyes are reniform, small and degenerate with the pigment drawn away from the facets in an irregular black mass. Their first antenna is long and slender, more than one-half the length of the body. The primary flagellum has up to forty segments and the secondary flagellum has up to six segments. The second antenna is about three-fourths as long as the first antenna. The flagellum of the second antenna has up to 18 segments and lacks sensory organs in either sex. Hubricht and Mackin (1940), reported that its clutch size is up to 21 eggs and Holsinger (1972) reported that ovigerous (egg-bearing) females have been observed in summer and fall.

This species is best differentiated from other amphipods in the field, especially from *G. fasciatus*, which it resembles, by its color, small degenerate eyes, and a much longer first antenna. It is usually associated with the larger *G. troglophilus* (Hubricht and Mackin 1940) but is much less common (Holsinger 1972).

This species is a troglobitic (cave dependent) species inhabiting the dark zone of cave streams. As a group, amphipods require cold water and are intolerant of wide ranges in temperature. They are strongly sensitive to touch and react negatively to light. High levels of dissolved oxygen appears to be an environmental necessity. They are omnivorous scavengers, feeding on dead animal and plant matter or the thin bacterial film covering most submerged surfaces throughout their aquatic habitat.

The Illinois cave amphipod is endemic to the Illinois Sinkhole Plain of Monroe and St. Clair counties and was historically known from six cave systems, which are all within a 16 kilometer (10 mile) radius of Waterloo, Illinois. The main entrances to two of the caves, Illinois Caverns and Fogelpole Cave, are in public ownership and the other four are privately owned. The cave streams from which this species is historically known are each fed by a separate and distinct watershed or recharge area, and there are no known interconnections between them, with the possible exception of two caves that may become hydrologically connected during extremely high rainfall over short periods of time (Samuel V. Panno, Illinois Natural History Survey, Champaign, IL, *in litt.*, 1996). Thus, it is believed that there is virtually no opportunity for this species to become distributed to other cave systems via natural pathways.

There are few data on which to base population, productivity or trend estimates for this species. Sampling for cave fauna is difficult at best and is compounded by the relatively small size of this species. Survey data do not, and probably cannot, show a decline in numbers of this small subterranean invertebrate, but they do demonstrate a decline in its range and number of extant populations. Since Hubricht's initial 1940 collections of unknown numbers from two caves, other collections have been made in 1965 (at least 19 specimens taken from the two 1940 caves, plus a third cave), 1972 (unknown numbers taken from two additional caves), 1974 (six specimens taken from one of the 1940 caves), 1986

(two specimens taken from one of the 1940 caves and from a new, sixth cave), 1992 (20 specimens taken from one of the 1940 caves), and 1993 (11 specimens taken from two 1940 caves) (Webb 1995).

The most recent and extensive sampling effort was in 1995 in which the Illinois Natural History Survey (INHS) investigated 25 caves in the Illinois Sinkhole Plain and confirmed the presence of the species in only three of the original six cave systems, all in Monroe County (Webb *et al.* 1993; Webb 1995). In 1995, 56 specimens were taken from Illinois Caverns, 19 specimens from Fogelpole Cave and two specimens from a third, privately owned cave. Although the number of specimens taken in 1995 is greater than the number taken at any other time, this is likely due to a much more concentrated effort to search for this species rather than to an increase in the species' population. The species has probably been extirpated from the two privately owned caves where no specimens have been collected since 1965 or 1986. Its status in a sixth, privately owned cave is currently unknown, because the cave entrance has been closed by the landowner, and the cave has not been re-surveyed since 1965. It is possible, but unlikely, that there are populations in other caves in the Illinois Sinkhole Plain; however, INHS personnel made a particular effort to collect in all small side rivulets and drip pools in the 25 caves. The INHS study manager does not believe the species is abundant in any cave (Donald Webb, INHS, *in litt.* 1996).

Previous Federal Action

On May 22, 1984, (49 FR 21664) the Service published a notice of review which included the Illinois cave amphipod as a category 2 candidate species. The species was again included as a category 2 species in the notice of review published on January 6, 1989 (54 FR 554). On November 21, 1991, (56 FR 58804) the Service published a notice of review in which the species was elevated to category 1. The species was again included as a category 1 species in a notice of review published on November 15, 1995 (59 FR 58982). On February 28, 1996, (61 FR 7596) the Service published a notice of review which eliminated the candidate category designations of previous notices and included the amphipod as a candidate species with a listing priority of 2.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species determined to be an endangered or threatened species may be endangered or threatened due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Illinois cave amphipod are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The degradation of habitat through the contamination of groundwater is believed to be the primary threat to the Illinois cave amphipod. Karst terrain, where this amphipod is found, is a land formation typified by sinkholes and fissures that provide direct and rapid conduits for water-borne material from the surface to the groundwater, thereby avoiding the filtering and cleansing mechanisms normally provided by overlying soils. Recharge to the water table in karst terrain often is nearly instantaneous, and flood pulses following a rainstorm may cause levels of contaminants to become transiently higher (Libra *et al.* 1986), up to 10,000 times higher than before the event (Quinlan and Alexander 1987).

There are several possible mechanisms by which cave streams may be degraded, three of which are—(1) The seasonal application of pesticides and fertilizers, evidence of which has been found in spring and well water samples in Monroe County (Panno *et al.* 1996); (2) bacterial contamination from human and animal wastes, which finds its way to subsurface water via septic systems, the direct discharge of sewage waste into sinkholes, or from livestock feedlots (Panno et al. 1996); and (3) the accidental or intentional dumping of a toxic substance into a sinkhole.

The most commonly used herbicides (and their proprietary names) in Monroe County are atrazine, alachlor (Lasso), cyanazine (Bladex), metolachlor (Dual), glyphosate (Roundup), 2,4–D, imazaquin (Scepter), imazethapyr (Pursuit), and pendimethalin (Prowl) (Omar Koester, University of Illinois Extension Service, *in litt.* 1996). The Illinois State Geological Survey (ISGS) analyzed water samples from nine springs, one cave stream, and 33 wells in Monroe County for bacteria and pesticides to determine if contamination is occurring (Panno, *et al.* 1996). The agricultural herbicides atrazine and/or alachlor were detected in 83 percent of groundwater samples taken from springs in the study area, often exceeding the U.S. EPA Maximum Contaminant Levels of 2.0 parts per billion (ppb) and 3.0 ppb, respectively, during and following spring rainfalls. They reported maximum atrazine levels in spring samples as high as 98 ppb with the maximum level in Illinois Caverns being 1.38 ppb (Panno, *et al.* 1996). Macek *et al.* (1976) observed acute toxicity to the amphipod *Gammarus fasciatus* from a 48 hour exposure to the herbicide atrazine at 2.4 parts per million (ppm) (LC_{50} = 5.7 ppm). In addition, they reported reproductive effects and impaired survival of offspring from concentrations as low as 0.14 ppm of atrazine during chronic tests lasting 30–119 days (Macek *et al.* 1976).

The most commonly used insecticides in the region include carbaryl, carbofuran, chlorpyrifos, malathion, permethrin, methyl parathion, and phosmet. Mayer and Ellersieck (1985) reported that Gammaridae were most sensitive to the five insecticides carbaryl, DDT (dichloro-diphenyl-trichloroethane), endrin, malathion, and methoxychlor and postulate that pulses of pesticides characteristic of karst springs could have major impacts on biota such as amphipods. Webb *et al.* (1993) analyzed amphipod and isopod tissue samples from numerous caves, including the three caves known to contain the amphipod, for pesticides and PCB's (polychlorinated biphenyls). DDE (dichlorodiphenyl-dichloroethylene) and DDD (1,1-dichloro,-2,2-bis(p-chloro-phenyl) ethane) (breakdown products of DDT) were detected in isopods from Fogelpole Cave reflecting the historical use of the insecticide DDT in the drainage basin. In addition, dieldrin, the persistent breakdown product of the insecticide aldrin, was detected in invertebrate samples from Fogelpole Cave. Both DDT and aldrin have been banned from use in the United States since 1973 and 1974, respectively. These data demonstrate some of the long term detrimental effects that agricultural chemicals can have on cave ecosystems. Interestingly, neither DDD, DDE, nor dieldrin were detected in water samples from Fogelpole Cave, supporting the premise that cave invertebrates accumulate and concentrate these toxins even though they do not exist at detectable levels in the cave water, thus serving as indicators of past and present contamination.

Webb *et al.* (1993) also found detectable quantities of bromide, fluoride, sulfate, and nitrate in Illinois Caverns and Fogelpole Cave. In

addition, they found detectable concentrations of calcium, sodium, magnesium, iron, manganese, silicon, and barium in water samples from Fogelpole Cave, and these plus aluminum, potassium, and phosphorus in Illinois Caverns (Webb *et al.* 1993). In amphipod tissue samples from Fogelpole Cave, they reported detectable concentrations of aluminum, boron, barium, calcium, chromium, copper, iron, potassium, magnesium, manganese, sodium, phosphorus, and zinc (Webb *et al.* 1993). The six highest ranked metals detected in amphipod samples were also the six highest ranked metals detected in water samples, indicating an apparent relationship between the relative concentrations of these metals in both water and tissue. The acute and chronic effects of these ions on the Illinois cave amphipod are currently unknown but their presence in amphipod tissues and the water samples provides evidence of potential harm.

In addition to chemical contamination, Panno *et al.* (1996) report that all springs and cave streams they sampled, as well as 29 of 33 wells, contained concentrations of coliform, fecal coliform, enterococcus, and numerous other bacterial species that exceeded drinking water standards. The bacterial species present strongly suggest contamination from both human and livestock sources. Prior to 1988, private and aeration-type septic systems were allowed to discharge directly into sinkholes and most of those systems are still in existence (Panno *et al.* 1996). Although the practice was prohibited in 1987, exceptions are still granted in the study area (Panno *et al.* 1996).

In his studies, Poulson (1991) concluded that bacterial pollution from human and livestock wastes has varying degrees of impact on cave biota. At high levels of contamination, a high biochemical oxygen demand (BOD) kills all macroscopic organisms and leaves only strands of colonial sewage bacteria and associated protozoa. If the BOD is high but does not completely remove oxygen, then tubificid sewage worms become part of the faunal community. If the amount of wastes is not too great, as with the diffuse input from septic fields, the sewage fauna is only minimally developed, but the increased organic food supply favors survival and reproduction of shorter-lived non-cave-dependent macrofauna which may replace cave-dependent species. If the input of waste decreases later, chironomid midges and other non-cave-dependent species survive but can no longer reproduce, while the reproduction of short-lived cave-dependent isopods and flatworms is stimulated. At still lower impact levels, the reproduction of larger cave-dependent species, like crayfish, may also be stimulated.

The effects of bacterial contamination on the Illinois cave amphipod are unknown. However, bacterial contamination is evidence of water quality deterioration and could pose a threat to the species. Monroe County is within commuting distance of the St. Louis, Missouri, metropolitan area and is rapidly undergoing residential development (Poulson 1991). In fact, the increase in bacterial contamination of well water in the county coincided with the onset of accelerated development about 1987 (Poulson 1991). It is likely that the increase in bacterial contamination was the result of the installation of private septic systems in areas with soils of limited waste assimilation capacity, inadequate soil thickness, and systems that discharge septic effluent directly into sinkholes (Joan Bade, Monroe-Randolph Bi-County Health Department, Waterloo, IL., pers. comm. 1996).

The toxicity of contaminants to cave-dwelling species may be quite different than the response of their surface-dwelling relatives, making the results of chemical analysis difficult to interpret. Due to their adaptations to a narrow range of environmental conditions, obligate cave species may be hypersensitive to chemical changes in ways that are not detectable by standard toxicity tests (Poulson 1991). Contaminants known to be toxic to amphipods and other crustaceans have been shown to be present and increasing in cave streams in the local area. While direct mortality cannot be conclusively attributed to such agricultural chemicals as atrazine, carbaryl, DDT, or malathion, or to bacterial contamination, the presence of such contaminants in the amphipod's environment constitutes strong circumstantial evidence that the deterioration of water quality is the primary cause of the decrease in its range and number of extant populations.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Overexploitation or scientific collecting are not believed to be factors affecting the species' continued existence at this time, but the Federal listing will prohibit unauthorized collection of individuals of the species. Exact numbers are unknown, but at a minimum only 139 specimens have been collected from 6 caves over a 55-year period. Protection from collection may become important, because collectors may seek the species once it becomes listed.

Human utilization of cave environments is a potential threat to this species. The accidental or intentional introduction of materials toxic to this species, unauthorized collecting, direct injury or mortality, and habitat disturbance are potential hazards during visits to caves. None of the caves occupied by the amphipod have improved pedestrian walkways, and visitors must pass through the cave streams to access deeper passages. Such activities can physically disturb cave stream habitat, but the subsequent impact on the amphipod is unknown. Cave ecosystems are considered to be delicate and are easily damaged.

The State of Illinois owns the main entrances to Illinois Caverns and Fogelpole Cave and manages them as satellites of the Kaskaskia River State Fish and Wildlife Area. The State allows a maximum of 25 individuals at a time to enter Illinois Caverns, unsupervised, provided they obtain a permit and agree to conditions that prohibit littering or removal of biological materials. The Caverns are staffed during business hours by an on-site attendant.

The main entrance to Fogelpole Cave, a dedicated Nature Preserve, is gated. The State does not allow any visitation of this cave except by permit for scientific purposes only. Three privately owned entrances to the third cave containing the amphipod have also been dedicated as Illinois Nature Preserves. Such dedication implements landowner agreements to preserve and maintain existing conditions at these sites.

C. Disease or Predation

The importance of these factors is presently unknown.

D. The Inadequacy of Existing Regulatory Mechanisms

This species has no protection under Federal law. The Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301–4309; 102 Stat. 4546) seeks to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people. However, at this time, the Cave Resources Protection Act provides no protection to any caves containing, or potentially containing, Illinois cave amphipods, because none of the caves are on or under Federal land or are located in the immediate vicinity of Federal ownership. Therefore, these caves are ineligible for Federal protection under the Cave Resources Protection Act.

The Illinois cave amphipod is listed as an endangered species under the

Illinois Endangered Species Protection Act. As such, it is protected from direct taking (i.e., injury or mortality) regardless of whether it is on public or private land. However, ''take'' under State law does not include indirect harm through such mechanisms as habitat alteration. As long as landowners are otherwise in compliance with the law, Illinois law is unable to provide habitat protection for this species resulting from private actions.

State law requires consideration of this species during the planning processes of State agencies and local units of government which must consult with the Illinois Department of Natural Resources (DNR) on the impacts of their proposed actions. The DNR will provide recommendations on how the impacts to the species can be avoided or minimized. The unit of government may accept or reject any or all recommendations (Illinois Administrative Code).

As mentioned in section B above, several of the entrances to caves containing the species are dedicated as Illinois Nature Preserves, which is the strongest land protection mechanism in Illinois. Such dedication restricts future uses of the land, in perpetuity, for the purpose of preserving the site in its natural state. The removal of biota from the site is prohibited except by permit and for scientific purposes only. Allowable uses of the site are limited to nonconsumptive, nondestructive activities only. The landowner may decide whether to allow public access to the site and management is accomplished in accordance with a master management plan prepared jointly by the Illinois Nature Preserve Commission and the landowner. Dedicated properties cannot be subdivided and the dedication instrument is attached to the deed and recorded.

Ownership or protection of cave entrances does not necessarily ensure protection of the caves' environment, particularly water quality. Water quality is largely a function of land use in cave stream recharge areas, and the vast majority of the watersheds of all caves containing the amphipod is in private ownership and land use is primarily agriculture. Recharge areas may be several square miles in size, and runoff and seepage from thousands of acres of agricultural land may be funneled into one cave system, thus increasing the magnitude of any toxic hazard posed by the use of agricultural chemicals. The application of pesticides is regulated by the U.S. Environmental Protection Agency (EPA) and maximum allowable application levels and use restrictions are printed on pesticide container labels. While pesticide applicators may be applying chemicals fully in compliance with the restrictions, adverse impacts to the species may still result.

Current State and local regulations are inadequate for protecting water quality in a sensitive geological formation like karst. St. Clair and Monroe counties are rapidly developing as residential communities for the St. Louis, Missouri, Metropolitan Area with most home sites being served by individual wells and septic systems. Septic systems may not perform as designed and, in some cases, septic effluent is allowed to drain directly into sinkholes. Studies have shown that there is no general housing density in karst terrain that assures that groundwater quality will be protected when septic systems are used (Aley and Thompson 1984). The more houses there are in a spring or cave stream recharge area, the greater the chance that some of them will introduce contaminants into the groundwater system, and the greater the chance that one or more of the septic field systems will constitute a major source of groundwater contamination (Aley and Thompson 1984).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

As a group, aquatic amphipods have adapted to the extremes of natural events such as spring floods or high discharge following a rainstorm and, no doubt, some individuals are washed out of the cave environment during such events. However, because of the low numbers of the Illinois cave amphipod and a highly restricted range, even the loss of a few individuals may be significant to the species' survival. The species being extant in only three cave systems within a relatively small geographic area, it is conceivable that a heavy spring snowmelt or rainstorm could cause a flushing of all three systems at one time. As a consequence, there may not be enough individuals remaining in the caves for the species to reproduce and survive.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Illinois cave amphipod as endangered.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Illinois cave amphipod at this time. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

The Service believes critical habitat is not prudent for the Illinois cave amphipod because both of the situations described above are believed to exist. The nature of karst terrain means that surface features such as sinkholes, fissures, and disappearing streams provide a direct connection to the cave streams inhabited by the amphipod. Publishing a critical habitat map would delineate the recharge areas of the three caves. The Service believes such a map would make it easy to locate the sinkhole accesses to the cave streams and could promote vandalism in the form of intentional introduction of toxic chemicals into the underground system. Listing the Illinois cave amphipod as an endangered species publicizes the present vulnerability of this species, and, thus can be reasonably expected to increase the threat of vandalism or intentional destruction of the species habitat. In light of the great vulnerability of this species to vandalism or the intentional destruction of its habitat, publication of maps providing its precise locations within increasing developing areas and descriptions of critical habitat, as required for the designation of critical habitat, would reasonably be expected to increase the degree of threats to the species, increase

the difficulties of enforcement, and further contribute to the decline of the Illinois cave amphipod.

In addition, designation of critical habitat would not provide significant benefits to the species or its habitat over and above those benefits which are already available through a section 7 jeopardy finding made during consultation with other Federal agencies. Consultation is likely to occur with the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) and with the EPA for programs administered by those agencies. For a species such as this, extant in only three small, discrete populations, any significant adverse impact to its habitat would likely jeopardize the species' continued existence. Therefore, for this species the threshold for a jeopardy determination is indistinguishable from the threshold for determining adverse modification of critical habitat.

Critical habitat designation has no legal effect on private actions that do not require consultation by a Federal agency under section 7 of the Act. Therefore, because there are no significant benefits that will accrue from critical habitat designation, and because such a designation would present significant additional risks to the species, the Service determines that designation of critical habitat would not benefit the Illinois cave amphipod.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, state, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the states and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal agency actions that may require conference and/or consultation as described in the preceding paragraph include activities by the NRCS such as the Conservation Reserve Program, the Environmental Quality Incentive Program, and the Highly Erodible Land and Wetland Conservation provisions of the Food Security Act of 1985. These activities will generally benefit the species through the protection of groundwater quality. In addition, conference and/or consultation may be required with the EPA on the use of pesticides in the watersheds of the species range.

The Act and implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions codified at 50 CFR 17.21, in part make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce, any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

It is the policy of the Service (59 FR 34272; July 1, 1994) to identify to the maximum extent practicable at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities within a species' range. Activities that the Service believes could potentially harm or kill the Illinois cave amphipod and result in take include, but are not limited to:

(1) Unauthorized use, application or discharge of agrichemicals, or other pollutants, particularly insecticides, onto plants, soil, ground, water or other surfaces within the recharge areas of the species range that is likely to result in the deterioration of cave water quality and harm to the species. Use of such chemicals in violation of label directions, or any use following Service notification that such use, application or discharge is likely to harm the species, would be evidence of unauthorized use, application or discharge. A buffer zone identifying the area of greatest concern within the caves recharge area will be identified by the Service to indicate areas of special sensitivity for the Illinois cave amphipod.

(2) Discharging of agrichemicals or other pollutants including debris, garbage, trash, septic effluent or any other foreign material into sinkholes or fissures in the recharge areas of the species range.

(3) Unauthorized construction, installation of new private septic systems or any identified improper use, maintenance or servicing of existing private septic systems in the recharge areas of the species' range, if such unauthorized construction, installation or identified use, maintenance or servicing is likely to result in the contamination or degradation of cave stream water quality and harm to the species. Illegal or improper construction, installation of new systems or any improper use, maintenance or servicing of existing systems, following Service notification that such activities and the location of such activities within the caves recharge area are likely to harm the species and the expiration of a reasonable time to correct or mitigate against such system deficiencies, would be evidence of unauthorized construction, installation or improper use, maintenance or servicing.

(4) Impoundment, water diversion, draining, ditching or discharging of fill material in wetlands, sinkhole lakes and ponds, sinkholes, fissures, and reduction or loss of streams within recharge areas of the species range if such activities adversely affect the supply and quality of water in the cave streams wherein the species is found.

(5) Unauthorized visitation or use of Illinois Caverns and other caves identified as containing this species if such visitation or use is identified as likely to cause impacts to stream habitat and result in harm to the species. Visitation or use of Illinois Caverns and other caves containing the species, following Service notification that such visitation or use is likely to harm the species, would be evidence of unauthorized visitation or use.

The Service believes, based on the best available information, that the

following actions will not result in a violation of section 9:

(1) Use of fertilizers and pesticides on residential (non-agricultural) properties within the recharge areas of the species range.

(2) Construction and use of properly constructed and well functioning sewer systems within the species range.

(3) Visitation of Fogelpole Cave by permitted individuals.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. For endangered species such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation(s) on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and addressed to Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 4469 48th Avenue Court, Rock Island, Illinois.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the national Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements.

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Author: The primary author of this proposed rule is Gerald Bade, U.S. Fish and Wildlife Service, 4469 48th Avenue Court, Rock Island, Illinois 61201.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulation, as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under *Crustaceans* to the list of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
CRUSTACEANS							
*	*	*	*	*	*		*
Amphipod, Illinois cave	Gammarus acherondytes.	U.S.A. (IL)	NA	E		NA	NA
*	*	*	*	*	*		*

Dated: July 10, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 97–19763 Filed 7–25–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE30

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant Sidalcea Keckii (Keck's Checker-Mallow) From Tulare County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list *Sidalcea keckii* (Keck's checker-mallow) as endangered pursuant to the Endangered Species Act of 1973, as amended (Act). *Sidalcea keckii* is known only from a single population in the annual grasslands of Tulare County, California. *Sidalcea keckii* is threatened by urban development, agricultural land conversion, and naturally occurring events. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for the plant.

DATES: Comments from all interested parties must be received by, September 26, 1997. Public hearing requests must be received by September 11, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 3310 El Camino Avenue, Sacramento, California 95825. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ken Fuller, Sacramento Field Office (see **ADDRESSES** section), (telephone 916/ 979–2120; facsimile 916/ 979–2128).

SUPPLEMENTARY INFORMATION:

Background

The San Joaquin Valley of California is a large, north-south oriented, alluvial valley that is mostly farmed or urbanized. The San Joaquin Valley, from Stockton in the north to Bakersfield in the south, is approximately 700 kilometers (km) (320 miles (mi)) long and 300 km (135 mi) wide. Tulare County, one of ten counties in the San Joaquin Valley, is located toward the southern end of the valley. A single population of *Sidalcea keckii* occurs toward the southern end of the valley, in south-central Tulare County.

Sidalcea keckii is a slender, hairy, erect annual herb belonging to the mallow family (Malvaceae). The species grows 1.5 to 3.5 decimeters (dm)(6 to 13 inches(in.)) tall. The lower leaf blades have 7 to 9 shallow lobes. The upper leaves have a tapered base with 2 to 5 notches in the upper lobes. A few deep pink flowers, 10 to 20 millimeters (mm) (0.4 to 0.8 in.) wide, appear in April through May. Seeds are smooth and pink-tinted. *Sidalcea keckii* closely resembles four other annual species of *Sidalcea—S. calycosa, S. diploscyha, S. hartwegii,* and *S. hirsuta. Sidalcea calycosa* and *S. diploscyha* have ranges that overlap with *S. keckii. Sidalcea keckii* can be variously separated from similar species by the number and size of flowers, the arrangement of stamens, the lengths of the bract and calyx, the presence of an aggregation of linear stipules and bracts surrounding the flower at maturity, the size and shape of the stem leaves, the density of hairs on the stems, and the presence of a purplish spot on the flower.

Wiggins (1940) described *Sidalcea keckii* from specimens collected in 1935 and 1938 near White River, Tulare County. *Sidalcea keckii* was known historically from three populations occurring between 120 to 425 meters (m) (400 to 1,400 feet (ft)) in elevation, but it has not been seen at two of these sites for about 57 years. It was considered to be extinct until 1992, when the third, and only extant, population of *S. keckii* was discovered by consultants conducting a site inventory as part of the environmental compliance prior to construction of a subdivision (Woodward and Clyde, Biological Consultants, 1992). The population of *S. keckii* occurs on 20 to 40 percent slopes of red or white-colored clay in sparsely-vegetated annual grasslands. The clays are thought to be derived from serpentine (magnesian or ultramafic) soils. The population covers an area measuring 30 m by 100 m (100 ft by 320 ft) and had a total of only 60 plants in 1992. It occurs on a privately-owned parcel of land comprising an area of 280 hectare (ha) (700 acre (ac)) that is currently grazed by livestock. *S. keckii* is threatened by urban development, agricultural land conversion, and naturally occurring events.

Previous Federal Action

Federal government actions on the plant began as a result of section 12 of the original Endangered Species Act of 1973, (Act) as amended (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975, and included *Sidalcea keckii* as a threatened species. The Service published a notice on July 1, 1975 (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a

petition within the context of section 4(c)(2) (petition provisions are now found in section 4(b)(3) of the Act) and its intention thereby to review the status of the plant taxa named therein. The July 1, 1975 notice included the above taxon. On June 16, 1976, the Service published a proposal (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *S. keckii* was not included in the June 16, 1976, **Federal Register** document.

The Service published an updated notice of review for plants on December 15, 1980 (45 FR 82480). This notice included *Sidalcea keckii* as a category 1* candidate. Category 1* candidates were species believed to have become extinct, *S. keckii* having since been rediscovered. This designation for *S. keckii* was retained in the November 28, 1983 supplement to the Notice of Review (48 FR 53640), as well as subsequent revisions on September 27, 1985 (50 FR 39526), February 21, 1990 (55 FR 6184), and September 30, 1993 (50 FR 51143). Upon publication of the notice of review on February 28, 1996 (61 FR 7596), the Service included *S. keckii* as a candidate species. Candidate species are those which the Service has on file sufficient information on biological vulnerability and threat(s) to support proposals to list them as threatened or endangered species. *S. keckii* was also listed as a candidate in the Notice of Review published on February 28, 1996 (61 FR 7596).

Section 4(b)(3)(B) of the Act requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Sidalcea keckii,* because the 1975 Smithsonian report had been accepted as a petition. On October 13, 1982, the Service found that the petitioned listing of the species was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(I) of the Act. The finding was reviewed annually in October of 1983 through 1997. *S. keckii* has a listing priority number of 2. Processing of this rule is a Tier 3 activity under the current listing priority guidance (61 FR 64480).

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C. 1533) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal list of endangered and threatened species. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Sidalcea keckii* Wiggins (Keck's checker-mallow) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Only three verified sites for *Sidalcea keckii* have been reported historically. The species is presumed extirpated from its type locality near White River in Tulare County and from a second historical site in the vicinity of Piedra, Fresno County. Despite repeated searches for the species, it has not been found at either of these sites since 1939, when the species was first named (the date of the type collection), (John Stebbins, Fresno State University, *in litt.* 1994). One erroneous report of an occurrence near Porterville, Tulare County, is a misidentification of either *S. calycosa* or *S. hirsuta* (J. Stebbins, *in litt.* 1994). The only extant population, of approximately 60 individuals in Tulare County, was discovered in 1992 (Stebbins, *in litt.* 1994).

Historically, the habitat of *Sidalcea keckii* has been degraded by urban development, agricultural land conversion, and livestock grazing (Stebbins, *in litt.* 1994). These factors continue to threaten *S. keckii.* As recently as 1992, a subdivision was proposed for the private land containing the only known population of *S. keckii,* although that proposal has been withdrawn (Marge Neufield, Tulare County Planning Department, *in litt.* 1995). Agricultural land conversion also threatens this population (California Natural Diversity Data Base 1995). Citrus orchards occur within 1.6 kilometers (1 mile) of the population of *S. keckii.* The parcel of land where this species occurs is at the same elevation as existing orchards, and has soils similar to those on which citrus is grown.

The land on which the population is found is currently used for grazing. Although the level of grazing on the parcel is not currently thought to pose a threat to the species, an increase in grazing intensity beyond best management practices could potentially threaten the species. A 64 ha (160 ac) portion of the 280 ha (700 ac) on which the plant occurs is currently zoned as Planned Development of Foothill Mobile Home. This designation permits, subject to site plan review, a subdivision, business, or mixed business and residential development of the land. Lands adjacent to this parcel are zoned to permit citrus, grapes, or other crop agriculture, or livestock grazing (Roberto Brady, Tulare County Planning Department, pers. comm. 1997). A zoning variance could permit either residential or agricultural use of the parcel on which the plant occurs. The intended future use of the land is presently unknown.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Overutilization is not currently known to be a threat to the plant, however, because this plant is known from a small number of individual plants in a single population it is extremely vulnerable to unrestricted collecting for scientific or horticultural purposes. Although this species is not currently known to be sought by collectors, the genus is prized as a source of choice horticultural plants. Impacts from excessive visits by individuals interested in seeing rare plants could result from increased publicity as a result of this proposal.

C. Disease or Predation

At this time there is no evidence to suggest that either disease or predation presents a significant problem for *Sidalcea keckii.*

D. The Inadequacy of Existing Regulatory Mechanisms

The California Environmental Quality Act (CEQA) requires a full disclosure of the potential environmental impacts of proposed projects. The public agency with primary authority or jurisdiction over the project is designated as the lead agency, and is responsible for conducting a review of the project and consulting with the other agencies concerned with the resources affected by the project. Section 15065 of the CEQA Guidelines requires a finding of significance if a project has the potential to ''reduce the number or restrict the range of a rare or endangered plant or animal.'' Species that are eligible for listing as rare, threatened, or endangered but are not so listed, are given the same protection provided for Federal or State listed species. Once any

significant effects are identified, the lead agency has the option to either require mitigation for effects through changes in the project, or to decide that overriding considerations would make mitigation infeasible. Projects may therefore be approved that can cause significant environmental damage. Protection of unlisted, proposed, and listed species through CEQA is therefore dependant upon the judgement of the lead agency. Proposed revisions to CEQA guidelines, if implemented, may also weaken protections for threatened, endangered, and other sensitive species.

Sidalcea keckii is not listed by the California Department of Fish and Game under the California Endangered Species Act (Chapter 1.5 sec. 2050 *et seq.* of the California Fish and Game Code and Title 14 California Code of Regulations section 670.2). Listing by the State of California requires individuals to obtain a management agreement with the California Department of Fish and Game (CDFG) to possess or ''take'' a listed species. Although ''take'' of State-listed plants is prohibited (California Native Plant Protection Act, Chapter 10 section 1908 and California Endangered Species Act, Chapter 1.5 section 2080), State law appears to exempt the taking of such plants via habitat modification or land use changes by the owner. Effectively upon notification of a landowner by CDFG that a State-listed plant grows on his or her property, a land owner will become obligated under State law to notify the agency ''at least 10 days in advance of changing the land use to allow salvage of such a plant'' (Native Plant Protection Act, Chapter 10 section 1913).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Sidalcea keckii is extremely localized with one only small population of approximately 60 individuals. This species is, therefore, highly susceptible to extinction from naturally occurring events such as fire, insect predation, and disease outbreaks (Primack 1993).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. *Sidalcea keckii* is threatened by urban development, agricultural land conversion, and naturally occurring events. Although the Service is not aware of any current proposal for either development or conversion of the parcel on which the one small population occurs, this population is situated in an area that is suitable for development or agriculture and is unprotected from these threats. Because of the high potential for these threats, if realized, to result in the extinction of *S. keckii*, the preferred action is to list *S. keckii* as endangered.

Other alternatives to listing were considered before publication of this proposed rule. There are currently no activities for the conservation of the species (e.g., conservation agreements or easements) being undertaken or planned. The alternative of listing the species as threatened is inappropriate at this time because of the high potential for either land development or agricultural conversion to result in the extinction of *Sidalcea keckii*. Current practices of CEQA within the State of California would provide inadequate protection for this candidate species. Listing *S. keckii* as endangered would provide Federal protection for the species and result in additional protection as outlined under the Available Conservation Measures section.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

The Service finds that designation of critical habitat is not prudent for *Sidalcea keckii.* Although this species is not currently known to be sought by collectors, the genus is prized as a source of choice horticultural plants. The listing of this species as endangered also publicizes its rarity and, thus, can make it attractive to researchers or collectors of rare plants. Listing of *S. keckii* as an endangered species also discloses the present vulnerability of this species and, thus, can be reasonably expected to increase the treat of vandalism or the intentional destruction of its habitat. In light of the vulnerability of this species to vandalism or intentional destruction of the species habitat, publication of maps providing it precise locations and descriptions of critical habitat, as required for the designation of critical habitat, would reasonably be expected to increase the degree of threats to the species, increase the difficulties of enforcement, and further contribute to the decline of *S. keckii.*

Furthermore, critical habitat designation for *Sidalcea keckii* is not prudent due to lack of benefit. The species is limited to a single location, and any action that would adversely modify critical habitat also would jeopardize the species. Therefore, the designation of critical habitat would not provide any benefit to the conservation of the species.

Protection of the habitat of this species will be primarily addressed through the recovery process. Protection of the habitat of this species may also be addressed through the section 7 consultation process. Consultation may be necessary for the possible renewal of a Bureau of Reclamation's Friant service area Central Valley Project water contract, affecting the land on which the species occurs. The Service believes that effects of Federal involvement in the areas where this plant occurs can be adequately identified without the designation of critical habitat. Therefore, the Service finds that designation of critical habitat for this plant is not prudent, such designation would reasonably increase the degree of threats from vandalism or intentional destruction of habitat and would not increase the degree of protection for the species beyond the protection afforded by listing.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act

provides for possible land acquisition and cooperation with the State and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Ongoing Federal agency actions that may affect *Sidalcea keckii* include Bureau of Reclamation renewal of the Central Valley Project's Friant water contracts. Listing *S. keckii* would provide for development of a recovery plan for the plant. A recovery plan would bring together both State and Federal efforts for conservation of this species. The recovery plan would establish a framework for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan would set recovery priorities and estimate costs of various tasks necessary to accomplish them. The recovery plan also would describe site-specific management actions necessary to achieve conservation and survival of the plant. Additionally, pursuant to section 6 of the Act, the Service would be able to grant funds to an affected State such as California for management actions promoting the protection and recovery of the species.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61 for endangered plants, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport or ship in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or remove and reduce to possession from areas under Federal jurisdiction. In addition, for plants listed as endangered, the Act prohibits the malicious damage or destruction on areas under Federal jurisdiction and the removal, cutting, digging up, or damaging or destroying of such plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies.

It is the policy of the Service (59 FR 34272) to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effects of the listing on proposed and ongoing activities within the species' range. Collection, damage or destruction of this species on Federal land is prohibited, although in appropriate cases, a Federal endangered species permit may be issued to allow collection for scientific or recovery purposes. Such activities on non-Federal lands would constitute a violation of section 9 when conducted in knowing violation of California State law or regulations or in violation of State criminal trespass law.

Activities that are not likely to violate section 9 include livestock grazing, construction or maintenance of fences and livestock water facilities, clearing a defensible space for fire protection around one's personal residence, and landscaping (including irrigation) around one's personal residence. Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Sacramento Field Office (see **ADDRESSES** section).

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. Requests for copies of the regulations on listed plants and inquiries regarding them may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Permits Branch, 911 NE 11th Ave., Portland, Oregon 97232–4181 (503/231–6241).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. The Service will follow its current peer review policy (59 FR 34270) in the processing of this rule. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Sidalcea keckii;*

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation(s) for this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Act provides for one or more public hearing(s) on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and be addressed to the Field Supervisor, Sacramento Field Office, (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not

subject to review by the Office of Management and Budget under Executive Order 12866.

References Cited

California Natural Diversity Data Base. 1995. An Electronic Data Base. Natural Heritage Division. California Department of Fish and Game. Sacramento, California.

Primack, R. 1993. Essentials of Conservation Biology. Sinauer and Associates, pp. 272–273.

Wiggins, I. 1940. Contributions to the Dudley Herbarium 3:55–56.

Woodward and Clyde Biological Consultants. 1992. Focused Biological Surveys for Eight Target Species in Tulare County. Unpub. rept. Appendix J–1.

Author

The primary author of this proposed rule is Ken Fuller, U.S. Fish and Wildlife Service, Sacramento Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under Flowering Plants to the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*	*	
FLOWERING PLANTS							
*	*	*	*	*	*	*	
Sidalcea keckii	Keck's checker-mallow.	U.S.A. (CA)	Malvaceae—Mallow	E		NA	NA
*	*	*	*	*	*	*	

Dated: July 3, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 97–19762 Filed 7–25–97; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 62, No. 144
Monday, July 28, 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

Agricultural Marketing Service

[Docket No. FV97–922–1 NC]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for Apricots Grown in Designated Counties in Washington, Marketing Order No. 922.

DATES: Comments on this notice must be received on or before September 26, 1997 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Tershirra T. Yeager, Marketing Order Administration Branch, F & V, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, D.C. 20090–6456, Telephone (202) 720–2491 or Fax (202) 720–5698.

SUPPLEMENTARY INFORMATION:

Title: Apricots Grown in Designated Counties in Washington, Marketing Order 922.

OMB Number: 0581–0095.

Expiration Date of Approval: February 28, 1998.

Type of Request: Extension and revision of currently approved information collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674), industries enter into marketing order programs. The Secretary of Agriculture is authorized to oversee the order operations and issue regulations recommended by a committee of representatives from each commodity industry.

The information collection requirements in this request are essential to carry out the intent of the AMAA, to provide the respondents the type of service they request, and to administer the apricot marketing order program, which has been operating since 1957.

The apricot marketing order authorizes the issuance of quality regulations and inspection requirements. Regulatory provisions apply to apricots shipped within and outside of the production area, except those specifically exempt. The order also has authority for marketing research and development projects.

The order, and rules and regulations issued thereunder, authorize the Washington Apricot Marketing Committee (Committee), the agency responsible for local administration of the order, to require handlers and growers to submit certain information. Much of this information is compiled in aggregate and provided to the industry to assist in marketing decisions.

The Committee has developed forms as a means for persons to file required information with the Committee relating to apricot supplies, shipments, dispositions, and other information needed to effectively carry out the purpose of the Act and order. Apricots are harvested from late June through mid-August, and these forms are utilized accordingly. A USDA form is used to allow growers to vote on amendments to or continuance of the marketing order. In addition, apricot growers and handlers who are nominated by their peers to serve as representatives on the Committee must file nomination forms with the Secretary.

Formal rulemaking amendments to the order must be approved in referenda conducted by the Secretary. Also, the Secretary may conduct a continuance referendum to determine industry support for continuation of the order. Handlers are asked to sign an agreement to indicate their willingness to abide by the provisions of the order whenever the order is amended. These forms are included in this request.

The forms covered under this information collection require the minimum information necessary to effectively carry out the requirements of the order, and their use is necessary to fulfill the intent of the Act as expressed in the order.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Division regional and headquarter's staff, and authorized employees of the Committee. Authorized Committee employees and the industry are the primary users of the information and AMS is the secondary user.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.3 hours per response.

Respondents: Apricot growers and handlers in the designated Counties in Washington.

Estimated Number of Respondents: 430.

Estimated Number of Responses per Respondent: 0.304.

Estimated Total Annual Burden on Respondents: 39 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, D.C., 20090–6456. Comments should reference the docket number and the date and page number

of this issue of the **Federal Register**. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: July 22, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–19704 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Subcommittee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee will meet on August 7, 1997, at the Double Tree Hotel in Port Angeles, Washington. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 8:00 a.m. and continue until 3:00 p.m. Agenda items to be discussed include, but are not limited to: effectiveness monitoring and a series of informational presentations on activities on the Olympic Peninsula. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–808–2180).

Dated: July 21, 1997.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 97–19726 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Decision and Order

On April 29, 1993, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter ''BXA''), issued a charging letter initiating an administrative proceeding against William A. Roessl, individually and formerly doing business as Enigma Industries (hereinafter collectively referred to as ''Roessl''). The charging letter alleged that Roessl committed three violations of the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (1997)),[1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (1994)) (hereinafter the ''Act'').[2]

Specifically, the charging letter alleged that, on or about June 28, 1989, Roessl exported a U.S.-origin Floating Point Systems model 164 Array Processor from the United States through Canada to the Federal Republic of Germany without the validated license that Roessl knew or had reason to know was required by Section 772.1(b) of the former Regulations. BXA alleged that, by exporting commodities to any person or destination in violation of or contrary to the terms of the Act, or any regulation, order or license issued under the Act, Roessl violated Section 787.6 of the former Regulations. BXA also alleged that, by selling, transferring, or forwarding commodities to be exported from the United States with knowledge or reason to know that a violation of the Act or any regulation, order, or license issued thereunder occurred, was about to occur, or was intended to occur, Roessl violated Section 787.4(a) of the former Regulations.

Furthermore, the charging letter also alleged that, in connection with the shipment described above, Roessl filed, directly or indirectly, with the U.S. Customs Service a Shipper's Export Declaration (SED) on which it was represented that the goods described thereon were being exported from the United States for ultimate destination in Canada when, in fact, as Roessl knew, the goods were not intended for ultimate destination in Canada. BXA alleged that, by making or causing the making of a false or misleading statement of material fact, directly or indirectly, to a United States agency in connection with the preparation, submission, or use of an SED, an export control document, Roessl violated Section 787.5(a) of the former Regulations.

BXA has presented evidence that the charging letter was served on Roessl on February 23, 1996.[3] After he was finally served, the parties agreed, by stipulation dated March 22, 1996, to an extension of time, until May 24, 1996, for Roessl to answer the charging letter. Roessl has failed to file an answer to the charging letter, as required by Section 766.7 of the Regulations, and is therefore in default. Thus, pursuant to Section 766.7 of the Regulations, BXA moved that the Administrative Law Judge (hereinafter the ''ALJ'') find the facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, the ALJ issued a Recommended Decision and Order in which he found the facts to be as alleged in the charging letter, and concluded that those facts constitute three violations of the former Regulations by Roessl, as BXA alleged. The ALJ also agreed with BXA's recommendation that the appropriate penalty to be imposed for that violation is a denial, for a period of ten years, of all of Roessl's export privileges. As provided by Section 766.22 of the Regulations, the Recommended Decision and Order has been referred to me for final action.

Based on my review of the entire record, I affirm the findings of fact and conclusions of law in the Recommended Decision and Order of the ALJ. As the ALJ noted, Roessl has been difficult to locate and has not cooperated with the resolution of this matter—even after agency counsel agreed to an extension of time to file his answer to the charging letter. A civil monetary penalty would not likely be collected. Accordingly, a period of denial of Roessl's export privileges is a more effective and appropriate penalty.

Additionally, I agree with the ALJ that the period of denial of export privileges should be substantial. This case is aggravated both by Roessl's failure to participate in the administrative enforcement process and by the fact that the case involves an exportation through

[1] The alleged violations occurred in 1989. The Regulations governing the violations at issue are found in the 1989 version of the Code of Federal Regulations (15 CFR parts 768–799 (1989)). Those Regulations define the violations that BXA alleges occurred, and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations establish the procedures that apply to the matters set forth in this decision and order.

[2] The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)) and August 14, 1996 (3 CFR, 1996 Comp. 298 (1997)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991 & Supp. 1997)).

[3] The Recommended Decision and Order represents that BXA served the charging letter on April 29, 1993, when in fact, the charging letter was issued on that date and then served on February 23, 1996.

Canada. Under U.S. export control law, exports to Canada rarely require an export license. This important rule facilitates the substantial trade between the closely connected U.S. and Canadian economies. The license exception for Canada applies, however, only to goods intended for use in Canada. In this case, Rossel abused this exception. To abuse this exception is to risk losing it. A violation such as this is a serious matter and should receive a penalty that demonstrates that fact. The ALJ was correct in recommending the imposition of a ten-year period of denial of export privileges.

Accordingly, it is therefore ordered, First, that, for a period of ten years from the date of this Order, William A. Roessl, individually and formerly doing business as Enigma Industries, 145–B Crescent, Beverly Hills, California 90202, and all his successors, assignees, officers, representatives, agents and employees, whenever acting within the scope of their employment with Roessl, may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the Untied States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that this Order shall be served on Roessl and on BXA, and shall be published in the **Federal Register.**

This Order, which constitutes the final agency action in this matter, is effective immediately.

Dated: July 22, 1997.

William A. Reinsch,

Under Secretary for Export Administration.

[FR Doc. 97–19816 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 61–97]

Proposed Foreign-Trade Zone, Charleston, West Virginia Area; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the West Virginia Economic Development Authority (a West Virginia public corporation), to establish a general-purpose foreign-trade zone in the Charleston, West Virginia area, within the Charleston, West Virginia 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 July 22, 1997. The applicant is authorized to apply for foreign-trade zone authority under West Virginia Code § 31–15–6.

Presently pending with the Board is a separate application for a general-purpose zone in Wood and Jackson Counties (filed 5/23/97, Doc. 43–97). Thus, the zone project proposed in this application would become the second one in the Charleston, West Virginia, Customs port of entry area. A related application for FTZ subzone status at the Toyota Motor Manufacturing West Virginia, Inc. plant in Buffalo, West Virginia is being filed simultaneously with this one (Doc. 62–97).

The proposed new zone would encompass three warehouse buildings (24 acres) located at the Charleston Ordnance Center (78 acres), 3100 MacCorkle Avenue S.W., South Charleston. The application contains evidence of the need for general-purpose zone services at the proposed site. Several firms have indicated an interest in using zone procedures at the on-site facilities for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on September 11, 1997, at 9:00 a.m., West Virginia House of Delegates, Public Hearing Room, Building One, Room 215-E, State Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25311.

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 26, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 14, 1997).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

U.S. Department of Commerce, Export Assistance Center, 405 Capitol Street, Suite 650, Charleston, WV 25301.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: July 22, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–19808 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 62–97]

Proposed Foreign-Trade Zone—Charleston, West Virginia Area, Application for Subzone, Toyota Motor Manufacturing West Virginia, Inc. (Auto Engines), Buffalo, West Virginia

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the West Virginia Economic Development Authority (WVEDA) (a West Virginia public corporation), requesting special-purpose subzone status for the auto engine manufacturing plant of Toyota Motor Manufacturing West Virginia, Inc. (TMMWV), in Buffalo (Putnam County), West Virginia. 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 July 22, 1997. WVEDA has an application pending with the FTZ Board for the establishment of a general-purpose foreign-trade zone in the Charleston, West Virginia, area. It is authorized to make such proposals under West Virginia Code § 31–15–6.

The new TMMWV plant (currently under construction) is located on a 229-acre site located on WV State Route 62 at WV Secondary Route 32/2 in Buffalo, West Virginia, some 20 miles northwest of Charleston. The facility (600,000 sq. ft., 300 employees, as proposed) would be used to produce some 400,000 auto engines per year. Parts and materials that would initially be sourced from abroad include: valve components, engine blocks, cylinder heads, bushings, gauges, gaskets, insulators, camshaft bearings, bearing caps, piston pin rings, knock control and temperature sensors, and oil pressure switches (duty rate range: free-3.4%). The application indicates that the level of foreign parts used in production will decline to 35 percent (of finished engine value) in the future. The finished engines would be shipped primarily to the NUMMI (GM-Toyota) assembly in California and the Toyota assembly plant in Ontario, Canada.

FTZ procedures would exempt TMMWV from the payment of Customs duties on foreign merchandise that is exported. On its domestic sales, the company would be able to choose the duty rate that applies to finished engines (2.6%) instead of the duty rates that would otherwise apply to the foreign components noted above. TMMWV would also have the option to ship the engines for incorporation into autos at domestic auto assembly plants that operate under FTZ procedures, in which case the duty rate applicable to finished autos (2.5%) would apply. FTZ procedures would allow the deferral of duty payments on foreign capital equipment until fully installed and ready for production. FTZ status would also make the plant eligible for state/local exemptions on certain inventory taxes.

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 26, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 14, 1997). A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

U.S. Department of Commerce, Export Assistance Center, 405 Capitol Street, Suite 650, Charleston, WV 25301.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: July 22, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–19809 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–815 and A–580–816]

Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea; Extension of Time Limits for Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Extension of time limits for antidumping duty administrative reviews of certain cold-rolled and corrosion-resistant carbon steel flat products from Korea.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limits for the preliminary results of the third antidumping duty administrative reviews of the antidumping orders on certain cold-rolled and corrosion-resistant carbon steel flat products from Korea. These reviews cover three manufacturers and exporters of the subject merchandise: Dongbu Steel Co., Ltd., Union Steel Manufacturing Co., Ltd., and Pohang Iron and Steel Co., Ltd. The period of review is August 1, 1995 through July 31, 1996.

EFFECTIVE DATE: July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Alain Letort or John R. Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–4243 or 482–0649, respectively.

SUPPLEMENTARY INFORMATION: The Department initiated these administrative reviews on September 16, 1996 (61 FR 48882). On February 25, 1997, we published a notice in the **Federal Register** (62 FR 8424) extending the deadline for the preliminary review results to August 1, 1997, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930 (''the Act''), as amended by the Uruguay Round Agreements Act of 1994. Because it is not practicable to complete these reviews within the

extended deadline, the Department is extending the time limits for the preliminary results of the aforementioned reviews to September 2, 1997. *See* memorandum from Joseph A. Spetrini to Robert S. LaRussa, which is on file in Room B–099 at the Department's headquarters.

This extension of time limits is in accordance with section 751(a)(3)(A) of the Act.

Dated: July 18, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 97–19719 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

[A–533–502]

Certain Welded Carbon Steel Standard Pipes and Tubes From India; Extension of Time Limit for Final Results of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit of new shippers review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for final results in the new shippers review of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India, covering the period May 1, 1995, through April 30, 1996. We are extending the time limit because we have determined that this review is extraordinarily complicated, as provided for in the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Davina Hashmi or Kristie Strecker, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On June 27, 1996, the Department initiated a new shippers review covering the period May 1, 1995, through April 30, 1996. We published the preliminary results on May 1, 1997 in the **Federal Register**. The final results are currently due to be issued on July 30, 1997.

Under section 751(a)(2)(B)(iv) of the Act, if the Department determines that a new shippers review is extraordinarily complicated, the Department may extend the deadline for issuing the final results of review up to 150 days after the date the preliminary determination was issued. In the instant case, the Department has determined this review is extraordinarily complicated due to numerous complex cost-accounting and level-of-trade issues and the fact that the review involves the analyses of two companies (see Memorandum from Richard W. Moreland to Robert S. LaRussa, Recommended Extension of Time Limit for Final Results, July 18, 1997). Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act, the Department is extending the time limit for the final results to August 29, 1997.

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 353.34 (b). This extension is in accordance with section 751(a)(2)(B)(iv) of the Act.

Dated: July 21, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–19810 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

DOCKET NUMBER: 97–034. *Applicant:* University of Virginia, Department of Cell Biology, Health Science Center, Jordan Hall, Charlottesville, VA 22908. *Instrument:* Ultrascope, Model MKII. *Manufacturer:* Optech International Ltd., New Zealand. *Intended Use:* The instrument will be used to teach the courses Gross and Developmental Anatomy, Pathology and Neuroscience to large classes of medical students and other personnel. *Application accepted by Commissioner of Customs:* June 25, 1997.

DOCKET NUMBER: 97–051. *Applicant:* University of Notre Dame, 152A Fitzpatrick Hall, Notre Dame, IN 46556. *Instrument:* Mass Spectrometer, Model DELTA^{plus}. *Manufacturer:* Finnigan, Germany. *Intended Use:* The instrument will be used to perform ion ratio mass spectrometry for carbon, nitrogen and sulfur stable isotopes. In addition, the instrument will be used for educational purposes in geochemistry, anthropology and bioscience courses. *Application accepted by Commissioner of Customs:* June 25, 1997.

DOCKET NUMBER: 97–052. *Applicant:* Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461–1602. *Instrument:* Ion Source Kit for Mass Spectrometer, Model ES002. *Manufacturer:* The Protein Analysis Company, Denmark. *Intended Use:* The instrument will be used for studies of commercial biopolymeric samples and those isolated from biological sources in order to determine their molecular weights and structural characteristics. *Application accepted by Commissioner of Customs:* June 25, 1997.

DOCKET NUMBER: 97–053. *Applicant:* Western Michigan University, 1201 Oliver Street, Kalamazoo, MI 49008–5167. *Instrument:* Electron Energy Analyzer. *Manufacturer:* Scienta Instrument AB, Sweden. *Intended Use:* The instrument will be used for the study of the structure of molecules and atoms in the gas phase to obtain ultra-high resolution measurement in the structure of subject gases. In addition, the instrument will be used in atomic and molecular courses to teach graduate and undergraduate students about advanced light source at Lawrence Berkeley National Laboratory. *Application accepted by Commissioner of Customs:* June 26, 1997.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 97–19718 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–337–802]

Notice of Postponement of Time Limit for Countervailing Duty Investigation: Fresh Atlantic Salmon From Chile

AGENCY: International Trade Administration/Import Administration/Department of Commerce.

EFFECTIVE DATE: July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Rosa Jeong or Marian Wells, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 482–1278 or 482–6309, respectively.

Postponement

On July 2, 1997, the Department of Commerce (''the Department'') initiated the countervailing duty investigation of Fresh Atlantic Salmon from Chile. Respondents have indicated that they will be cooperating in the investigation. In addition, we are investigating a large number of potentially complex alleged countervailable subsidy practices. Accordingly, as detailed in our July 15, 1997, Memorandum to the File, we deem this investigation to be extraordinarily complicated. Therefore, pursuant to section 703(c)(1) of the Tariff Act of 1930, as amended (''the Act''), we are postponing the preliminary determination in this investigation no later than November 10, 1997.

This notice is published pursuant to section 703(c)(2) of the Act.

Dated: July 18, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–19811 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 043097B]

Small Takes of Marine Mammals Incidental to Specified Activities; Lockheed Launch Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization to take small numbers of harbor seals by harassment incidental to launches of Lockheed-Martin's launch vehicles (LMLVs) at Space Launch Complex 6 (SLC–6), Vandenberg Air Force Base, CA (Vandenberg) has been issued.

EFFECTIVE DATE: This authorization is effective from July 18, 1997, through July 17, 1998.

ADDRESSES: The application and authorization are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and the Southwest Region, NMFS, 501 West Ocean Blvd. Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301–713–2055, or Irma Lagomarsino, Southwest Regional Office at 310–980–4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

The MMPA Amendments of 1994 established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA defines ''harassment'' as:

> * * * any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

New subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On March 21, 1997, NMFS received an application from the U.S. Air Force, Vandenberg, requesting continuation of an authorization for the harassment of small numbers of harbor seals incidental to launches of LMLVs at SLC–6, Vandenberg. These launches would place commercial payloads into low earth orbit. Because of the requirements for circumpolar trajectories of the LMLV and its payloads, the use of SLC–6 is the only feasible alternative for LMLV launches within the United States. As a result of the noise associated with the launch itself and the resultant sonic boom, these noises have the potential to cause a startle response to those harbor seals which haul out on the coastline south and southwest of Vandenberg and may be detectable to marine mammals west of the Channel Islands. Launch noise would be expected to occur over the coastal habitats in the vicinity of SLC–6 while low-level sonic booms could be heard west of the Channel Islands.

Background information on the activity, the authorization request, and affected marine mammals can be found in the proposed authorization notice (62 FR 26779, May 15, 1997) and previous notices (60 FR 24840, May 10, 1995; 60 FR 38308, July 26, 1995) on LMLV launches. Therefore this information is not repeated here. These documents are available from NMFS (see **ADDRESSES**).

Comments and Responses

A notice of receipt of the application and the proposed authorization was published on May 15, 1997 (62 FR 26779) and a 30-day public comment period was provided on the application and proposed authorization. No comments were received during the comment period.

Conclusion

For reasons discussed in the notice of proposed authorization, since NMFS is assured that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, would have only a negligible impact on the species, and would result in the least practicable impact on the stock, NMFS has determined that the requirements of

section 101(a)(5)(D) have been met and the authorization can be issued.

Authorization

For the above reasons, NMFS has issued an incidental harassment authorization for 1 year for the above described activity provided mitigation, monitoring, and reporting requirements described in the IHA are undertaken.

Dated: July 15, 1997.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–19793 Filed 7-25-97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of the Record of Decision for the Demilitarization of Chemical Agents and Munitions Stored at Pine Bluff Arsenal, Arkansas

AGENCY: Department of the Army, DoD.

ACTION: Record of Decision.

SUMMARY: Consistent with the National Environmental Policy Act of 1969 (NEPA) and regulations promulgated pursuant thereto, this announces the availability of the Record of Decision (ROD) which documents and explains the Department of the Army's decision to construct and operate a full-scale chemical agent disposal facility located in the northeastern area of the Pine Bluff Arsenal (PBA), Arkansas (identified as Site A in the Environmental Impact Statement (EIS)). The Army has determined that the Revised Final EIS adequately addresses the potential impacts of the Army's actions relating to the disposal of chemical agents and munitions stored at PBA. The Army has also determined that the conclusions in the Revised Final EIS establish that the decision to implement on-site incineration at site A provides maximum protection of the environment, the general public, and workers at the disposal facility. The Army plans to dispose of 3,850 tons of chemical agents stored at PBA consistent with the terms of the ROD.

SUPPLEMENTARY INFORMATION: A comparison was made of the potential impacts of six different locations at PBA for the facility. The six locations were identified using criteria based on safety and compatibility with current PBA activities. The selected site, located in the northeastern part of the Arsenal, has the advantage of being previously disturbed by construction of the BZ disposal facility and the ready availability of utilities. Additionally, it was found to result in equivalent or lower potential adverse ecological impacts as compared to the other five sites evaluated. Potential impacts from alternative operating schedules for the proposed disposal facility were also evaluated. It was found that operating the plant continuously on a daily basis would result in lower human health risks than operating the plant only for one shift. Based on these impact analyses, it is concluded that conducting disposal operations at the northern site for three shifts per day is the preferred environmental alternative for implementing on-site disposal.

COPIES: To obtain copies of the ROD, contact the Program Manager for Chemical Demilitarization, Data and Document Control Center, at (410) 671–4901 or Mr. Jeff Lindblad, Pine Bluff Chemical Activity, at (501) 540–2429. For more information, contact Ms. Catherine Herlinger, Office of the Program Manager for Chemical Demilitarization, at (410) 671–3629.

Dated: July 21, 1997.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I, L&E).

[FR Doc. 97–19767 Filed 7–25–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Reformation Study, Atlantic Coast of Long Island, From Fire Island Inlet to Montauk Point, New York

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The New York District of the U.S. Army Corps of Engineers plans to begin preparation of a Draft Environmental Impact Statement (DEIS) for proposed measures for storm damage protection for the Atlantic Coast of Long Island, from Fire Island Inlet to Montauk Point, New York (study area). This project is necessary due to continual erosion leading to a decrease in the width of beach and a loss of beach material during severe storms and hurricanes. Due to the erosion and the lack of sufficiently high beaches, berms or dune systems, residential and commercial developments have become increasingly susceptible to storm damage from flooding and wave attack.

FOR FURTHER INFORMATION CONTACT:

Attn: Stephen A. Couch, Study Manager, (212) 264–9077

Attn: Peter M. Weppler, EIS Coordinator, (212) 264–4663, Planning Division, Corps of Engineers, New York District, 26 Federal Plaza, New York, New York 10278–0090

SUPPLEMENTARY INFORMATION: The overall Fire Island Inlet to Montauk Point, New York, Combined Beach Erosion Control and Hurricane Protection Project was authorized by the River and Harbor Act of 1960 in accordance with the recommendations of the Chief of Engineers in House Document No. 425, 86th Congress dated June 21, 1960. The original authorized project provided for beach erosion control and hurricane protection along five reaches by means of widening the beaches along the developed areas, raising the dunes by artificial placement of suitable sand, grass planting on the dunes, and construction of interior drainage structures at Mecox Bay, Sagaponack Lake, and Georgica Pond. The project authorized construction of 50 groins subject to determination of their actual need. The authorization was subsequently modified by Section 103 of the River and Harbor Act of October 12, 1962, Section 31 of the Water Resources Development Act of 1974, Section 502 of the Water Resources Development Act of 1986, and Section 102 of the Water Resources Development Act of 1992. These modifications were made primarily to adjust the cost sharing provisions of the authorized project.

1. Location and Description of Proposed Action

The project area is located entirely in Suffolk County, Long Island, New York, along the Atlantic and bay shores of the towns of Babylon, Islip, Brookhaven, Southamption and Easthampton. The study area is approximately 83 miles long. The study area includes three large estuarial bays. Great South Bay is connected to the Atlantic Ocean through Fire Island Inlet, which is a federal navigation channel. Similarly, Moriches Bay and Shinnecock Bay are connected to the ocean through Moriches and Shinnecock Inlets, respectively, which are also federal navigation channels. Great South Bay, Moriches Bay and Shinnecock Bay are connected by narrow channels behind the barrier. The westernmost portion of the study area, Fire Island Inlet, is located approximately 52 miles by water east of

the Battery, New York. The project area includes the ocean and bay shorelines, Fire Island, Moriches and Shinnecock Inlets, barrier beaches, the mainland, as well as suitable offshore borrow areas for that will supply material for beach construction and replenishment.

2. Reasonable Alternative Actions

The ongoing reformulation study will further consider beach fill alternatives, and others, including, but not limited to, ''hard structures'' such as groin fields, seawalls, revetments, and breakwaters to identify an economically optimal plan.

3. Scoping Process

A. Public Involvement

A separate scoping correspondence detailing the proposed plan will be distributed to all appropriate public and private agencies and organizations with the intent of receiving opinions all from interested parties. Public information meetings will be scheduled throughout the EIS phase. Additions to this mailing list can be made by notifying the project EIS coordinator.

B. Significant Issues Requiring In-Depth Analysis

1. Water Quality Impacts 2. Archaeological and Cultural Resources Impacts 3. Aquatic and Terrestrial Resources Impacts 4. Shorebird Populations 5. Recreational Impacts 6. Economic Impacts 7. Longshore Sand Transport.

C. Environmental Review and Consultation

Review will be conducted as outlined in the Council on Environmental Quality regulations dated November 29, 1983 (40 CFR parts 1500–108) and U.S. Army Corps of Engineer regulation ER 200–2–2 dated March 4, 1988.

4. Scoping Meetings

To date, there have been two interagency scoping meetings: a. an Interagency Scoping meeting sponsored by the New York District, held on November 7, 1996, and b. a Municipal Information meeting sponsored by the local sponsor, the New York Department of Environmental Conservation. The first scheduled public information meetings have been scheduled for July 30, 1997, at Dowling College, Oakdale, New York and August 14, 1997 at Southampton, Hampton Bays Community Center, New York. The purpose of the information meetings is to enable the public to: learn about the potential alternatives, suggest other alternatives, and provide input to the study and technical managers regarding potential data gaps. A series of meetings will follow and are to be scheduled at a later date and advertised in local newspapers.

5. Estimated Date of DEIS Availability

May 2001.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 97–19759 Filed 7–25–97; 8:45 am]

BILLING CODE 3710–06–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 27, 1997.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: July 22, 1997.

Gloria Parker,

Director, Information Resources Management Group.

Office of Postsecondary Education

Title: Evaluation Form for the Fulbright-Hays Seminars Abroad Program.

Frequency: One Time Per Application.

Affected Public: Individuals or households.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 125.

Burden Hours: 94.

Abstract: Form to be used by participants under the Fulbright-Hays Seminars Abroad program to evaluate the substance and quality of the seminars and the administrative capability of the overseas agencies.

Office of the Chief Financial Officer

Type of Review: New.

Title: Department of Education Federal Cash Award Certification Statement and Department of Education Federal Cash Quarterly Confirmation Statement.

Frequency: Annually.

Affected Public: Business or other for-profit; Not for Profit institutions; Federal Government; State, Local or Tribal Government, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 12,000.

Burden Hours: 38,160.

Abstract: The collection of the Federal Cash Award Statement is necessary for the Agency to monitor cash advanced to grantees and to obtain expenditure information for each grant from grantees. Information collection is used to report total outlays to the Office of Management and Budget and the

Department of the Treasury and is used to project the Federal government's and the Department's financial condition. This information collection also enables the Department to provide Treasury with outlay information to facilitate Treasury's estimation of future borrowing requirements. Respondents include over 12,000 State, local, college, university, proprietary school and non-profit grantees who draw funds from the Department.

The collection of Federal cash quarterly confirmation statement enables grantees to identify discrepancies in grant authorizations, and funds drawn and funds refunded. Action is required only if a grantee's records do not agree with the information contained on the statement. This information will be used to help grantees report and initiate resolution of discrepancies. Respondents include over 12,000 State, local, college, university, proprietary school and non-profit grantees who draw funds from the Department.

Office of Special Education and Rehabilitative Services

Type of Review: New.
Title: Grantee Reporting Form.
Frequency: Annually.
Affected Public: Business or other for-profit; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 165.
Burden Hours: 1.
Abstract: Rehabilitation Services Administration (RSA) training grants provide stipends to ''RSA Scholars'' in order to train skilled rehabilitation personnel. Grantees are required to ''track'' scholars, relative to the ''payback'' provision in the Rehabilitation Act. Data collection is reported annually to RSA in order to monitor performance and report progress to Congress.

[FR Doc. 97–19758 Filed 7–25–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Reports Regarding Employment of Veterans

AGENCY: The Department of Energy.

ACTION: Notice.

SUMMARY: This document provides notice to DOE contractors and prospective bidders/offerors that annual reports regarding employment of certain veterans must be furnished to the Department of Labor. Under the Energy and Water Development Appropriations Act, 1997, the Department of Energy will seek to verify that an offeror or contractor has submitted their required annual ''Veterans 100'' report before making any contract award, renewal or expenditure.

EFFECTIVE DATES: This limitation is effective for the term of the appropriation which is October 1, 1996 through September 30, 1997, or such later date as the funds may be available.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Office of Procurement and Assistance Policy (HR–51), Office of the Deputy Assistant Secretary for Procurement and Assistance Management, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585–0705, (202) 586–8247.

SUPPLEMENTARY INFORMATION: The Energy and Water Development Appropriations Act, 1997, Public Law 104–206, provides at Section 510 that none of the funds made available in the Act may be obligated or expended to award or renew a contract if the contractor has not filed its most recent annual report regarding the employment of certain veterans (''Veterans 100 Report'') which may be required by section 4212(d) of title 38 of the United States Code. These reporting requirements are described in more detail at on § 22.1308 of the Federal Acquisition Regulation (48 CFR 22.1302). Generally, the report is required under any Federal contract exceeding $10,000 by a clause found at § 52.222–37 of the Federal Acquisition Regulation (48 CFR 52.222–37). Before making an award, renewal or expenditure from this appropriation, the Department of Energy will seek to verify that the offeror or contractor has submitted its most recent required ''Veterans 100'' report. If a required report has not been filed, the Department may not make an award, renewal or expenditure until the required report is furnished to the Department of Labor.

Issued in Washington, D.C., on July 12, 1997.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

[FR Doc. 97–19779 Filed 7–25–97; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP97–90–002 and RP97–99–003]

Algonquin LNG, Inc.; Notice of Compliance Filing

July 22, 1997.

Take notice that on July 18, 1997, Algonquin LNG, Inc. (ALNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Sub Original Sheet No. 83, to be effective July 1, 1997.

ALNG asserts that he purpose of this filing is to comply with the Commission's letter order dated July 3, 1997 in Docket Nos. RP97–90–001 and RP97–99–002. ALNG states that the July 3 letter order required ALNG to revise its tariff to reflect certain GISB nominations standards, for which the Commission denied ALNG's requests for waivers.

ALNG states that copies of the filing were served on firm customers of ALNG, interested state commissions and parties to the proceedings.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19750 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2867–000]

The Alternative Current Power Group; Notice of Issuance of Order

July 23, 1997.

The Alternative Current Power Group (ACPG) submitted for filing a rate schedule under which ACPG will engage in wholesale electric power and energy transactions as a marketer. ACPG

also requested waiver of various Commission regulations. In particular, ACPG requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuance of securities and assumptions of liability by ACPG.

On July 8, 1997, pursuant to delegated authority, the director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by ACPG should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, ACPG is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of ACPG's issuances of securities of assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is August 7, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–19786 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–635–000]

ANR Pipeline Company Transcontinental Gas Pipe Line Corporation; Notice of Application

July 22, 1997.

Take notice that on July 11, 1997, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, and Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396, Houston, Texas 77251, (jointly referred to as Applicants), filed in Docket No. CP97–635–000, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas transportation and exchange service between Applicants, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they propose to abandon service authorized under ANR's Rate Schedule X–73 and Transco's Rate Schedule X–195. Applicants further state that they do not propose to abandon any facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before August 12, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will 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 to a proceeding or to participate as a party in any hearing therein 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 Federal Energy Regulatory 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 provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19730 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–139–005]

Caprock Pipeline Company; Notice of Tariff Filing

July 22, 1997.

Take notice that on July 17, 1997 Caprock Pipeline Company (Caprock) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet, to be effective August 1, 1997:

Substitute First Revised Sheet No. 29A

Caprock states that this tariff sheet is being filed to adopt, in the August 1, 1997 effective sheet, the changes recently approved in the Commission's July 2, 1997 letter order in Docket No. RP97–139–003 incorporating certain Order No. 587 GISB standards to be effective June 1, 1997.

Caprock states that copies of the filing were served upon Caprock's jurisdictional customers, interested public bodies, and all parties to the proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. All protests filed with the Commissions 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. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19751 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC97–44–000, ER94–1685–014, ER95–393–014, ER95–892–013, and ER96–2652–005]

Citizens Power LLC and Peabody Investments, Inc.; Notice of Filing

July 22, 1997.

Take notice that on July 21, 1997, Citizens Power LLC and Peabody Investments, Inc., filed a second supplement to the application filed in the above captioned dockets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–19787 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER96–2663–000; Docket No. ER97–411–000]

Commonwealth Electric Company; Cambridge Electric Light Company; Notice of Filing

July 22, 1997.

Take notice that on June 9, 1997, Commonwealth Electric Company (Commonwealth) and Cambridge Electric Light Company (Cambridge), collectively referred to as the ''Companies'', tendered for filing with the Federal Energy Regulatory Commission a request, to allow the withdrawal of four (4) Service Agreements under the Companies' Power Sales and Exchange Tariffs (FERC Electric Tariff Original Volume Nos. 3 & 5) with Niagara Mohawk Power Corporation (NIMO) and Western Power Services, Inc. (WPS). These Service Agreements were filed in Docket Nos. ER96–2553–000 and ER97–411–000 and have not been acted upon. NIMO and WPS will instead take service under the Companies' Market-Based Power Sales Tariffs (FERC Electric Tariff Original Volume Nos. 7 & 9).

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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 28, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19736 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–58–006]

East Tennessee Natural Gas Company; Notice of Petition for Waiver

July 22, 1997.

Take notice that on July 18, 1997, East Tennessee Natural Gas Company (East Tennessee), pursuant to Section 4 of the Natural Gas Act, requested a waiver to permit implementation of Version 1.2 of the Gas Industry Standards Board (GISB) standard datasets as set forth in GISB's July 31 Implementation Guide on an accelerated basis.

East Tennessee states that East Tennessee has requested a waiver to permit implementation of Version 1.2 of the GISB standard datasets of GISB's July 31 Implementation Guide on an accelerated basis so that its customers may use the best available GISB data elements at the earliest possible time. In the alternative, East Tennessee proposes to implement Version 1.1 of the GISB standard datasets on an accelerated basis.

East Tennessee states that copies of the filing have been mailed to each of the parties that have intervened in the referenced proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19748 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3510–000]

The Empire District Electric Company; Notice of Filing

July 22, 1997.

Take notice that on June 23, 1997, The Empire District Electric Company (EDE), tendered for filing a service agreement between EDE and PanEnergy Trading and Market Services, L.L.C providing non-firm point-to-point transmission service pursuant to the open access transmission tariff (Schedule OATS) of EDE.

EDE states that a copy of this filing has been served by mail upon PanEnergy Trading and Market Services, L.L.C., 10777 Westheimer Suite 650, Houston, TX 77042.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on

file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19744 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3089–000]

Energy Dynamics, Inc.; Notice of Issuance of Order

July 23, 1997.

Energy Dynamics, Inc. (Energy Dynamics) submitted for filing with the Commission a rate schedule under which Energy Dynamics will engage in wholesale electric power and energy transactions as a marketer. Energy Dynamics also requested waiver of various Commission regulations. In particular, Energy Dynamics requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Energy Dynamics.

On July 8, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Energy Dynamics should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Energy Dynamics is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Energy Dynamics' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is August 7, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–19785 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3014–000]

Entergy Power Marketing Corp.; Notice of Filing

July 22, 1997.

Take notice that on July 15, 1997, Entergy Power Marketing Corp. tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 1, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19743 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–651–000]

Florida Gas Transmission Company; Notice of Request Under Blanket Authorization

July 22, 1997.

Take notice that on July 18, 1997, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP97–651–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a new delivery point (Hines Delivery Point) in Polk County, Florida for delivery of natural gas to Florida Power Corporation (FPC) under FGT's blanket certificate issued in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT proposes to construct, operate and own an additional delivery point to accommodate the transportation of natural gas for FPC on a self implementing basis pursuant to Subpart G of Part 284 of the Commission's Regulations. FGT states that, to accommodate gas deliveries to the proposed delivery point, FPC has acquired permanent firm capacity from various FGT shippers under FGT's Capacity Relinquishment Program in accordance with section 18 of the General Terms and Conditions of FGT's FERC Gas Tariff, Third Revised Volume No. 1.

The proposed delivery point will include a tap at or near mile post 6.39 on FGT's existing Agricola Lateral, approximately 0.9 mile of connecting line, metering and regulating facilities, electronic flow measurement equipment, and related appurtenant facilities for FGT to deliver up to 65,000 MMBtu per day and 23,725,000 MMBtu per year of gas to FPC. FGT states that it will be reimbursed for the construction costs which is estimated at $1,400,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19733 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–144–005]

KN Wattenberg Transmission Ltd. Liability Co.; Notice of Tariff Filing

July 22, 1997.

Take notice that on July 17, 1997, KN Wattenberg Transmission Ltd. Liability Co., (KN Wattenberg) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheet, to be effective August 1, 1997:

Substitute First Revised Sheet No. 66A

KN Wattenberg states that this tariff sheet is being filed to adopt in the August 1, 1997 effective sheet the changes recently approved in the Commission's June 26, 1997 letter order in Docket No. RP97–144–003 incorporating certain Order No. 587 GISB standards to be effective June 1, 1997.

KN Wattenberg states that copies of the filing were served upon Wattenberg's jurisdictional customers, interested public bodies, and all parties to the proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19752 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–364–003]

Koch Gateway Pipeline Company; Notice of Compliance Filing

July 22, 1997.

Take notice that on July 11, 1997, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet, to become effective June 1, 1997:

Substitute Seventh Revised Sheet No. 2705

Koch states that this filing is in compliance with the Commission's order on compliance filing, issued on July 1, 1997, 80 FERC ¶ 61,005 (1997). Koch states that the tariff sheet reflects the changes made in Docket No. RP97–115.

Koch also states that it has served copied of this filing upon each person on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19753 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–59–007]

Midwestern Gas Transmission Company; Notice of Request for Waiver

July 22, 1997.

Take notice that on July 18, 1997, Midwestern Gas Transmission Company (Midwestern), pursuant to Section 4 of the Natural Gas Act, requested a waiver to permit implementation of Version 1.2 of the Gas Industry Standards Board (GISB) standard datasets as set forth in GISB's July 31 Implementation Guide on an accelerated basis.

Midwestern states that Midwestern has requested a waiver to permit implementation of Version 1.2 of the GISB standard datasets of GISB's July 31 Implementation Guide on an accelerated basis so that its customers may use the best available GISB data elements at the earliest possible time. In the alternative, Midwestern proposes to implement Version 1.1 of the GISB standard datasets on an accelerated basis.

Midwestern states that copies of this filing have been mailed to each of the parties that have intervened in the referenced proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR Section 385.211 of the Commission's Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19749 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–940–000 and ER97–2618–000]

Montana-Dakota Utilities Company; Notice of Filing

July 22, 1997.

Take notice that on July 9, 1997, Montana-Dakota Utilities Company tendered for filing an amendment in the above-referenced dockets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 1, 1997. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19737 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3581–000]

Montaup Electric Company; Notice of Filing

July 22, 1997.

Take notice that on July 1, 1997, Montaup Electric Company (Montaup), in accordance with the Commission's order in Atlantic City Electric Co., et al., 77 FERC ¶ 61,144, 61,533 (1997), filed amendments to its open access transmission tariff to change the scheduling minimum for firm and non-firm point-to-point service from 1,000 kW to 10 kW and to provide for a method for Montaup to calculate Available Transmission Capability if the New England Power Pool (NEPOOL) is not in a position to do so.

In addition, Montaup filed amendments to revise the tariff rates to include a pass-through of monthly NEPOOL charges for ancillary services and to establish a formula for determining the annual transmission revenue requirement.

Montaup requests waiver of the notice requirement so that these amendments may be allowed to become effective July 1, 1997.

Any person desiring to be heard or to protest said filing should file 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 July 31, 1997. 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 must file a motion to intervene. Copies of this filing a re on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19746 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2518–001]

New York State Electric & Gas Corporation; Notice of Filing

July 22, 1997.

Take notice that on June 24, 1997, New York State Electric & Gas Corporation tendered for filing additional information in the above-referenced docket.

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 July 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19738 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–421–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 22, 1997.

Take notice that on July 18, 1997, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to be effective August 1, 1997:

Second Revised Sheet No. 400
Second Revised Sheet No. 412
Second Revised Sheet No. 424
Third Revised Sheet No. 431
Third Revised Sheet No. 441
Third Revised Sheet No. 446

Northern states that the above-referenced tariff sheets contained proposed changes to the banking address for shipper payments to Northern.

Northern states that copies of the filing were served upon the company's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such petitions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestant a party 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 inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19754 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–422–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 22, 1997.

Take notice that on July 18, 1997, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet proposed to become effective on August 17, 1997:

Third Revised Sheet No. 258

Northern states that this filing eliminates the tariff provision that allows acceptance of nominations by telephone.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such petitions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make Protestant a party 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 inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19755 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–643–000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

June 22, 1997.

Take notice that on July 16, 1997, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP97–643–000, a request pursuant to Sections 157.205, 157.211, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 157.216) for authorization to upgrade its Durkee Meter Station in Baker County, Oregon by abandoning certain existing facilities and constructing and operating upgraded replacement facilities, under Northwest's blanket certificate issued in Docket No. CP82–433–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest relates that this meter station upgrade is necessary to accommodate a request by Ash Grove Cement Company (Ash Grove) for additional delivery capacity at this point. Northwest proposes to remove the two existing 1-inch regulators, the existing 4-inch turbine meter, existing 3-inch relief valve and appurtenances and install upgraded replacement facilities consisting of two new 2-inch large port regulators with 50 percent trim, a new 6-inch turbine meter, a new 3 x 4-inch full ported relief valve and appurtenances.

Northwest states that as a result of this proposed upgrade, the maximum design capacity of the meter station will increase from approximately 4,517 Dth per day at 200 psig to approximately 8,764 Dth per day at 200 psig as limited by the meter.

Northwest says the total cost of the proposed facility upgrade is estimated to be approximately $91,000, which will be reimbursed by Ash Grove. Northwest indicates that a copy of this filing was sent to the Oregon Public Utilities Commission. Northwest states that no service will be abandoned. Northwest further states that any volumes delivered to the Durkee delivery point will be within the authorized entitlements of Ash Grove or other shippers for whom Northwest is authorized to transport gas. Northwest says its tariff does not prohibit the upgrade of delivery point facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed with the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19731 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–649–000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

July 22, 1997.

Take notice that on July 17, 1997, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP97–643–000, a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon by sale to Intermountain Gas Corporation (Intermountain), a portion of its existing 6-inch Simplot-Westvaco Lateral loop line (loop line) located in Power County, Idaho, under Northwest's blanket certificate issued in Docket No. CP82–433–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest relates that the portion of the loop line that Northwest has agreed to sell to Intermountain consists of approximately 811 feet of 6-inch pipeline extending from an insulated flange within Intermountain's Simplot Meter Station to approximately 733 feet beyond the outlet of the meter station. Northwest says the line will be sold at Northwest's net book value which is currently approximately $81. Northwest explains that no facilities will be removed or modified and no service will be affected as a result of the proposed sale.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19732 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95–19–014]

Northwest Regional Transmission Association; Notice of Filing

July 22, 1997.

Take notice that on June 13, 1997, Northwest Regional Transmission Association tendered for filing a letter

stating that the Citizens Lehaman Power L.L.C. has changed its name to Citizens Power LLC and Puget Power & Light Company has changed its name to Puget Sound Energy, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 28, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19734 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2894–000]

PanEnergy Power Services, Inc.; Notice of Succession

July 22, 1997.

Take notice that on June 27, 1997, PanEnergy Power Services, Inc. tendered for filing a Notice of Succession of all its applicable rate schedules and supplements thereto by PanEnergy Trading and Market Services, L.L.C.

Any person desiring to be heard 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 July 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acitng Secretary.

[FR Doc. 97–19742 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER96–2525–001, ER96–2585–001]

Plum Street Energy Marketing, Inc., Niagara Mohawk Power Corporation; Notice of Filing

July 22, 1997.

Take notice that on November 21, 1996 and December 20, 1996, Plum Street Energy Marketing, Inc. and Niagara Mohawk Power Corporation tendered for filing amendments in the above-referenced dockets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 1, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19735 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2659–000]

Puget Sound Energy, Inc.; Notice of Filing

July 22, 1997.

Take notice that on June 12, 1997, Puget Sound Energy, Inc., as Transmission Provider, requested to withdraw its filing of the Service Agreement for Non-firm Point-To-Point Transmission Service (Service Agreement) with British Columbia Power Exchange Corporation (Powerex) as Transmission Customer in Docket No. ER97–2659–000. A copy of filing was served upon Powerex.

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 August 1, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19739 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2660–000]

Puget Sound Energy, Inc.; Notice of Filing

July 22, 1997.

Take notice that on June 12, 1997, Puget Sound Energy, Inc., as Transmission Provider, requested to withdraw its filing of the Service Agreement for Non-firm Point-To-Point Transmission Service (Service Agreement) with The Washington Water Power Company (WWP) as Transmission Customer in Docket No. ER97–2660–000. A copy of the filing was served upon WWP.

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 August 1, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19740 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3557–000]

Puget Sound Energy, Inc.; Notice of Filing

July 22, 1997.

Take notice that on July 1, 1997, Puget Sound Energy, Inc., tendered for filing a Pro Forma Umbrella Service Agreement for Firm Point-To-Point Transmission Service (Attachment A–1 to the Tariff) and a Pro Forma Umbrella Service Agreement for Non-Firm Point-To-Point Transmission Service (Attachment B–1 to the Tariff). A copy of the filing was served on the parties listed on the official service list.

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 Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19745 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3593–000]

Sierra Pacific Power Company; Notice of Filing

July 9, 1997.

Take notice that on July 2, 1997, Sierra Pacific Power Company (Sierra Pacific) filed, pursuant to Section 29.1 and 29.5 of Sierra Pacific's open-access transmission tariff (FERC Original Vol. No. 3), a proposed unexecuted Service Agreement for Network Integration Transmission Service to Truckee Donner Public Utility District (Truckee Donner). Sierra Pacific and Truckee Donner have been unable to agree on the terms of service to be provided. Sierra Pacific proposes an effective date of July 5, 1997 for this proposed unexecuted Service Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 23, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19747 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2757–000]

Southwestern Public Service Company; Notice of Filing

July 22, 1997.

Take notice that on June 18, 1997, Southwestern Public Service Company tendered for filing an amendment in the above-referenced docket.

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 July 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19741 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–625–000]

Texas Gas Transmission Corporation; Notice of Application

July 22, 1997.

Take notice that on July 9, 1997, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 20008, Owensboro, Kentucky 42304, filed an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for permission and approval to abandon two interruptible transportation services for CNG Transmission Corporation (CNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that in Docket No. CP72–186, it was authorized to provide transportation service for CNG pursuant to an Interruptible Transportation Agreement dated December 27, 1971 (Rate Schedule X–42). Likewise, in Docket No. CP78–331, Texas Gas was authorized to provide interruptible transportation service for CNG pursuant to a Transportation Service Agreement dated March 20, 1978 (Rate Schedule X–77). Texas Gas states that these transactions are no longer required or appropriate.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 12, 1997, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 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 to a proceeding or to participate as a party in any hearing therein 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 jurisdiction conferred upon the Federal Energy Regulatory 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 of abandonment is 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 formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Texas Gas to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–19729 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3527–000, et al.]

Western Resources, Inc., et al.; Electric Rate and Corporate Regulation Filings

July 18, 1997.

Take notice that the following filings have been made with the Commission:

1. Western Resources, Inc.

[Docket No. ER97–3527–000]

Take notice that on June 30, 1997, Western Resources, Inc. tendered for filing two firm transmission agreements between Western Resources and Utilicorp dba Missouri Public Service. Western Resources states that the purpose of the agreements is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreements are proposed to become effective June 22, 1997, and June 23, 1997.

Copies of the filing were served upon Utilicorp dba Missouri Public Service and the Kansas Corporation Commission.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Woodruff Oil Company D.B.A., Woodruff Energy

[Docket No. ER97–3526–000]

Take notice that on June 26, 1997, Woodruff Oil Company D.B.A. Woodruff Energy (Woodruff) petitioned the Commission for acceptance of Woodruff Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

Woodruff intends to engage in wholesale electric power and energy purchases and sales as a marketer. Woodruff is not in the business of generating or transmitting electric power. Woodruff is a wholly owned company in and of itself which engages in the purchase and sale of gasoline, oil, and natural gas.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Western Resources, Inc.

[Docket No. ER97–3528–000]

Take notice that on June 30, 1997, Western Resources, Inc. tendered for filing amendments to existing firm transmission agreements with the Cities of Fredonia, Mulvane and Neodesha, Kansas (Cities) that extend the termination date of the Cities' current transmission transactions, as permitted by the agreements. The amendments are proposed to become effective on June 1, 1997.

Copies of the filing were served upon The City of Neodesha, Kansas, The City of Mulvane, Kansas, The City of Fredonia, Kansas, and the Kansas Corporation Commission.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. UtiliCorp United Inc.

[Docket No. ER97–3529–000]

Take notice that on June 30, 1997, UtiliCorp United Inc. (UtiliCorp), filed service agreements with NGTS Energy Services for service under its non-firm point-to-point open access service tariff for its operating divisions Missouri Public Service and WestPlains Energy-Kansas.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Company of Colorado

[Docket No. ER97–3532–000]

Take notice that on June 30, 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 PECO Energy Company—Power Team. 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: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Company Of Colorado

[Docket No. ER97–3533–000]

Take notice that on June 30, 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 Williams Energy Services Company. 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: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Ohio Edison Company; Pennsylvania Power Company

[Docket No. ER97–3534–000]

Take notice that on June 30, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, Service Agreements with Illinois Power Company and Entergy Power Marketing Corp., under Ohio Edison's Power Sales Tariff. This filing is made pursuant to § 205 of the Federal Power Act.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Cinergy Services, Inc.

[Docket No. ER97–3535–000]

Take notice that on June 30, 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 Southern Company Services, Inc. (Southern).

Cinergy and Southern are requesting an effective date of July 1, 1997.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Cleveland Electric Illuminating Company and The Toledo Edison Company

[Docket No. ER97–3536–000]

Take notice that on June 30, 1997, the Centerior Service Company as Agent for

The Cleveland Electric Illuminating Company and The Toledo Edison Company filed Service Agreements to provide Non-Firm Point-to-Point Transmission Service for Vitol Gas & Electric, the Transmission Customer. Services are being provided under the Centerior Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–204–000. The proposed effective date under the Service Agreement is May 30, 1997.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. South Carolina Electric & Gas Company

[Docket No. ER97–3537–000]

Take notice that on June 30, 1997, South Carolina Electric & Gas Company (''SCE&G''), submitted a service agreement establishing Louisville Gas and Electric Company (''LGEC'') as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements. Copies of this filing were served upon LGEC and the South Carolina Public Service Commission.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Rochester Gas and Electric Corporation

[Docket No. ER97–3538–000]

Take notice that on June 30, 1997, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the New York State Electric & Gas (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the RG&E open access transmission tariff filed on July 9, 1996, in Docket No. OA96–141–000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of June 24, 1997, for the New York State Electric & Gas Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota)

[Docket No. ER97–3539–000]

Take notice that on June 30, 1997, Northern States Power Company (Minnesota) (''NSP''), tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement between NSP and NP Energy, Inc.

NSP requests that the Commission accept the agreement effective June 8, 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: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota)

[Docket No. ER97–3540–000]

Take notice that on June 30, 1997, Northern States Power Company (Minnesota) (''NSP''), tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement between NSP and Carolina Power & Light Company.

NSP requests that the Commission accept the agreement effective June 12, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Northern States Power Company (Minnesota)

[Docket No. ER97–3541–000]

Take notice that on June 30, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Firm Point-to-Point Transmission Service Agreement between NSP and Wisconsin Electric Power Company.

NSP requests that the Commission accept the agreement effective June 9, 1997, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Northern States Power Company (Minnesota)

[Docket No. ER97–3542–000]

Take notice that on June 30, 1997, Northern States Power Company (Minnesota)(NSP), tendered for filing the Firm Point-to-Point Transmission Service Agreement between NSP and Madison Gas & Electric Company.

NSP requests that the Commission accept the agreement effective June 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Louisville Gas and Electric Company

[Docket No. ER97–3543–000]

Take notice that on June 30, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Non-Firm Point-to-Point Transmission Service Agreement between LG&E and CMS Marketing, Service and Trading Company under LG&E's Open Access Transmission Tariff.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Tampa Electric Company

[Docket No. ER97–3544–000]

Take notice that on June 30, 1997, Tampa Electric Company (Tampa Electric), tendered for filing service agreements with AIG Trading Corporation, Cinergy Services, Inc., PECO Energy Company-Power Team, Southern Company Services, Inc., and Western Power Services, Inc. for non-firm point-to-point transmission service under Tampa Electric's open access transmission tariff. Tampa Electric also tendered for filing two service agreements with itself for firm point-to-point transmission service under its open access transmission tariff.

Tampa Electric proposes an effective date of June 1, 1997, for the service agreements, and therefore requests waiver of the Commission's notice requirement.

Copies of the filing have been served on the other parties to the service agreements and the Florida Public Service Commission.

Comment date: August 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Central Illinois Public Service Company

[Docket No. ER97–3545–000]

Take notice that on June 30, 1997, Central Illinois Public Service Company (''CIPS''), tendered for filing a Service Agreement for Network Integration Transmission Service and a Network Operating Agreement under which CIPS will provide Network Transmission Service to the Cinergy Operating Companies (''Cinergy Services'') for the delivery of power and energy from Cinergy Services to Southwestern Electric Cooperative, Inc. (''Southwestern''). Such service will be provided under CIPS' Open Access Transmission Tariff.

CIPS seeks an effective date of June 1, 1997, and, accordingly, seeks waiver of

the Commission's notice requirements. CIPS served copies of the filing on Cinergy Services, Southwestern and the Illinois Commerce Commission.

Comment date: August 1, 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. 97–19756 Filed 7–25–97; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5865–1]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period for Project XL Draft Final Project Agreement.

SUMMARY: On June 27, 1997, EPA published a Notice of availability of OSi Project XL Draft Final Project Agreement (FPA) and Related Documents for OSi Specialties, Inc. (a subsidiary of Witco Corporation) in Sistersville, West Virginia [FRL–5849–5 62 FR 34748–34749]. The original comment period was thirty-one (31) days from the date of publication. EPA has received a request to extend the comment period. EPA is today granting a thirty (30) day extension from July 28, 1997 to August 27, 1997 for comments on the proposed OSi Project XL FPA.

DATES: The period for submission of comments ends on August 27, 1997.

ADDRESSES: All comments on the Draft Final Project Agreement should be sent to: Cheryl Atkinson, U.S. EPA, Region III, 841 Chestnut Street (3HW70), Philadelphia, PA 19107, or L. Nancy Birnbaum, U.S. EPA, 401 M Street, SW., Room 3134CY Mall (2129), Washington, DC 20460. Comments may also be faxed to Ms. Atkinson at (215) 566–3114 or Ms. Birnbaum at (202) 401–6637. Comments will also be received via electronic mail sent to: atkinson.cheryl@epamail.epa.gov or birnbaum.nancy@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the proposed Final Project Agreement, Fact Sheet, or Question and Answer Document, contact: Cheryl Atkinson, U.S. EPA, Region III, 841 Chestnut Street (3HW70), Philadelphia, PA 19107, or L. Nancy Birnbaum, U.S. EPA, 401 M Street, SW., Room 3134CY Mall (2129), Washington, DC 20460. The documents are also available via the Internet at the following location: ''http://www.epa.gov/ProjectXL''. In addition, public files on the Project are located at both the local Sistersville library and EPA Region III in Philadelphia. Questions to EPA regarding the documents can be directed to Cheryl Atkinson at (215) 566–3392 or L. Nancy Birnbaum at (202) 260–2601. To be included on the OSi Project XL mailing list to receive information about future public meetings, XL progress reports and other mailings from OSi on the XL Project, contact: Okey Tucker, OSi Specialties, Inc., Witco Corporation OrganoSilicones Group, 1500 South State Route 2, Friendly, WV 26146. Mr. Tucker can also be reached by telephone at (304) 652–8131. For information on all other aspects of the XL Program contact Christopher Knopes at the following address: Emerging Sectors and Strategies Division; United States Environmental Protection Agency; 3202 Mall; 401 M Street, SW.; Mail Code 2129; Washington, DC 20460. The telephone number for the Division is (202) 260–5754. The facsimile number is (202) 401–6637. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, regional XL contacts, application information, and descriptions of existing XL projects and proposals, is available via the Internet at ''http://www.epa.gov/ProjectXL'' and via an automated fax-on-demand menu at (202) 260–8590.

Dated: July 23, 1997.

Christopher Knopes,

Acting Director, Emerging Sectors and Strategies Division.

[FR Doc. 97–19883 Filed 7–25–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5864–5]

Ozone, Particulate Matter and Regional Haze Implementation Programs Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: On September 11, 1995 (60 FR 47171), the EPA announced the establishment of the Ozone, Particulate Matter and Regional Haze Implementation Programs Subcommittee under the Clean Air Act Advisory Committee (CAAAC). The CAAAC was established on November 8, 1990 (55 FR 46992) pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. app I). The purpose of the Subcommittee is to provide advice and recommendations on integrated approaches for implementing potentially new national ambient air quality standards (NAAQS) for ozone and particulate matter, as well as a regional haze program.

DATES: Notice is hereby given that the Subcommittee for Development of Ozone, Particulate Matter and Regional Haze Implementation Programs will hold its next public meeting on Wednesday, August 13, 1997 (from 8:30 a.m. to 6:00 p.m.) and Thursday, August 14, 1997 (from 8:30 a.m. to 5:00 p.m.).

ADDRESSES: The public meeting will be held at the Doubletree Columbia River, 1401 N. Hayden Island Drive, Portland Oregon, telephone (503) 283–2111.

FOR FURTHER INFORMATION CONTACT: For further information on the Subcommittee for Development of Ozone, Particulate Matter and Regional Haze Implementation Programs, please contact Mr. William F. Hamilton, Designated Federal Officer, at 919–541–5498, or by mail at U.S. EPA, Office of Air Quality Planning and Standards, MD–12, Research Triangle Park, NC 27711. When a draft agenda is developed, a copy can be downloaded from the: (1) Ozone/Particulate Matter/Regional Haze FACA Bulletin Board, which is located on the Office of Air Quality Planning and Standards Technology Transfer Network (OAQPS TTN); (2) the OAQPS TTN Web Site (http://ttnwww.rtpnc.epa.gov); or (3) by contacting Ms. Denise M. Gerth at 919–541–5550.

Dated: July 21, 1997.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 97–19796 Filed 7–25–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–159; FCC 97–244]

Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this Memorandum Opinion and Order adopted July 3, 1997 and released July 15, 1997, the Commission grants 23 requests for limited modification of local access and transport area (LATA) boundaries to permit certain Bell Operating Companies (BOCs) to provide expanded local calling service (ELCS) in various communities. The order also sets forth guidelines for future LATA modification requests. The order will allow the BOCs to provide ELCS in communities whose borders extend accross existing LATA boundaries.

FOR FURTHER INFORMATION CONTACT: Pamela Gerr, (202) 418–2357, or Robin Smolen, (202) 418–2353, both of the Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, (FCC 97–244) adopted on July 3, 1997 and released on July 15, 1997. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW, Washington, DC 20554. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street NW, Washington, DC 20036.

Paperwork Reduction Act

OMB Control No.: 3060–0782.

Expiration Date: 01/31/98.

Title: Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations.

Form No.: N/A.

Respondents: Business or other for profit.

Estimated Annual Burden: 20 respondents; 8 hours per response (avg). ×5 responses annually; 800 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Needs and Uses: The Commission has provided voluntary guidelines for filing expanded local calling service requests. These guidelines will allow the Commission to conduct smooth and continuous processing of these requests. The collection of information will enable the Commission to determine if there is a public need for expanded local calling service in each area subject to the request. Your response is voluntary.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554. 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.

Synopsis of Memorandum Opinion and Order

I. Introduction

1. Five Bell Operating Companies (BOCs) have filed petitions [1] with the Commission requesting relief from the effects of certain local access and transport area (LATA) boundaries.[2] The petitions were filed pursuant to section 3(25) of the Communications Act of 1934, as amended, which permits modification of LATA boundaries by Bell Operating Companies (BOCs), if such modifications are approved by the Commission.[3] The petitions request LATA relief in order to provide expanded local calling service (ELCS) [4] between communities that lie on different sides of existing LATA boundaries (ELCS requests).[5] The petitions were placed on public notice [6] and comments and replies were filed.[7]

2. There are 24 ELCS requests before the Commission.[8] For the reasons discussed below, we grant 23 of the ELCS requests and order amendment of one request.[9] We also provide guidelines for future ELCS requests.

II. Background

A. ELCS Requests Under the Consent Decree

3. On August 24, 1982, the United States District Court for the District of Columbia (Court) entered an order (Consent Decree) that required AT&T to divest its ownership of the BOCs.[10] The

[1] Petitions were filed by Ameritech, Bell Atlantic, BellSouth Telecommunications, Inc. (BellSouth), Southwestern Bell Telephone Company (SWBT), and US West Communications, Inc. (US West). These petitions and the associated LATA modification requests are listed in Appendix A. A LATA modification (LM) file number has been assigned to each request. *See* Appendix A.

[2] LATAs define the geographic areas within which a BOC may provide service. *See infra* paras. 3, 9. A LATA is defined as ''a contiguous geographic area (A) established before the date of enactment of the Telecommunications Act of 1996 by a Bell operating company such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or (B) established or modified by a Bell operating company after such date of enactment and approved by the Commission.'' Section 3(25) of the Communications Act of 1934, as amended, 47 U.S.C. 153(25).

[3] See 47 U.S.C. 153(25).

[4] A local calling area consists of one or more telephone exchanges and is an area within which subscribers can place calls without incurring any additional charge over their regular monthly service charge. *See United States* v. *Western Electric*, 569 F. Supp. 990, 1003 n.59 (D.D.C. 1983) (hereinafter *Western Electric*). Local calling areas are established by state regulatory commissions. *See id.* at 990, 1002 n.54. ELCS (also known as extended area service or EAS) allows local telephone service rates to apply to nearby telephone exchanges, thus providing an expanded local calling area. *See id.*

[5] These LATA modification requests are summarized in Appendix B.

[6] *See* Public Notice, ''Commission Seeks Comment on Petitions for Waiver of LATA Boundaries to Provide Expanded Local Calling Service in Texas and North Carolina,'' DA 96–1190, released July 26, 1996 (First Public Notice); Public Notice, ''Comment Requested on Petitions for Limited Modification of LATA Boundaries to Provide: (1) Expanded Local Calling Service (ELCS) in Nebraska, North Carolina, Ohio, Oregon, Pennsylvania, Texas, and Virginia, and Between Ohio and West Virginia, and Virginia and West Virginia; and (2) Integrated Services Digital Network (ISDN) in Hearne, Texas,'' DA 97–109, released January 15, 1997 (Second Public Notice).

[7] Comments were filed by AT&T Corp. (AT&T), Intelcom Group (U.S.A.), Inc. (Intelcom), the North Carolina Utilities Commission and the Public Staff-North Carolina Utilities Commission (North Carolina PUC), the Public Utilities Commission of Ohio (Ohio PUC), the Virginia State Corporation Commission (Virginia Commission), and Western Reserve Telephone Company (Western Reserve). Reply comments were filed by BellSouth, the North Carolina PUC, and Southwestern Bell. Numerous informal comments were also filed by individuals, businesses, and local government entities in support of individual LATA modification requests.

[8] SWBT's petition for LATA relief in order to provide integrated services digital network (ISDN) in the Hearne, Texas LATA, *see supra* note 6, and Ameritech's request to provide ELCS from the Aurora, Northfield and Twinsburg, Ohio exchanges to the Akron, Ohio exchange, *see id.; see also* Public Notice, ''Commission Requests Comment on Whether Section 271 of the Communications Act Authorizes Ameritech to Carry Certain ELCS Traffic Across a LATA Boundary,'' released June 27, 1997, will be addressed in separate orders.

[9] *See* US West's Scio/Albany request, NSD–LM–97–25, Appendix A.

[10] *United States* v. *American Telephone and Telegraph Co.*, 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom. Maryland* v. *United States*, 460 U.S. 1001 (1983).

Court divided all Bell territory in the continental United States into geographic areas called LATAs.[11] Under the Consent Decree, the BOCs were permitted to provide telephone service within a LATA (intraLATA service), but were not permitted to carry traffic across LATA boundaries (interLATA service).[12] InterLATA traffic was to be carried by interexchange carriers.[13]

4. The LATAs did not cover territory served by independent telephone companies (ITCs).[14] The Court, however, did classify some independent exchanges as ''associated'' with a particular LATA.[15] Traffic between a LATA and an associated exchange was treated as intraLATA, and could be carried by the BOC, while traffic between a LATA and an unassociated exchange was treated as interLATA, and could not be carried by the BOC.[16] The ITCs were not subject to the restrictions imposed by the Consent Decree, and could carry traffic regardless of whether that traffic crossed LATA boundaries.[17]

5. In establishing the LATAs, the Court recognized that there were existing local calling areas [18] that would cross the newly created LATA boundaries.[19] The Court stated that the LATAs were not intended to interfere with local calling areas that had been established by state regulators.[20] Accordingly, the Court granted ''exceptions'' to permit BOCs to carry interLATA traffic if necessary to preserve existing ELCS arrangements.[21] The Court found that such exceptions were consistent with the purposes of the Consent Decree because (1) they were limited in scope, (2) they would avoid additional charges being imposed on ratepayers, and (3) it was unlikely that toll traffic potentially subject to competition would be affected.[22]

6. The Court subsequently received more than a hundred requests for waivers of the Consent Decree to permit new interLATA ELCS routes. The requests for new ELCS routes were generally initiated by local subscribers who asked their state commission to approve an expanded local calling area. If the proposed ELCS route was intraLATA it could be ordered by the state commission; if the route was interLATA, the BOC would also have to obtain a waiver from the Court. The Court developed a streamlined process for handling such requests both because of the large number of requests involved and because most of the requests were non-controversial. Under this process, the BOC would submit its waiver request to the Department of Justice (DOJ). DOJ would review the request and then submit the request to the Court along with DOJ's recommendation.

7. In evaluating such requests, DOJ and the Court considered the number of customers or access lines involved.[23] They also considered whether there was a sufficiently strong community of interest between the exchanges to justify granting a waiver of the Consent Decree to allow local calling.[24] In particular, they considered the state commission's community of interest finding and any additional evidence supporting this finding. A community of interest could be demonstrated by such evidence as: (1) Poll results indicating that customers in the affected exchange were willing to pay higher rates to be included in an expanded local calling area; [25] (2) usage data indicating a high level of calling between the exchanges; and (3) narrative statements describing how the two exchanges were part of one community and how the lack of local calling between the exchanges caused problems for community residents.[26] The Court was willing to grant waivers when the competitive effects were minimal and a sufficient community of interest across LATA boundaries was shown.[27] The Court frequently granted waivers to permit interLATA ELCS.

8. The Court granted waivers for more than a hundred flat-rate, non-optional ELCS plans [28] that allow the provision of traditional local telephone service between nearby exchanges. Under such plans, subscribers pay no extra charge for calls beyond their established monthly service charge (the plan involves a flat-rate), and all subscribers in the exchange are included in the plan (the plan is non-optional).[29] The Court refused, however, to grant waivers for optional or measured-rate ELCS plans.[30] Under optional plans, subscribers may chose to pay an additional monthly charge for an expanded local calling area,[31] while under measured-rate plans, subscribers pay measured-rates based on such factors as duration, distance, and time of day.[32] The Court found that granting waivers for such ELCS arrangements could have an anticompetitive effect because these services were similar to the toll service normally provided by interexchange carriers, and that these arrangements were basically discounted toll service for calls that would otherwise be carried competitively.[33] The Court was especially concerned that the discount appeared to result from the fact that BOCs, unlike interexchange carriers, did not have to pay access charges on such calls.[34] The Court also noted that, in the case of optional or measured-rate plans, the state commission had not found a sufficient community of interest between the exchanges to justify traditional local service, (*i.e.*, flat-rate, non-optional ELCS).[35] Finally, the Court expressed concern that allowing new exceptions for measured-rate or optional plans could lead to a ''piecemeal dismantling'' of the prohibition on the BOCs'' provision of interLATA service.[36]

B. ELCS Requests Under the Telecommunications Act of 1996

9. On February 8, 1996, the Telecommunications Act of 1996 (1996 Act) became law, amending the Communications Act of 1934 (Act).[37] Pursuant to the 1996 Act, matters previously subject to the Consent Decree are now governed by the Act.[38] Section

[11] *See Western Electric*, 569 F. Supp. at 993, 994.

[12] *Id.* at 994.

[13] *Id.*

[14] *See id.* at 1008 n.85.

[15] *See United States* v. *Western Electric Co., Inc.*, 569 F. Supp. 1057, 1110–13 & n.234 (D.D.C. 1983).

[16] *See id.; Western Electric*, 569 F. Supp. at 1008–09.

[17] *Western Electric*, 569 F. Supp. at 1008, 1010, 1113.

[18] *See supra* note 4.

[19] *Western Electric*, 569 F. Supp. at 995, 1002 n.54.

[20] *Id.* at 995.

[21] *Id.* at 1002 n.54.

[22] *Id.*

[23] *See United States* v. *Western Electric Company, Inc.*, No. 82–0192, slip op. at 3 n.8 (D.D.C. July 19, 1984) (hereinafter *July 1984 Order*).

[24] *See e.g., United States* v. *Western Electric Company, Inc.*, No. 82–0192 slip op. at 2, 3 n.3 (D.D.C. Jan. 31, 1985) (hereinafter *Jan. 1985 Order*); *United States* v. *Western Electric Company, Inc.*, No. 82–0192 (D.D.C. Dec. 3, 1993) (hereinafter *Dec. 3, 1993 Order*); *United States* v. *Western Electric Company, Inc.*, No. 82–0192 (D.D.C. Dec. 17, 1993) (hereinafter *Dec. 17, 1993 Order*).

[25] *See July 1984 Order*, at 2 n.5.

[26] *See Jan. 1985 Order*, at 2–3 & n.3.

[27] *See July 1984 Order; Jan. 1985 Order; United States* v. *Western Electric Company, Inc.*, No. 82–0192, slip op. at 2 (D.D.C. May 18, 1993) (hereinafter *May 1993 Order*).

[28] *See e.g., Western Electric*, 569 F. Supp. at 1002 n.54; *July 1984 Order; Jan. 1985 Order.*

[29] *Id.*

[30] *See e.g., Western Electric*, 569 F. Supp. at 1002 n.54 (optional ELCS plans denied); *May 1993 Order* (optional ELCS plan denied); *Dec. 3, 1993 Order* (measured-rate ELCS plan denied); *Dec. 17, 1993 Order* (measured-rate, optional ELCS plan denied).

[31] *Id.*

[32] *See Dec. 3, 1993 Order.*

[33] *See Western Electric*, 569 F. Supp. at 1001, 1002 n.54; *Dec. 17, 1993 Order* at 3–4; *Dec. 3, 1993 Order.*

[34] *Dec. 17, 1993 Order* at 5.

[35] *See id.* at 4; *See also May 1993 Order*, at 4.

[36] *See May 18, 1993 Order* at 4.

[37] Pub. L. 104–104, 110 Stat. 56 (1996).

[38] Section 601(a)(1) of the 1996 Act states that ''(a)ny conduct or activity that was, before the date of enactment of this Act, subject to any restriction or obligation imposed by the AT&T Consent Decree shall, on and after such date, be subject to the restrictions and obligations imposed by the

Continued

271(b)(1) of the Act prohibits a BOC from providing ''interLATA services originating in any of its ''in-region'' States''[39] until the BOC takes certain steps to open its own market to competition and the Commission approves the BOC's application to provide such service.[40] In addition, while the Commission may forbear from applying certain provisions of the Act under certain circumstances,[41] the Commission may not forbear from section 271.[42] Section 3(25)(B) of the Act provides that BOCs may modify LATA boundaries, if such modifications are approved by the Commission.[43]

10. Since passage of the 1996 Act, the Commission has received six petitions requesting LATA relief in order that ELCS can be offered. On July 26, 1996 the Commission issued a public notice requesting comment on petitions filed by BellSouth and SWBT for a ''waiver'' of LATA boundaries.[44] On January 15, 1997 the Commission issued a Second Public Notice requesting comment on petitions filed by Ameritech, Bell Atlantic, and US West, and allowing additional comment on the petitions previously filed by BellSouth and SWBT.[45] The Second Public Notice stated that, although several of the petitions describe the relief requested as a ''waiver'' of LATA boundaries, all of the petitions cited section 3(25) as the basis of the Commission's jurisdiction to act upon these requests. Accordingly, the Commission stated that it would treat all of these petitions as requests for modification of LATA boundaries for the limited purpose of providing the specific service indicated in the request. The Commission further stated that the LATA boundaries would remain unchanged for all other purposes.

III. Comments

11. In response to the First Public Notice, formal comments or reply comments were filed by AT&T, BellSouth, Intelcom,[46] the North Carolina PUC, and SWBT. AT&T states that the Commission lacks authority to waive LATA boundaries and that the petitions can only be properly characterized as LATA modification requests if they propose to move a LATA boundary so that certain calls previously classified as intraLATA are now interLATA, and other calls previously classified as interLATA are now intraLATA.[47] AT&T further contends that such LATA modification requests raise serious competitive issues because, if granted, they will completely displace the interexchange carrier currently providing that service.[48] AT&T also states that granting such requests could allow a BOC to ''chip away'' at the prohibition against its provision of in-region interLATA service prior to meeting the requirements of Section 271, thus reducing the BOCs' incentive to open its own local market to competition.[49] Accordingly, AT&T concludes that LATA modifications should be granted ''sparingly, if at all.''[50] Like AT&T, Intelcom also has expressed concern about possible anticompetitive effects[51] and states that the Commission should approach these and future LATA modification requests with caution.[52] Intelcom, however, takes no position on the current petitions and states that the proposed modifications would appear to have no more than a *de minimis* effect on competition.[53] BellSouth, the North Carolina PUC, and SWBT all strongly support the grant of particular ELCS requests.

12. In response to the Second Public Notice, comments were filed by the Ohio PUC, the Virginia Commission and Western Reserve. These petitions all support granting particular ELCS requests. The Virginia Commission, in its comments, also requests approval for a LATA boundary modification to permit ELCS between the Waverly and Wakefield exchanges in Virginia (Virginia Commission's Waverly/Wakefield request).[54] This request was not included in any of the LATA modification petitions previously filed with the Commission.[55]

IV. Discussion

A. General Considerations

13. Section 3(25) of the Act defines LATA as those areas established prior to enactment of the 1996 Act or established or modified by a BOC after such date of enactment and approved by the Commission. Section 271 of the Act prohibits a BOC from providing interLATA services until such time as certain enumerated conditions are satisfied. Section 10(d) prohibits the Commission from forbearing from applying the requirements of section 271. Thus, for a BOC to provide service on a new ELCS route that crosses existing LATA boundaries, the statute appears to require that BOC either to modify the LATA so that the route no longer crosses a LATA boundary and obtain Commission approval therefor, or satisfy the requirements of section 271.

14. The state commissions have determined that certain communities have an immediate need for traditional local telephone service.[56] None of the BOCs, however, have yet met the section 271 requirements and there is no time limit by which they must do so. Thus, requiring the BOCs to meet the section 271 requirements would not be the most expeditious way to ensure that local telephone service can be provided to these communities in a timely manner. Furthermore, the section 271 requirements were intended to ensure that BOCs do not prematurely enter into the interexchange market. Given the small number of access lines involved for each of the proposed ELCS areas in the petitions before the Commission, as well as the type of service to be offered (*i.e.*, traditional local service), it is highly unlikely that provision of ELCS service would reduce a BOC's motivation to open its own market to competition. Similarly, the small volume of traffic would seem inconsequential to any interexchange carrier. Thus, requiring the BOCs to meet the section 271 requirements prior to offering this service would not further Congress's intent to guard against competitive abuses.

15. While it appears that LATA modification is the preferable means by

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Communications Act of 1934 as amended by this Act and shall not be subject to the restrictions and obligations imposed by such Consent Decree.'' On April 11, 1996, the Court issued an order terminating the AT&T Consent Decree and dismissing all pending motions under the Consent Decree as moot, effective February 8, 1996. *See United States* v. *Western Electric Company, Inc.*, No. 82–0192, 1996 WL 255904 (D.D.C. Apr. 11, 1996).

[39] Section 271(i)(1) of the Act defines ''in-region State'' as a state in which a Bell operating company or any of its affiliates was authorized to provide wireline telephone exchange service pursuant to the reorganization plan approved under the Consent Decree, as in effect on the day before the date of enactment of the Telecommunications Act of 1996. 47 U.S.C. 271(i)(1). Section 3(21) of the Act defines ''interLATA service'' as ''telecommunications between a point located in a local access and transport area and a point located outside such area.'' 47 U.S.C. 153(21).

[40] 47 U.S.C. 271(b)(1). Section 271(f), however, provides that BOCs are not prohibited from engaging in an activity to the extent that such activity was previously authorized by the Court. *See* 47 U.S.C. 271(f). Thus, BOCs may continue to serve previously authorized interLATA ELCS routes. *Id.*

[41] *See* 47 U.S.C. § 160(a).

[42] *See* 47 U.S.C. § 160(d).

[43] *See* 47 U.S.C. § 153(25)(B).

[44] *See supra* note 6.

[45] *Id.*

[46] Intelcom states that it is a provider of competitive local access services and that it operates networks in numerous parts of the country including some of the LATAs affected by the petitions in this proceeding. Intelcom Comments at 2–3.

[47] AT&T Comments at 2–3.

[48] *Id.* at 4.

[49] *Id.*

[50] *Id.* at 5.

[51] Intelcom Comments at 3–4.

[52] *Id.* at 4.

[53] *Id.*

[54] *See* Virginia Commission Comments at 1–2.

[55] *See supra* para. 10.

[56] *See infra* para. 18.

which the BOCs can achieve the goal of providing ELCS service, a modification of the boundary for all purposes in order to accommodate the ELCS routes could be counterproductive. If an exchange were moved to another LATA for all purposes, any existing local calling routes between that exchange and the original LATA would be lost because such traffic would now be interLATA and could no longer be carried by the BOC. Instead the traffic would generally be carried by an interexchange carrier charging long distance rates. Consequently, such action could merely shift the same problem from one community to another.

16. Thus, we believe that LATA modifications for a ''limited purpose'' that would authorize BOCs to provide only flat-rate, non-optional local calling service between specific exchanges, would best achieve the desired goals discussed in paragraph 14. Modification of the LATA for the limited purpose of providing the ELCS routes would avoid the anomalous situations described above. In addition, limited modifications would reduce the potential for anticompetitive effects to a greater degree than general LATA modifications because the former limit the amount of additional traffic that the BOC may carry whereas the latter would permit the BOC to offer any type of service, including toll service, between the new exchange and any other point in its LATA.

17. LATA modification for a limited purpose is both consistent with the statute and serves the public interest. Nothing in the statute or legislative history indicates that a LATA cannot be modified for a limited purpose. As explained above, LATA waiver requests to permit precisely the type of ELCS traffic at issue here were regularly and routinely granted by the Court under the terms of the AT&T Consent Decree. Although Congress did not include corresponding authority when it amended the Communications Act, Congress did acknowledge the possible need for changes to the LATA boundaries by enacting section 3(25). Nothing in either the statute or the legislative history suggests a decision by Congress intentionally to eliminate the ability of a locality, with a demonstrated community of interest that happens to straddle a LATA boundary, to obtain reasonably priced telephone service. Thus a broad reading of the term ''modify'' in section 3(25) is reasonable. Moreover, we will consider each individual request carefully, weighing the community need for the modification against the potential harm from BOC anticompetitive activity. We find that this weighing can best be accomplished by considering those factors previously considered by the Court.[57]

B. ELCS Requests

1. Flat-rate, Non-optional ELCS

18. Twenty-three of the pending requests seek limited modifications of LATA boundaries in order to provide flat-rate, non-optional ELCS (i.e., traditional local service).[58] We find that these twenty-three requests demonstrate a strong community need for the proposed ELCS routes. We note that each of the proposed ELCS routes, in the twenty-three requests, was approved by a state commission. Furthermore, each request includes a demonstration of need for the proposed modification.[59] In particular, each request indicates that the ELCS route was approved after the state commission found there was a sufficient community of interest between the exchanges to justify such service. Each request also documented this community of interest through additional evidence including: (1) Poll results showing that subscribers were willing to pay higher monthly rates in order to be included in the expanded local calling area; (2) usage data showing a high level of calling between the potentially affected exchanges; and (3) narrative statements explaining why the exchanges to be part of the ELCS area should be considered part of one community. These statements indicated that many community services (such as hospitals, doctors offices, schools, stores, public transportation facilities, and government offices) were located in a nearby community in the adjacent LATA, and that the need to make interLATA toll calls for such services caused significant expenses for residents. We note that granting ELCS petitions removes the proposed routes from the competitive interexchange market and that some LATA modifications could reduce the BOCs' incentive to open their own markets to competition pursuant to section 271. The LATA modifications proposed here, however, would expand the petitioning BOCs' provision of local service to limited areas and each request involves only a small number of customers or access lines.[60] Given the limited amount of traffic and the type of service involved, we find that the proposed modifications will not have a significant anticompetitive effect on the interexchange market or on the BOCs' incentive to open their own markets to competition. Finally, we note that several commenters strongly urge the Commission to grant particular ELCS requests,[61] and that no commenter has argued that any one of these 23 requests should be denied.

19. We conclude that, in each of the twenty-three requests, the need for the proposed ELCS routes outweighs the risk of potential anticompetitive effects. Furthermore, we are approving these modifications solely for the limited purpose of allowing the BOC to provide a particular type of service, namely, flat-rate, non-optional local calling service, between specific exchanges or geographic areas.[62] In each case, the LATA is not modified to permit the BOC to offer any other type of service, or calls that originate or terminate outside the specified areas. Thus, flat-rate, non-optional ELCS between the specified exchanges will be deemed intraLATA, and the provisions of the Act governing intraLATA service will apply.[63] Other types of service between the specified exchanges will be deemed interLATA, and the provisions of the Act governing interLATA service will apply.[64]

2. Measured-Rate, Optional ELCS

20. US West requests a LATA modification in order to provide measured-rate, optional ELCS from its Albany exchange in the Eugene, Oregon LATA to the Scio Mutual Telephone Association's Scio exchange.[65] US West states that the Oregon state commission requires carriers to offer both flat-and measured-rate options for all ELCS routes in the state.[66] Accordingly, US West's plan would offer subscribers the

[57] *See supra* paras. 7–8 (describing factors considered by the Court).

[58] These 23 requests are summarized in Appendix B.

[59] *See id.*

[60] The number of customers in these exchanges ranged from 724 in the Claremont exchange, *see* Appendix B (summary of Bell Atlantic's Claremont/Waverly request), to 7,495 in the Gloucester exchange. *Id.* (summary of Bell Atlantic's Gloucester requests).

[61] *See* Comments of BellSouth, the North Carolina PUC, the Ohio PUC, SWBT, the Virginia Commission and Western Reserve. There were also numerous informal comments from local residents, businesses and local government entities supporting various ELCS requests.

[62] *See* Appendix A.

[63] The BOC can provide the service without meeting the section 271 requirements, *see* 47 U.S.C. § 271(a), and a separate affiliate is not required. *See* 47 U.S.C. 272(a)(2)(B).

[64] The BOC cannot provide other types of service (such as measured-rate, optional, or toll service) between the specified exchanges without meeting the section 271 requirements, *see* 47 U.S.C. 271(a).

[65] *See* US West's Scio/Albany request, Appendices A and B.

[66] This policy is intended to ''avoid the potential inequity created by flat-rate (ELCS) whereby low-volume users support the high volume (ELCS) users.'' *See* US West Petition, Appendix A at 8.

following options: (1) Unlimited calling for a flat monthly charge; (2) a ''usage only'' option in which calls are charged at a set rate per minute; and (3) a three or six hour ''measured usage'' package.[67] US West argues that the proposed ELCS plan is not the type of ''optional'' plan previously rejected by the Court because subscribers would have to select one of the ELCS plans, and could not choose between the ELCS plan and the service offered by an interexchange carrier.[68] US West also states that the Scio exchange has approximately 1600 access lines,[69] and that the state commission found there was a ''community of interest'' between the exchanges and that the ELCS route was necessary to meet the ''critical needs'' of Scio exchange customers.[70]

21. We do not approve this proposed LATA modification. US West's request is related to a measured-rate optional ELCS plan. Furthermore, although the state commission found that there was a ''community of interest'' between the exchanges, it did not make a specific finding that there was a sufficient community of interest to warrant traditional local service (*i.e.*, flat-rate, non-optional ELCS). Subscribers generally can be expected to prefer, and to benefit from, reduced rate service to nearby areas but ELCS plans with optional or measured-rate elements are similar to the toll services traditionally offered by interexchange carriers. We find that modifying a LATA boundary in order to permit a BOC to provide measured-rate service would allow the BOC to provide what would otherwise be interLATA toll service without first meeting the requirements of section 271. Allowing LATA modifications for such ELCS plans might well lead to substantial expansion of BOC service, without the BOC satisfying the section 271 requirements.[71] The potential anticompetitive effect of optional and measured-rate plans, and the lack of any showing of a need for traditional local telephone service (*i.e.*, flat-rate, non-optional ELCS) between the Albany and Scio exchanges, leads us to deny US West's request. While we recognize the state commission's interest in providing additional choices to consumers, we will not approve such optional or measured-rate plans for the reasons discussed above.

22. We note, however, that the Scio/Albany request was placed on public notice and that no objections were filed. Moreover, because of its general policy requiring both flat-and measured-rate options on all ELCS routes, the state commission apparently never considered whether a sufficient community of interest existed between the Albany and Scio exchanges to justify flat-rate, non-optional ELCS. Under these circumstances, we find that the public interest will best be served by our giving US West an opportunity to seek further clarification from the state commission. Accordingly, we direct US West to amend its request within 60 days of the release date of this order to state whether it has obtained a further ruling from the state commission that addresses whether there is a sufficient community of interest to warrant flat-rate, non-optional ELCS between the Albany and Scio exchanges and states whether such service has been approved.[72] If no amendment is filed within the 60 day period, the request will be dismissed without prejudice pursuant to Section 1.748 of the Commission's rules.[73]

V. Future LATA Modification Requests

23. The Common Carrier Bureau has authority to act on petitions to modify LATA boundaries, consistent with the principles established in this order, pursuant to the delegation of authority contained in §§ 0.91 and 0.291 of the Commission's rules.[74] We conclude that the following set of guidelines will assist the BOCs in filing those LATA modification petitions that involve ELCS and the Bureau in acting on those petitions.[75] First, we request that each ELCS petition be filed by the BOC[76] pursuant to the application filing requirements set forth in §§ 1.742 and 1.743 of the Commission's rules.[77] Second, we ask that each individual ELCS LATA modification request be the subject of a separate petition.[78] Third, we request that each petition be labeled ''Request for Limited Modification of LATA Boundaries to Provide ELCS Between the (exchange name) and the (exchange name).'' Finally, we request that each ELCS petition include the following information, under separately numbered and labeled categories, as indicated below:

(1) *Type of service* (*e.g.*, flat-rate, non-optional ELCS);

(2) *Direction of service* (one-way, two-way; if one-way, indicate direction of service);

(3) *Exchanges involved* (identity name of each exchange, the LATA and state in which each exchange is located; if an exchange is located in independent territory, indicate the LATA, if any, with which the exchange is associated);[79]

(4) *Name of carriers* (name of carrier providing local service in each exchange);

(5) *State commission approval* (include a copy of that approval);

(6) *Number of access lines or customers* (for each exchange);

(7) *Usage data* (*e.g.*, average number of calls per access line per month from exchange A to exchange B, from exchange B to exchange A, and, if available, percent of subscribers making such calls each month);

(8) *Poll results* (for each exchange in which a poll was required by applicable state procedures and conducted in accordance with those procedures. Indicate the amount of proposed rate increase in those exchanges);

(9) *Community of interest statement* (a statement explaining why the two exchanges should be considered part of a single community and why community residents need the ELCS);

(10) *Map* (showing the exchanges and LATA boundary involved and including a scale showing distance); and

(11) *Other pertinent information* (*e.g.*, copies of state commission reports, summary of hearing testimony).

24. If any of the above information is unavailable or inapplicable to a particular ELCS petition (for example, if polling is not required by state procedures), the petition should so indicate. A carrier will be deemed to have made a *prima facie* case supporting grant of the proposed modification if the ELCS petition: (1) Has been approved by the state commission; (2) proposes only

[67] *See* Letter from John L. Traylor, Senior Attorney, US West, Inc., to Common Carrier Bureau, Federal Communications Commission (Feb. 14, 1997). These options and rates are for residential subscribers. There are different rates and options offered to business subscribers. *Id.*

[68] *Id.*

[69] *See* US West Petition at 4.

[70] *Id.*

[71] *Cf. May 1993 Order* at 4.

[72] We note that even if US West does not file such an amendment at this time, our ruling here does not preclude relief to residents of the Albany and Scio exchanges. First, the request may be resubmitted at any time if the state commission determines that the required community of interest exists. This service could also be offered by an alternative provider, if available, and US West will be able to offer interLATA service if it meets the requirements of section 271.

[73] 47 CFR 1.748(a). Section 1.748(a) provides that an application may be dismissed without prejudice if the applicant fails to comply with a request for additional information.

[74] 47 CFR 0.91, 0.291.

[75] These guidelines have been approved by the Office of Management and Budget (OMB) under OMB control number 3060–0782. *See* Paperwork Reduction Act of 1995, Pub. L. 104–13.

[76] *See* section 25(3) (LATAs may be ''modified by a Bell operating company'').

[77] 47 CFR 1.742–43.

[78] *See* the 24 individual requests listed in Appendix A.

[79] *See supra* para. 4.

traditional local service (*i.e.*, flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results, usage data, and descriptions of the communities involved; and (5) involves a limited number of customers or access lines.[80]

25. We request that ELCS requests filed with the Commission, but not addressed in this order (including the Virginia Commission's Waverly/Wakefield request),[81] be re-filed so that they comply with these guidelines. Each petition will be assigned a LATA modification (LM) file number and placed on public notice.

VI. Conclusion

26. For the reasons set forth above, we approve the 23 requests for LATA relief in order to provide flat-rate, non-optional ELCS. These LATAs are modified solely for the limited purposes indicated in the requests, and shall remain unchanged for all other purposes. In addition, we allow US West an additional 60 days in which to amend its Scio/Albany request. Finally, we establish guidelines to direct the filing of future ELCS requests. These actions serve the public interest by permitting minor LATA modifications when such modifications are necessary to meet the needs of local subscribers and will not have any significant effect on competition.

VII. Ordering Clauses

27. Accordingly, it is ordered, pursuant to sections 3(25) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 153(25), 154(i), that the requests of Ameritech, Bell Atlantic, BellSouth Telecommunications, Inc. (BellSouth), Southwestern Bell Telephone Company (SWBT), and US West Communications, Inc. (US West), for LATA modifications for the limited purpose of providing flat-rate, non-optional ELCS at specific locations, identified in File Nos. NSD–LM–97–2 through NSD–LM–97–24, are approved. These LATA boundaries are modified solely for the purpose of providing flat-rate, non-optional ELCS between points in the specific exchanges or geographic areas indicated in the requests. The LATA boundary for all other services shall remain unchanged.

28. It is further ordered, pursuant to sections 3(25) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 153(25), 154(i), that the Virginia State Corporation Commission's request for a LATA modification to permit ELCS between the Waverly and Wakefield exchanges is dismissed without prejudice.

29. It is further ordered, pursuant to sections 3(25) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 153(25), 154(i), that US West Communications, Inc. (US West) shall amend its request for approval of a LATA modification to provide ELCS from the Albany exchange in the Eugene, Oregon LATA to the Scio Mutual Telephone Association's Scio exchange, File No. NSD–LM–97–25, as indicated herein, within 60 days of the release date of this order. If no amendment is filed, US West's LATA modification request will be dismissed without prejudice.

30. It is further ordered that pursuant to section 416(a) of the Act, 47 U.S.C. 416(a), the Secretary shall serve a copy of this order upon the petitioners listed in Attachment A.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Attachment A—List of Petitions and LATA Modification Requests

Ameritech's November 12, 1996 Petition

1. Request to provide one-way, flat-rate, non-optional ELCS from Ameritech's Duffy exchange in the Columbus, Ohio LATA to Bell Atlantic's New Martinsville exchange in the Clarksburg, West Virginia LATA (Ameritech's Duffy/New Martinsville request)—File No. NSD–LM–97–2.

Bell Atlantic's January 14, 1997 Petition

2. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Waverly exchange in the Norfolk, Virginia LATA and GTE's Claremont exchange (Bell Atlantic's Claremont/Waverly request)—File No. NSD–LM–97–3.

3. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Hampton zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Gloucester exchange (Bell Atlantic's Gloucester/Hampton zone request)—File No. NSD–LM–97–4.

4. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Newport News zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Gloucester exchange (Bell Atlantic's Gloucester/Newport News zone request)—File No. NSD–LM–97–5.

5. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Peninsula zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Gloucester exchange (Bell Atlantic's Gloucester/Peninsula zone request)—File No. NSD–LM–97–6.

6. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Poquoson zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Gloucester exchange (Bell Atlantic's Gloucester/Poquoson zone request)—File No. NSD–LM–97–7.

7. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Hampton zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Hayes exchange in the Richmond, Virginia LATA (Bell Atlantic's Hayes/Hampton zone request)—File No. NSD–LM–97–8.

8. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Newport News zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Hayes exchange in the Richmond, Virginia LATA (Bell Atlantic's Hayes/Newport News zone request)—File No. NSD–LM–97–9.

9. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Peninsula zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Hayes exchange (Bell Atlantic's Hayes/Peninsula zone request)—File No. NSD–LM–97–10.

10. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Poquoson zone of the Metropolitan exchange area in the Norfolk, Virginia LATA and GTE's Hayes exchange (Bell Atlantic's Hayes/Poquoson zone request)—File No. NSD–LM–97–11.

11. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Honaker exchange in the Roanoke, Virginia LATA and GTE's Richlands exchange in the Bluefield, West Virginia Independent Market Area (Bell Atlantic's Honaker/Richlands request)—File No. NSD–LM–97–12.

12. Request to provide one-way, flat-rate, non-optional ELCS from Bell Atlantic's Mason exchange in the Charleston, West Virginia LATA to the Pomeroy and Middleport exchanges in Ohio (Bell Atlantic's Mason/Pomeroy-Middleport request)—File No. NSD–LM–97–13.

13. Request to provide one-way, flat-rate, non-optional ELCS from Bell Atlantic's New Florence exchange in the Pittsburgh, Pennsylvania LATA to GTE's Johnstown exchange (Bell Atlantic's New Florence/Johnstown request)—File No. NSD–LM–97–14.

14. Request to provide two-way, flat-rate, non-optional ELCS between Bell Atlantic's Stone Mountain exchange in the Roanoke, Virginia LATA and the Lynchburg exchange in the Lynchburg, Virginia LATA (Bell Atlantic's Stone Mountain/Lynchburg request)—File No. NSD–LM–97–15.

BellSouth Telecommunications' (BellSouth) July 2, 1996 Petition

15. Request to provide two-way, flat-rate, non-optional ELCS between BellSouth's Raleigh exchange in the Raleigh, North Carolina LATA and Carolina Telephone and Telegraph Company's (Carolina Telephone) Franklinton and Louisburg exchanges (BellSouth's Franklinton-Louisburg/Raleigh request)—File No. NSD–LM–97–16.

16. Request to provide two-way, flat-rate, non-optional ELCS between BellSouth's Zebulon exchange in the Raleigh, North Carolina LATA and Carolina Telephone's

[80] *See supra* para. 18 and note 60.

[81] *See supra* para. 12.

Louisburg exchange (BellSouth's Louisburg/Zebulon request)—File No. NSD–LM–97–17.

17. Request to provide two-way, flat-rate, non-optional ELCS between BellSouth's Apex, Cary, and Raleigh exchanges in the Raleigh, North Carolina LATA and Carolina Telephone's Pittsboro exchange (BellSouth's Pittsboro/Apex-Cary-Raleigh request)—File No. NSD–LM–97–18.

18. Request to provide two-way, flat-rate, non-optional ELCS between BellSouth's Chapel Hill exchange in the Raleigh, North Carolina LATA and the Saxapahaw exchange in the Greensboro, North Carolina LATA (BellSouth's Saxapahaw/Chapel Hill request)—File No. NSD–LM–97–19.

19. Request to provide two-way, flat-rate, non-optional ELCS between BellSouth's Wilmington exchange and that portion of the Scotts Hill exchange served by the 270 prefix in the Wilmington, North Carolina LATA, and Carolina Telephone's Holly Ridge exchange (BellSouth's Scotts Hill-Holly Ridge/Wilmington request)—File No. NSD–LM–97–20.

Southwestern Bell Telephone Company's (SWBT) June 25, 1996 Petition

20. Request to provide two-way, flat-rate, non-optional ELCS between SWBT's Albany exchange in the Abilene, Texas LATA and SWBT's Breckenridge exchange in the Dallas, Texas LATA (SWBT's Albany/Breckenridge request)—File No. NSD–LM–97–21.

21. Request to provide two-way, flat-rate, non-optional ELCS between United/Centel's Pawnee exchange and SWBT's Kenedy and Karnes/Fall City exchanges in the San Antonio, Texas LATA (SWBT's Pawnee/Kenedy-Karnes-Fall City request)—File No. NSD–LM–97–22.

US West Communications' (US West) November 4, 1996 Petition

22. Request to provide flat-rate, non-optional ELCS from US West's Omaha common service area in the Omaha, Nebraska LATA to Lincoln Telephone & Telegraph Company's (LT&T's) 234 exchange (serving the communities of Cedar Creek, Louisville, and Manley, Nebraska) (US West's 234/Omaha request)—File No. NSD–LM–97–23.

23. Request to provide flat-rate, non-optional ELCS from US West's Omaha common service area in the Omaha, Nebraska LATA to LT&T's Murray exchange (US West's Murray/Omaha request)—File No. NSD–LM–97–24.

US West Communications' (US West) November 4, 1996 Petition

24. Request to provide measured-rate, optional ELCS from US West's Albany exchange in the Eugene, Oregon LATA to the Scio Mutual Telephone Association's Scio exchange (US West's Scio/Albany request)—File No. NSD–LM–97–25.

[FR Doc. 97–19776 Filed 7–25–97; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled ''Application for Consent to Exercise Trust Powers.''

DATES: Comments must be submitted on or before September 26, 1997.

ADDRESSES: Interested parties are invited to submit written comments to Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. (Fax number (202) 898–3838; Internet address: comments@fdic.gov]). All comments should refer to ''Application for Consent to Exercise Trust Powers.''

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Steven F. Hanft, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Application for Consent to Exercise Trust Powers.

OMB Number: 3064–0025.

Frequency of Response: Occasional.

Estimated Total Annual Responses: 50.

Estimated Time per Response: 16 hours.

Estimated Total Annual Burden: 800 hours.

General Description of the Collection: Section 333.2 of FDIC's regulation 12 CFR 333 prohibits any insured state nonmember bank from changing the general character of its business without the prior written consent of the FDIC. The exercise of trust powers by a bank is usually considered to be a change in the general character of a bank's business if the bank did not exercise those powers previously because trust powers create a new fiduciary relationship. Therefore, unless a bank is currently exercising trust powers, it must file a formal application to obtain the FDIC's written consent to exercise trust powers. Each application submitted by a bank is evaluated by the FDIC to verify the qualifications of bank management to administer a trust department to ensure that the bank's financial condition will not be jeopardized as a result of trust operations.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 23rd day of July 1997.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 97–19807 Filed 7–25–97; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:28 a.m. on Tuesday, July 22, 1997, the Board of Directors of the Federal

Deposit Insurance Corporation met in closed session to consider certain corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Joseph H. Neely (Appointive), seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Director Nicolas P. Restinas (Acting Director, Office of Thrift Supervision), and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: July 22, 1997.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 97–19891 Filed 7–24–97; 11:04 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1181–DR]

Michigan; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–1181–DR), dated July 11, 1997, and related determinations.

EFFECTIVE DATE: July 11, 1997.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 11, 1997, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Michigan, resulting from severe storms, tornadoes, and flooding on July 2, 1997, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Michigan.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts, as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Gary Pierson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Michigan to have been affected adversely by this declared major disaster:

The counties of Macomb, Oakland, and Wayne for Individual Assistance.

The counties of Macomb, Saginaw, and Wayne for Public Assistance.

All counties within the State of Michigan are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 97–19791 Filed 7–25–97; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1179–DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA–1179–DR), dated July 7, 1997, and related determinations.

EFFECTIVE DATE: July 15, 1997.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 15, 1997.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Catherine H. Light,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 97–19794 Filed 7–25–97; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1179–DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA–1179–DR), dated July 7, 1997, and related determinations.

EFFECTIVE DATE: July 16, 1997.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 7, 1997:

Comal, Eastland, and Edwards Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Catherine H. Light,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 97–19795 Filed 7–25–97; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 203–011582

Title: Cooperative Working Agreement among A.P. Moller-Maersk Line, Sea-Land Service, Inc. and Venezuelan Container Line, C.A. (''Maersk/SL/VCL Agreement'')

Parties:

A.P. Moller-Maersk
Sea-Land Service, Inc.
Venezuelan Container Line, C.A.

Synopsis: The proposed Agreement permits the parties to discuss and agree on the deployment and redeployment of vessels operated by each of them, the charter of the vessels among the parties, port calls, rationalization of sailings, *etc.*, and other matters necessary to carry out from an operational nature the purpose of the U.S./Latin America Agreement, FMC Agreement No. 203–011448, the U.S./Caribbean Agreement, FMC Agreement No. 203–011499, and the U.S./East Coast South America Agreement, FMC Agreement No. 203–011583. The geographic scope of the Agreement covers the trade between ports and points in the United States and ports and points in the Caribbean, and Central and South America

Agreement No.: 203–011583

Title: U.S./East Coast South America Agreement

Parties:

A.P. Moller-Maersk Line
Sea-Land Service, Inc.

Synopsis: The proposed Agreement would authorize the parties to consult and agree on the deployment and utilization of their vessels; charter vessels and vessel space between themselves; interchange containers and other equipment; and agree on rates, rules, or service items on a voluntary and non-binding basis in the trade between the United States and Brazil, Argentina, Uruguay, and Paraguay

Dated: July 22, 1997.

By order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 97–19699 Filed 7–25–97; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Food Industry; Interaction Between the Food and Drug Administration and the Florida Department of Agriculture and Consumer Services; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing the following workshop: A free public workshop to be held jointly by the FDA, Office of Regulatory Affairs, Florida District Office; the Florida Department of Agriculture and Consumer Services (FDACS); and the Association of Food and Drug Officials of the Southern States (AFDOSS) on how FDA and FDACS operate and interact with the food industry. The topic of this workshop concerns policies and procedures regarding FDA and State inspections, an update on issues regarding hazard analysis and critical control points regulations, and promotion of a dialogue in order to better serve Florida consumers.

Date and Time: The workshop will be held on Thursday, August 28, 1997, 8 a.m. to 4:45 p.m.

Location: The workshop will be held at Adam's Mark Hotel, 1500 Sand Lake Rd., Orlando, FL 32809.

Contact Person: Miriam R. Jones, Florida District Office, Food and Drug Administration, 7200 Lake Ellenor Dr., suite 120, Orlando, FL 32809, 407–648–6823, ext. 265, or fax 407–648–6808.

Registration: Send registration information (including name, title, firm name, address, telephone, and fax number), and specific topics for discussion, to the contact person by August 14, 1997. There is no registration fee for this workshop. Space is limited, therefore, interested parties are encouraged to register early.

If you need special accommodations due to a disability, please contact Miriam R. Jones (address above) at least 7 days in advance.

Those wishing lodging accommodations should contact the Adam's Mark Hotel at 407–859–1500 to make reservations. A limited number of rooms at a reduced rate have been blocked for this FDA workshop; please make your reservations by August 5, 1997.

Dated: July 21, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–19712 Filed 7-25-97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of the HRSA Competitive Grants Preview

AGENCY: Health Resources and Services Administration, HHS.

ACTION: General notice.

SUMMARY: HRSA announces the availability of the HRSA Competitive Grants Preview publication for Summer 1997. This edition of the Preview is being published primarily to accommodate HRSA programs which anticipate making grant awards during the first quarter of the Fiscal Year 1998. A comprehensive Preview for HRSA's Fiscal Year 1998 programs will be published in October.

The purpose of the Preview is to provide the general public with a single source of program and application information related to the Agency's annual grant review cycle. The Preview is designed to replace multiple **Federal Register** notices which traditionally advertised the availability of HRSA discretionary funds for its various programs. It should be noted that other program initiatives, responsive to new or emerging issues in the health care area, and unanticipated at the time of publication of the Preview, may be advertised through the **Federal Register** mechanism from time-to-time. Deadlines or other requirements appearing in the **Federal Register** are not changed by this notice.

The Preview contains a description of competitive programs scheduled for review early in Fiscal Year 1998 and includes instructions on how to access the Agency for information and receive application kits. Specifically, the following information is included in the Preview: (1) Program Title; (2) Legislative Authority; (3) Purpose; (4) Eligibility; (5) Estimated Amount of competition; (6) Estimated number of awards; (7) Funding Priorities and/or Preferences; (8) Projected Award Date;

(9) Application Deadline; (10) Application kit availability; and (11) The Catalog of Federal Domestic Assistance (CFDA) program identification number.

This Summer 1997 issue of the Preview relates to funding under HRSA discretionary authorities and programs as follows:

Bureau of Health Professions Programs

- Nurse Anesthetists: (1) Program Grants (2) Traineeships; and (3) Fellowships
- Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds
- Podiatric Primary Care Residency Training
- National Research Service Awards
- Nurse Practitioner/Nurse Midwifery
- Professional Nurse Traineeships
- Graduate Training in Family Medicine
- Faculty Development in Family Medicine
- Predoctoral Training in Family Medicine

Maternal and Child Health Bureau

- Maternal and Child Health Research Cycle

HIV/AIDS Bureau

- Outpatient Early Intervention Services with Respect to HIV Disease (Ryan White Title III)

Bureau of Primary Health Care

- Health Care For The Homeless
- Community and Migrant Health Centers

Certain other information, including the Secretary's Service Standards For HHS's Partnership with its Grantees and program notes also may be found in the Preview.

Addresses: Individuals may obtain the HRSA Preview by calling HRSA's toll free number, 1–888–333-HRSA. The HRSA Preview may also be accessed on the World Wide Web on the HRSA Home Page at: http://www.hrsa.dhhs.gov/

Dated: July 22, 1997.

Claude Earl Fox,

Acting Administrator.

Attachment A—The Administrator's Message

I am pleased to provide you with the second issue of the Health Resources and Services Administration (HRSA) Preview. This issue of the Preview is being published primarily to accommodate HRSA programs which anticipate awarding grants on or before December 31, 1997. The next Preview, scheduled to be published in October, will be a comprehensive issue of HRSA's Fiscal Year 1998 discretionary grant programs.

The Preview, a streamlining recommendation, was designed to replace the **Federal Register** notices customarily published throughout the year. Please note that separate **Federal Register** notices may be published to enable HRSA to respond to unanticipated issues in the health services arena, or to comply with specific Congressional directives. Your response to our Spring 1997 Preview was most rewarding. Be assured that our efforts to streamline the grant process and improve our customer service will continue. Beginning with this Summer 1997 issue you can now register on line for Preview materials. Complete instructions are available at the HRSA Home Page at: http://www.hrsa.dhhs.gov/

The programs administered by the Health Resources and Services Administration serve as a safety net for providing health care services to the uninsured, underserved and vulnerable population of this Nation. Our hope is that the Preview's streamlining of the grant application process will encourage more organizations to apply for HRSA grants and join with us as we address these critical services.

HHS Service Standards for Partnership With Grantees

The Department of Health and Human Services (HHS) and its grantees (primarily States, local governments, academic institutions, non-profit community organizations, and Indian tribes and tribal organizations) are partners in delivering quality services and supporting research to improve the lives of the American people. The following initial standards express our commitment to making this partnership as cooperative and effective as possible. We look forward to your suggestions as we develop these standards and improve our partnership.

We will:

(1) Invite our partners to collaborate in the development of HHS program policies and procedures.

(2) Emphasize program outcomes rather than process.

(3) Create no new unfunded mandates through policy or process changes.

(4) Provide prompt, courteous service and accessible information.

(5) Process waiver requests from States as quickly as possible, generally within 120 days.

(6) Provide technical assistance to help our partners meet program goals.

(7) Work with our partners to assure integrity in the use of public funds.

(8) Assist our partners to develop their own standards of customer service.

How To Obtain and Use the Preview

It is recommended that you read the introductory materials, terminology section, and individual program category descriptions before contacting the general number 1–888–333–HRSA. Likewise, we urge applicants to fully assess their eligibility for grants before requesting kits. This will greatly facilitate our ability to assist you in placing your name on the mailing list and identifying the appropriate application kit(s) or other information you may wish to obtain. As a general rule, no more than one kit per category will be mailed to applicants. However, applicants may reproduce kit materials to meet their needs.

To Obtain a Copy of the Preview (by Mail)

To have your name and address added to, or deleted from, the *Preview* mailing list, please call the toll free number 1–888*–333–HRSA. (*Call operator if experiencing difficulty.) Or e-mail us at HRSA.GAC@ix.netcom.com.

To Obtain an Application Kit

Upon review of the program descriptions, please determine which category or categories of application kit(s) you wish to receive and contact the 1–888–333–HRSA number to register on the specific mailing list. Application kits are generally available 60 days prior to application deadline. If kits are already available, they will be mailed to you right away.

World Wide Web Access

The *Preview* is available on the HRSA Home Page via World Wide Web at: http://www.hrsa.dhhs.gov/ Application materials are currently available for downloading in the current cycle for some HRSA programs. HRSA's goal is to post application forms and materials for all programs in future cycles.

You can download this issue of the *Preview* in Adobe Acrobat format (.pdf) from HRSA's web site at: http://www.hrsa.dhhs.gov/preview.htm. Also, you can register on-line to be sent specific grant application materials by following the instructions on the web page. Your mailing information will be added to our database and material will be sent to you when it becomes available.

Application Deadlines

Applications will be considered ''on time'' if they are either received on or before the established deadline date or sent on or before the deadline date given in the program announcement or in the application kit materials.

Authorizations

These are provided immediately preceding groupings of program categories. They are the citations of provisions of the laws authorizing the various programs.

CFDA Number

The Catalog of Federal Domestic Assistance program identification number. The CFDA is a government-wide compendium of Federal programs, projects, services, and activities which provide assistance.

Cooperative Agreement

A financial assistance mechanism used when substantial Federal programmatic involvement with the recipient during performance is anticipated by the awarding office.

Eligibility

Authorizing legislation and programmatic regulations specify eligibility for individual grant programs. In general, assistance is provided to nonprofit organizations and institutions, state and local governments and their agencies, and occasionally to individuals. For-profit organizations are eligible to receive awards under financial assistance programs unless specifically excluded by legislation.

Estimated Amount of Competition

The amount listed is provided for planning purposes and is subject to the availability of funds.

Funding Priorities and/or Preferences

Special priorities or preferences are those which the individual programs have identified for the funding cycle. Some programs give preference to organizations which have specific capabilities such as telemedicine networking, or established relationships with managed care organizations. Preference may be given to achieve an equitable geographic distribution.

Matching Funds

Several HRSA categories require a matching amount, or percentage of the total project support to come from sources other than Federal funds. Matching requirements are generally mandated in the authorizing legislation for specific categories. Also matching requirements may be administratively required by the awarding office.

Review Criteria

The following are generic review criteria applicable to HRSA programs:

(1) That the estimated cost to the Government of the project is reasonable considering the anticipated results.

(2) That project personnel or prospective fellows are well qualified by training and/or experience for the support sought and the applicant organization, or the organization to provide training to a fellow, has adequate facilities and manpower.

(3) That, insofar as practical, the proposed activities (scientific or other), if well executed, are capable of attaining project objectives.

(4) That the project objectives are identical with or are capable of achieving the specific program objectives defined in the program announcement.

The specific review criteria used to review and rank applications are included in the individual guidance material provided with the application kits. Applicants should pay strict attention to addressing these criteria as they are the formal basis upon which their applications will be judged.

PROGRAM DEADLINES AT A GLANCE

Date	Program
August 1997:	
August 1	Health Care for the Homeless.*
August 1	Community Health Centers/Migrant Health Centers.*
August 1	Maternal and Child Health Research Cycle.
September 1997:	
September 9	Graduate Training in Family Medicine.
September 15	Podiatric Primary Care Residency Training.
September 22	National Research Service Awards.
September 29	Faculty Development in Family Medicine.
October 1997:	
October 10	Outpatient Early Intervention Services with respect to HIV Disease (Ryan White Title III).
November 1997:	
November 3	Professional Nurse Traineeships.
November 7	Predoctoral Training in Family Medicine.
November 24	Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds.
December 1997:	
December 1	Nurse Anesthetist: Program Grants, Fellowships & Traineeships.
December 19	Nurse Practitioner/Nurse Midwifery.
January 1998:	No program deadlines this month.
February 1998:	
February 2	Nurse Anesthetist: Program Grants.

*See multiple application deadlines listed.

Program Locator

Program

Health Professions Programs

Faculty Development in Family Medicine
Graduate Training in Family Medicine
National Research Service Awards
Nurse Anesthetist Program Grants, Traineeships, and Fellowships
Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds
Nurse Practitioner/Nurse Midwifery
Podiatric Primary Care Residency Training
Predoctoral Training in Family Medicine
Professional Nurse Traineeships

HIV/AIDS Programs

Outpatient Early Intervention Services with Respect to HIV Disease (Ryan White Title III)

Maternal and Child Health Programs

Maternal and Child Health Research Cycle

Primary Health Care Programs

Notification of Expiring Project Periods for Community and Migrant Health Centers

Notification of Expiring Project Periods for Health Care for the Homeless Program

HRSA Program Notes

Health Professions Programs

The Bureau of Health Professions (BHPr) plays a vital role in HRSA's safety net program. HRSA programs that serve vulnerable populations are a primary benefactor of BHPr health professions programs. The Bureau's major goals are to improve the geographic distribution of health professionals and the diversity of the health professions workforce, in order to supply the Nation with an appropriately trained and competent health professions workforce.

Funding Availability

The level of funding for the health professions programs will depend upon final FY 1998 appropriation. The President's budget for FY 1998 proposes significant reductions from the FY 1997 appropriation level for health professions, except in programs for minorities and the disadvantaged. HRSA fully supports the President's budget. However, it is difficult to predict the outcome of the appropriations process with respect to these programs. We are, therefore, opening these programs to the competitive process to allow potential grantees a reasonable time to prepare their applications and to allow HRSA a reasonable time for careful review with the full understanding that the final appropriation may severely limit the number and amount of awards. Consequently, all ''estimated amount of competition'' figures are subject to availability of funds and are for competitive grants.

Technical Assistance

The BHPr is available to provide ongoing technical assistance to prospective applicants. Applicants are encouraged to take advantage of technical assistance opportunities by contacting the appropriate program person.

The Division of Medicine plans to conduct group conference calls to provide technical assistance to prospective applicants. Interested individuals are requested to provide the following information: Name, title, institution, telephone number, and fax number. Specific program questions should be faxed to 301–443–8890 or e-mailed to the program contact person. The Division of Nursing plans to provide technical assistance workshops. The time and location of these workshops will be announced in the **Federal Register** and be posted at: ''http://www. hrsa.dhhs.gov/bhpr/bhpr.htm''.

Faculty Development in Family Medicine. Authorization section 747 of the Public Health Service Act, 42 U.S.C. 293k.

Purpose: To increase the supply of physician faculty available to teach in family medicine programs and to enhance the pedagogical skills of faculty presently teaching in family medicine.

Eligibility: Eligible applicants are public or private non-profit hospital; an accredited public or nonprofit school of allopathic medicine or of osteopathic medicine; or a public or private non-profit health and education institution.

Funding Priorities and/or Preferences: As provided in section 791(a) of the PHS Act, statutory preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of Competition: $2,800,000 (subject to availability of funds).

Estimated Number of Awards: 16.

Group Conference Call Dates: August 26, 1997 Contact: Elsie Quinones by August 8 on 301–443–1467 or by e-mail at equinones@hrsa.dhhs.gov

Projected Award Date: 12/97–01/98;
Contact: 1–888–333-HRSA;
Application Availability: 07/15/97;
Application Deadline: 09/29/97;
CFDA Number: 93.895.

Graduate Training in Family Medicine. Authorization section 747 of the Public Health Service Act, 42 U.S.C. 293K.

Purpose. To assist family medicine residency programs in the promotion of graduate education of physicians who are trained for and will enter the practice of family medicine. The program assists approved graduate training programs in the field of family medicine in meeting the cost of planning, developing, and operating or participating in graduate medical education. This includes the cost of supporting trainees in such programs. Supported programs must emphasize the provision of longitudinal, preventive, and comprehensive care to families.

Eligibility: Eligible applicants are accredited schools of medicine or osteopathic medicine, public or private non-profit hospitals, or other public or private non-profit entities.

Funding Priorities and/or Preferences: As provided in section 791(a) of the PHS Act, statutory preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of Competition: $5,200,000 (subject to availability of funds)

Estimated Number of Awards: 39.

Group Conference Call Date: August 12, 1997 Contact: Ellie Grant by July 25 on 301–443–1467 or by e-mail at egrant@hrsa.dhhs.gov

Projected Award Date: 12/97–01/98;
Contact: 1–888–333–HRSA;
Application Deadline: 09/09/97;
Application Availability: 07/15/97;
CFDA Number: 93.379.

National Research Service Awards. Authorization section 487(d)(3) of the Public Health Service Act 42 U.S.C. 288.

Purpose: To train future researchers and academicians in primary medical care research.

Eligibility: Accredited public or private non-profit schools of medicine, osteopathy, dentistry, or a public or private non-profit hospital or other entity is located in a State and which is affiliated with an entity that has received grants or contracts under section 747, 748, or 749 of the PHS Act and agrees to use the funding for research in primary medical care are eligible for grant support.

Funding Priorities and/or Preferences: N/A.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of Competition: $3,200,000 (subject to availability of funds).

Estimated Number of Awards: 16.

Group Conference Call Date: August 21, 1997 Contact: Shelby Biedenkapp by August 1 on 301–443–1467 or by e-mail at sbiedenkapp@hrsa.dhhs.gov

Projected Award Date: 12/97–01/98;
Contact: 1–888–333-HRSA;
Application Availability: 07/15/97;
Application Deadline: 09/22/97;
CFDA Number: 93.186.

Nurse Anesthetist Program: (1) Program Grants (93.916); (2) Traineeships (93.124); and (3) Fellowships (93.907).

Authorization section 831 (a), (b), (c) of the Public Health Service Act, 42 U.S.C. 297–1.

Purpose: To assist eligible institutions to meet the costs of: (1) Projects for the education of nurse anesthetists; (2) traineeships for licensed registered nurses to become nurse anesthetists; and (3) fellowships to enable Certified Registered Nurse Anesthetist (CRNA) faculty members to obtain advanced education relevant to their teaching functions.

Eligibility: Eligible applicants are public or private non-profit institutions that provide registered nurses with full-time nurse anesthetist training and are accredited by an entity or entities designated by the Secretary of Education.

Funding Priorities and/or Preferences: Statutory Funding Preference as provided in Section 860(e) of the PHS Act, preference will be given to qualified applicants that: (1) Have a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) have achieved, during the 2-year period preceding the fiscal year for which such an award is sought, a significant increase in the rate of placing graduates in such settings. This preference will only be applied to applications that rank above the 20th percentile of proposals recommended for approval by the peer review group.

Statutory Rural Preference (CFDA 93.124): A preference is given to those applicants carrying out traineeships whose participants gain significant experience in providing health service in rural health facilities.

Established Funding Priority: (CFDA 93.916 & 93.124) A funding priority will be given to education programs and traineeships that demonstrate either substantial progress over the past 3 years or a significant experience of 10 or more years in enrolling and graduating students from those minority populations identified as at-risk of poor health outcomes.

Established Funding Preference for Faculty Fellowship Grants (CFDA 93.907): A funding preference will be given first to faculty who will be completing degree requirements before or by the end of the funded budget year, second to faculty who are full-time students, and third to faculty who are part-time students.

Evaluation Criteria: Criteria are included in the application kit.

Estimated Amount of Competition: $900,000 (subject to availability of funds)

Estimated Number of Awards. 13: (4 Traineeships, 2 Program Grants, and 7 Fellowships).

Projected Award Date: 3/98;
Contact: Marcia Starbecker at: 301–443–6193 or by e-mail at: mstarbecker@hrsa.dhhs.gov;
Contact: 1–888–333–HRSA;
Application Availability: 7/15/97.

Fellowships & Traineeships: *Application Deadline:* 12/1/97.

Projected award date: 3/98.

Program Grants: *Application Deadline:* 2/2/98;
Projected award date: 5/98;
CFDA Numbers: 93.124, 93.907, & 93.916.

Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds. Authorization section 827, 42 U.S.C. 296r of the Public Health Service Act.

Purpose: To meet the costs of special projects to increase nursing education opportunities for individuals from disadvantaged backgrounds by: (a) Identifying, recruiting and selecting such individuals; (b) facilitating the entry of such individuals into schools of nursing; (c) providing services designed to assist such individuals to complete their nursing education; (d) providing preliminary education, prior to entry into the regular courses of nursing, designed to assist in completion of the regular courses of nursing education; (e) paying such stipends as the Secretary may determine; (f) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid; and (g) providing training, information, or advice to the faculty on encouraging such individuals to complete their nursing education.

Eligibility: Public and nonprofit private schools of nursing and other public or nonprofit private entities are eligible for grant support.

Funding Priorities and/or Preferences: None

Evaluation Criteria: Criteria are included in the application kit.

Estimated Amount of Competition: $1,400,000 (subject to availability of funds).

Estimated Number of Awards: 8; Contact: Ernell Spratley at 301–443–5763 or by e-mail at spratley@hrsa.dhhs.gov

Projected Award Date: 5/98;
Contact: 1–888–333–HRSA;
Application Availability: 7/15/97;
Application Deadline: 11/24/97;
CFDA Number: 93.178.

Nurse Practitioner/Nurse Midwifery. Authorization section 822a of the Public Health Service Act, 42 U.S.C. 296m.

Purpose: To assist eligible institutions to meet the costs of projects to plan, develop and operate new programs, maintain, or significantly expand existing programs for the education of nurse practitioners and nurse-midwives. Programs must adhere to regulations and guidelines for nurse practitioner and nurse-midwifery education as prescribed by the Secretary of Health and Human Services which require that each program extend for at least one academic year to include supervised clinical practice directed toward preparing nurses to deliver primary health care; and at least four months (in the aggregate) of classroom instruction that is so directed; and have an enrollment of not less than six full-time equivalent students.

Eligibility: Eligible applicants are public and nonprofit private schools of nursing or other public and nonprofit private entities. Eligible applicants must be located in a State.

Funding Priorities and/or Preferences: Statutory Program Specific Preference. Preference will be given to any qualified applicant that agrees to expend the award to plan, develop, and operate new programs or to significantly expand existing programs.

Statutory General Preference: As provided in section 860(e)(1) of the PHS Act, preference will be given to any qualified applicant that—(1) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

This preference will only be applied to applications that rank above the 20th percentile of proposals recommended for approval by the peer review group.

Statutory Special Considerations: Special consideration will be given to qualified applicants that agree to expend the award to educate individuals as nurse practitioners and nurse-midwives who will practice in health professional shortage areas designated under section 332 of the PHS Act.

Established Funding Priority: Funding priority will be given to applicant institutions which demonstrate either substantial progress over the last three years or a significant experience of ten

or more years in enrolling and graduating trainees from those minority or low-income populations identified as at risk of poor health outcomes.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of Competition: $3,000,000 (subject to availability of funds).

Estimated Number of Awards: 11;

Contact: Audrey Koertvelyessy at 301–443–6333 or by e-mail at akoertvelyessy@hrsa.dhhs.gov/

Projected Award Date: 4/98;

Contact: 1–888–333-HRSA;

Application Availability: 7/15/97;

Application Deadline: 12/19/97;

CFDA Number: 93.298.

Podiatric Primary Care Residency Training. Authorization section 751 of the Public Health Service Act, 42 U.S.C. 293o.

Purpose: To assist with the costs of training podiatric physicians who plan to specialize in primary care. The program assists in meeting the costs to plan and implement new primary care projects and provides financial assistance to residency trainees enrolled in such programs. Grants may include support for the program only, residents only, or both the program and residents. These grants are intended to promote the postgraduate education of podiatrists in primary care podiatric practice. The program assists accredited schools of podiatric medicine and public and nonprofit private hospitals to meet the costs of projects to: (l) Plan and implement projects in primary care training for podiatric physicians in approved or provisionally approved residency training programs; and (2) provide financial assistance in meeting the costs of supporting trainees who participate in such programs and who plan to specialize in podiatric primary care. Financial assistance for residents is intended to provide stipend support for one year of training, and may include tuition and fees for residents supported during the required academic training.

Eligibility: Schools of podiatric medicine or public or private non-profit hospitals are eligible for grant support. ''Candidate status'' will be accepted as meeting the statutory requirement for ''provisional approval.''

Funding Priorities and/or Preferences: As provided in section 791(a) of the PHS Act, statutory preference will be given to any qualified applicant that: (1) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. Under section 751(b) of the PHS Act, a funding preference is provided for qualified applicants that provide clinical training in podiatric medicine in a variety of medically underserved communities.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of Competition: $500,000 (subject to availability of funds).

Estimated Number of Awards: 6.

Group Conference Call Dates: August 19, 1997. Contact: Ed Spirer by August 1 on 301–443–1467 or by e-mail at espirer@hrsa.dhhs.gov

Projected Award Date: 12/97–01/98;

Contact: 1–888–333-HRSA;

Application Availability: 07/15/97;

Application Deadline: 09/15/97;

CFDA Number: 93.181.

Predoctoral Training in Family Medicine. Authorization Section 747 of the Public Health Service Act, 42 U.S.C. 293k.

Purpose: To promote the predoctoral training of allopathic and osteopathic medical students in the field of family medicine. Grants are awarded to accredited schools of medicine or osteopathic medicine. Supported programs emphasize the provision of longitudinal, preventive, and comprehensive care to families. The program assists schools in meeting the cost of planning, developing and operating or participating in approved predoctoral training programs in the field of family medicine. Support may be provided both for the program and for the trainees. Assistance may be requested for any of the following purposes: curriculum development; clerkships; preceptorships; and/or student assistantships. The programs should be part of an integrated institutional strategy to provide education and training in family medicine. The intent is to design programs that encourage graduates to seek residency training in family medicine and eventually to enter a career in family medicine.

Eligibility: Public, or private nonprofit, accredited schools of medicine or osteopathic medicine are eligible for grant support.

Funding Priorities and/or Preferences: As provided in section 791(a) of the PHS Act, statutory preference will be given to any qualified applicant that: (1) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of Competition: $4,500,000 (subject to availability of funds)

Estimate Number of Awards: 41.

Group Conference Call Dates: October 7, 1997; *Contact:* Betty Ball by September 19 on 301–443–1467 or by e-mail at: bball@hrsa.dhhs.gov

Projected Award Date: 3/98;

Contact: 1–888–333–HRSA;

Application Availability: 07/15/97;

Application Deadline: 11/07/97;

CFDA Number: 93.896;

Professional Nurse Traineeships. Authorization section 830(a), (c) of the Public Health Service Act, 42 U.S.C. 297

Purpose: To meet the costs of traineeships for individuals in advanced degree nursing education programs. Traineeships are awarded to individuals by the participating educational institutions offering master's and doctoral degree programs to serve in and prepare for practice as nurse practitioners, nurse midwives, nurse educators, public health nurses, or in other clinical nursing specialties determined by the Secretary to require advanced education.

Eligibility: Eligible applicants are public or private non-profit entities which provide (1) advanced-degree programs to educate individuals as nurse practitioners, nurse-midwives, nurse educators, public health nurses or as other clinical nursing specialists; or (2) nurse-midwifery certificate programs that conform to guidelines established by the Secretary under section 822(b) of the PHS Act. Applicants must agree that: (a) in providing traineeships, the applicant will give preference to individuals who are residents of health professional shortage areas designated under section 332 of the Act; (b) the applicant will not provide a traineeship to an individual enrolled in a master's of nursing program unless the individual has completed basic nursing preparation, as determined by the applicant; and (c) traineeships provided with the grant will pay all or part of the costs of the tuition, books, and fees of the program of nursing with respect to which the traineeship is provided and

reasonable living expenses of the individual during the period for which the traineeship is provided.

Funding Priorities and/or Preferences: Statutory Preference. In making awards of grants under this section, preference will be given to any qualified applicant that—(1) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This preference will only be applied to applications that rank above the 20th percentile.

Statutory Special Consideration. Special consideration will be given to applications for traineeship programs for nurse practitioner and nurse midwife programs which conform to guidelines established by the Secretary under section 822(b)(2) of the PHS Act.

Established Funding Priority. A funding priority will be given to programs that demonstrate either substantial progress over the past 3 years or a significant experience of 10 or more years in enrolling and graduating students from those minority populations identified as at-risk of poor health outcomes.

Evaluation Criteria: Awards are determined by formula.

Estimated Amount of Competition: $15,600,000* (subject to availability of funds)

Estimated Number of Awards: 270;

Contact: Marcia Starbecker at 301–443–6193 or by e-mail at mstarbecker@hrsa.dhhs.gov;

Projected Award Date: 3/98;

Contact: 1–888–333-HRSA;

Application Availability: 7/15/97;

Application Deadline: 11/3/97;

CFDA: 93.358.

*Formula Program—All eligible schools will receive awards.

HIV/AIDS Program

Outpatient Early Intervention Services With Respect to HIV Disease (RYAN WHITE Title III)

Authorization sections 2651–2667 of the Public Health Service Act, 42 U.S.C. 300ff-51–330ff-67

Purpose: To provide on an outpatient basis, high quality early intervention services/primary care to individuals with HIV infection. This is accomplished by increasing the present capacity and capability of eligible ambulatory health service entities. These expanded services become a part of a continuum of HIV prevention and care for individuals who are at risk for HIV infection or are HIV infected. All Title III programs must provide HIV counseling and testing, counseling and education on living with HIV, appropriate medical evaluation and clinical care, and other essential services such as oral health care, outpatient mental health services and nutritional services, and appropriate referrals for specialty services.

Eligibility: Eligible applicants are Migrant Health Centers, Community Health Centers, Health Care for the Homeless Programs, Family Planning Organizations, Comprehensive Hemophilia Diagnostic and Treatment Centers, Federally Qualified Health Centers, and Public or non-profit private entities that currently provide comprehensive primary care services to people living with HIV/AIDS.

Limited Competition: Applicants are limited to currently funded Ryan White Title III programs whose project periods expire in FY 1998 and new organizations proposing to serve the same populations currently being served by these existing Title III programs. Applications are also requested from new organizations that propose to serve new areas. These will be considered for FY 1998, should new funding become available.

Evaluation Criteria: The criteria are justification of need, organizational capabilities and expertise, adequacy of proposed program plan, coordination with other programs, program evaluation, appropriateness and justification of the budget, adherence to program guidance.

Estimated Amount of Competition: $35,000,000.

Estimated Number of Awards: 97.

Projected Award Date: FY 1998.

Contact: 1–888–333–HRSA.

Application Availability: 7/10/97.

Application Deadline: 10/10/97.

CDFA Number: 93.918.

Existing Ryan White Title III Service Areas *

AZ:
- Phoenix
- Tucson

AR: Pine Bluff

AL:
- Mobile
- Anniston
- Montgomery

AK: Anchorage

CA:
- Santa Cruz
- San Francisco
- Los Angeles (2)
- San Fernando
- Santa Ana
- San Bernardino
- San Jose
- Fremont
- San Marcos
- LaMont

CT:
- Bridgeport (2)
- New Haven

DC: Washington

FL:
- Key West
- Miami (2)
- Pompano Beach
- Palm Beach
- Immokalee

GA:
- Atlanta (2)
- Savannah
- Waycross
- Augusta

IA: Des Moines

IL:
- Chicago (4)
- Rockford

IN: Indianapolis

KS: Wichita

MA:
- Northampton
- Provincetown
- Dorchester
- Worchester
- New Bedford
- Boston

MI: Detroit (2)

MO:
- Springfield
- Kansas City

MT: Billings

NC:
- Asheville
- Durham

NJ:
- Newark
- Paterson
- New Brunswick

NM: Albuquerque

NV:
- Reno
- Las Vegas

NY:
- New York City (6)
- Bronx (2)
- Brooklyn (2)
- Rochester
- Buffalo
- Queens
- Peekskill
- Syracuse
- Albany

OH: Cincinnati

OK: Tulsa

PA:
- Philadelphia (3)
- Allentown
- Pittsburgh
- Chester
- York

PR:
- Humacao
- San Juan
- Mayaguez

Lares
Gurabo
RI: Providence
TX:
Houston
Dallas
Fort Worth
Austin
San Antonio
UT: Salt Lake City

*Applications are also requested from new organizations that propose to serve new areas. These will be considered for FY 1998 should new funding become available.

Maternal and Child Health Research Cycle

Authorization Title V of the Social Security Act, 42 U.S.C. 701.

Purpose: To encourage research in maternal and child health which has the potential for ready transfer of findings to health care delivery programs. Of special interest are projects that address factors and processes that lead to disparities in health status and the use of services among minority and other disadvantaged groups as well as health promoting behaviors, quality outcome measures, and system/integration reform.

Eligibility: 42 CFR Part 51a.3.

Evaluation Criteria: Final criteria are included in the application kit.

Estimated Amount of the Competition: $1,900,000.

Estimated Number of Awards: 12.

Funding Priorities and/or Preferences: Within the issues/questions comprising the research agenda, preference for funding will be given to projects which: (1) Seek to develop measures of racism and/or study its consequences for the health of mothers and children; (2) investigate the role that fathers play in caring for and nurturing the health, growth, and development of children; and (3) address the factors and processes that enhance the quality, safety, access, and effectiveness of health care services provided to mothers and newborns, especially in light of the impact of managed care.

Projected Award date: 12/97;
Contact: 1–888–333–HRSA;
Application Deadline: 8/1/97;
Application Availability: 6/97;
CFDA Number: 93.110RS.

Primary Health Care Programs

Notification of Expiring Project Periods for Community and Migrant Health Centers

Authorization section 330 of the Public Health Service Act, 42 U.S.C. 254b and 254b(g).

Purpose: The Community Health Center and Migrant Health Center (C/MHC) programs are designed to promote the development and operation of community-based primary health care service systems in medically underserved areas for medically underserved populations. Assuming the availability of sufficient appropriated funds in FY 1998, it is the intent of HRSA to continue to support health services in these areas, given the unmet need inherent in their provision of services to a medically underserved population. HRSA will open competition for awards under section 330 of the PHS Act (42 U.S.C. 254b for CHCs and 42 U.S.C. 254b(g) for MHCs) to support health services in the areas currently served by these grants. Eighty-three C/MHC grantees will reach the end of their project periods during FY 1998.

Deadline: Current grant expiration dates vary by area throughout FY 1998. Applications for competing continuation grants are normally due 120 days prior to the expiration of the current grant award. The 52 service areas listed are for projects with an application deadline on or before January 1, 1998. All expiring project areas will be listed in a subsequent Preview.

Limited Competition: Applicants are limited to currently funded programs whose project periods expire in FY 1998 and new organizations proposing to serve the same populations currently being served by these existing programs.

Field Office

Communication with Field Office staff is essential for interested parties in deciding whether to pursue Federal funding as a C/MHC. Technical assistance and detailed information about each service area, such as census tracts, can be obtained by contacting the appropriate HRSA Field Office listed on the following page.

State	City	Deadline
HRSA FIELD OFFICE I (617) 565–1426		
ME	Bethel	10/01/97
	Eastport	12/01/97
MA	Roxbury	10/01/97
RI	Pawtucket	09/01/97
HRSA FIELD OFFICE II (212) 264–2664		
NY	Bronx	10/01/97
	Buffalo	09/01/97
HRSA FIELD OFFICE III (215) 596–6122		
PA	Philadelphia	08/01/97
	Chester	10/01/97
	Hyndman	10/01/97
VA	Axton	01/01/97
	St. Charles	01/01/98
WV	Rainelle	08/01/97
	Grafton	02/01/98
HRSA FIELD OFFICE IV (404) 331–0250		
AL	Tuscaloosa	10/01/97
	Huntsville	08/01/97
FL	W. Palm Beach	09/01/97
	Pompano Beach	09/01/97
	Avon Park	10/01/97
	Wewahitchka	12/01/97
GA	Morganton	08/01/97
	Decatur	09/01/97
KY	Prestonburg	10/01/97
MS	Mound Bayou	08/01/97
	Biloxi	09/01/97
NC	Snow Hill	08/01/97
SC	Greenville	10/01/97
	Eastover	10/01/97
	Rock Hill	10/01/97
	Winnsboro	10/01/97
	Fairfax	12/01/97
	McClellanville	12/01/97
TN	Wartburg	09/01/97
HRSA FIELD OFFICE V (312) 353–1715		
IL	Chicago	10/01/97
MI	Detroit	10/01/97
	Sparta	09/01/97
	Pullman	12/01/97
OH	Akron	08/01/97
	Youngstown	09/01/97
WI	Milwaukee	09/01/97
HRSA FIELD OFFICE VI (214) 767–3872		
OK	Tulsa	12/01/97
TX	Houston	09/01/97
	Rio Grande Ct.	10/01/97
	Newton	12/01/97
HRSA FIELD OFFICE VII (816) 426–5296		
NE	Omaha	10/01/97
	Lincoln	12/01/97
HRSA FIELD OFFICE VIII (303) 844–3203		
CO	Denver	09/01/97
SD	Rapid City	10/01/97
HRSA FIELD OFFICE IX (415) 437–8090		
AZ	Tucson	09/01/97
CA	Los Angeles	8/01/97
		10/01/97
	Fresno	08/01/97
NE	Las Vegas	09/01/97
HRSA FIELD OFFICE X (206) 615–2491		
No current projects expiring before January 1, 1998.		

Health Care for the Homeless. Authorization section 330 of the Public Health Service Act, 42 U.S.C 254b(h).

Purpose: The Health Care for the Homeless (HCH) program is designed to increase the homeless populations access to cost-effective, case managed, and integrated primary care and substance abuse services provided by existing community-based programs/providers. Assuming the availability of sufficient appropriated funds in FY 1998, it is the intent of HRSA to continue to support health services to the homeless populations in these areas/locations given the continued need for cost-effective, community-based primary care services for these medically underserved populations within these geographic areas. Nine HCH grantees will reach the end of their project periods during FY 1998.

Deadline: Current grant expiration dates vary by area throughout FY 1998. Applications for competing continuation grants are normally due 120 days prior to the expiration of the current grant award. The nine service areas listed are for projects with an application deadline on or before January 31, 1998.

Limited Competition: Applicants are limited to currently funded programs whose project periods expire in FY 1998 and new organizations proposing to serve the same populations currently being served by these existing programs.

Field Office

Communication with Field Office staff is essential for interested parties in deciding whether to pursue Federal funding as an HCH. Detailed information about each service area, such as census tracts, can be obtained by contacting the appropriate HRSA Field Office listed below:

State	City	Project end date
HRSA FIELD OFFICE II (212) 264–2664		
NY	New York	10/31/97
HRSA FIELD OFFICE IV (404) 331–0250		
FL	Miami	10/31/97
HRSA FIELD OFFICE V (312) 353–1715		
OH	Columbus	01/31/98
HRSA FIELD OFFICE VI (214) 767–3872		
OK	Tulsa	12/1/97
HRSA FIELD OFFICE VII (816) 426–5296		
NE	Omaha	10/1/97
HRSA FIELD OFFICE VIII (303) 844–3203		
SD	Rapid City	01/31/98
WY	Cheyenne	10/31/97
HRSA FIELD OFFICE IX (415) 437–8090		
NV	Las Vegas	12/31/97
HRSA FIELD OFFICE X (206) 615–2491		
WA	Seattle	10/31/97

Additional HRSA Program Notes

Loan Repayment Program

HRSA is soliciting applications from individuals for the Nursing Education Loan Repayment program for Fiscal (FY) 1997. Under section 846 of the Public Health Service (PHS) Act, approximately $2,197,000 will be available and the HRSA estimates that approximately 195 loan repayment awards may be made. The program will repay up to 85 percent of the nursing education loans of registered nurses who agree to serve for not less than 2 years as nurse employees in certain health facilities. Additional information and application materials with a list of counties (parishes) with the greatest shortage of nurses may be obtained by calling or writing to: Sharley Chen, 4350 East-West Highway, 10th Floor, Bethesda, MD 20814, (301) 594–4400, (301) 594–4981 (FAX).

The 24-hour toll-free phone number is 1–800–435–6464.

Health Professions Programs

Competitive cycles for Fiscal Year FY 1998 are not anticipated for the following Health Professions Programs:

CFDA 93.884—Residency Training in General Internal Medicine and/or General Pediatrics

CFDA 93.884—Predoctoral Training in General Internal Medicine and/or General Pediatrics

CFDA 93.900—Faculty Development in General Internal Medicine and/or General Pediatrics

Maternal and Child Health Programs

Girl Neighborhood Power is a Secretarial Initiative designed to help encourage and empower 9–14 year old girls. For information, contact Samuel Kessel, MD, 5600 Fishers Lane, Parklawn Bldg, Room 18A55, Rockville, MD 20857. Telephone (301) 443–2340 or e-mail at wkessel@hrsa.dhhs.gov.

BETWEEN ISSUES—DON'T FORGET TO CHECK THE **FEDERAL REGISTER** FOR GRANT ANNOUNCEMENTS THAT MAY APPEAR AFTER THE *HRSA PREVIEW* IS ISSUED.

[FR Doc. 97–19757 Filed 7–25–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Federal Set-Aside Program; Special Projects of Regional and National Significance; Girl Neighborhood Power Cooperative Agreements

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: Notice of availability of funds.

SUMMARY: The HRSA announces that approximately $1.0 million in fiscal year (FY) 1997 funds is available for five cooperative agreements: one National Consortium of Girl Neighborhood Power Partners and four Community-Based Girl Neighborhood Power Partners Programs. All awards will be made under the program authority of section 502(a) of the Social Security Act, the MCH Federal Set-Aside Program. The Girl Neighborhood Power (GNP) Program will be administered through HHS intra-agency agreements as a Maternal and Child Health (MCH) Special Project of Regional and National Significance (SPRANS) initiative. Awards will be made for 5-year periods. Funds for GNP cooperative agreements are appropriated by Public Law 104–208. Within the HRSA, SPRANS awards are administered by the Maternal and Child Health Bureau (MCHB).

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The MCH Block Grant Federal Set-Aside Program addresses issues related to the Healthy People 2000 objectives of improving maternal, infant, child and adolescent health and developing service systems for children with special health care needs. 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) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone: 202–512–1800).

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion

of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

ADDRESSES: **Federal Register** notices and application guidance for MCHB programs are available on the World Wide Web via the Internet at address: http://www.os.dhhs.gov/hrsa/mchb. Click on the file name you want to download to your computer. It will be saved as a self-extracting (Macintosh or WordPerfect 5.1) file.

To decompress the file once it is downloaded, type in the file name followed by a <return>. The file will expand to a WordPerfect 5.1 file.

For applicants for GNP cooperative agreements who are unable to access application materials electronically, a hard copy (Revised PHS form 5161–1, approved under OMB clearance number 0937–0189) may be obtained from the HRSA Grants Application Center. Requests should specify the category or categories of activities for which an application is requested so that the appropriate forms, information and materials may be provided. The Center may be contacted by: Telephone Number: 1–888–300–HRSA, FAX Number: 301–309–0579, E-mail Address: HRSA.GAC@ix.netcom.com. Completed applications should be returned to: Grants Management Officer (CFDA #93.110X), HRSA Grants Application Center, 40 West Gude Drive, Suite 100, Rockville, Maryland 20850.

DATES: The application deadline date is August 26, 1997. Applications will be considered to have met the deadline if they are either: (1) Received on or before the deadline date, or (2) postmarked on or before the deadline date and received in time for orderly processing. Applicants should request a legibly dated receipt from a commercial carrier or the U.S. Postal Service, or obtain a legibly dated U.S. Postal Service postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to: Trina Menden Anglin, M.D., Ph.D., Maternal and Child Health Bureau, HRSA, Parklawn Building, Room 18A–39, 5600 Fishers Lane, Rockville, MD 20857, telephone: 301–443–5599. Requests for information concerning business management issues should be directed to: Sandra Perry, Grants Management Officer (GMO), Maternal and Child Health Bureau, 5600 Fishers Lane, Room 18–12, Rockville, Maryland 20857, telephone: 301–443–1440.

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Girl Neighborhood Power!: Building Bright Futures for Success is a collaborative, multi-phase, effort by the Department of Health and Human Services (HHS) and America's communities to help encourage and empower 9 to 14 year-old girls to make the most of their lives. As part of the Secretary's Girl Power Campaign and the Administration's strategy to prevent teen pregnancy, and as a response to the President's charge to promote volunteerism and forge coalitions for America's children, the Secretary of HHS is challenging America's communities to become active partners in assisting 9 to 14 year-old girls to successfully navigate adolescence by: Rejecting tobacco, alcohol, and illicit drugs; and embracing physical activity, nutrition, abstinence, education, mental health, social development, and strong futures. Major objectives of GNP include: To give girls the information and clear messages they need to stay away from risky behaviors, to avoid teen pregnancy and to make responsible decisions about their lives; help support and guide parents, peers, siblings, neighbors, and other adults involved with the lives of America's girls; and teach skills that build confidence for girls and help them develop and sustain a broad range of interests in academics, arts, sports, music, volunteerism, and other positive activities that help build healthy girls and communities.

The GNP program addresses the unique needs, interests, and challenges faced by 9 to 14 year-old girls. The initiative takes a comprehensive approach by looking at the many challenges girls face and addressing them not only with targeted health messages about behaviors they should avoid, but also by giving them positive messages, meaningful opportunities, and skills to move through adolescence and build healthy futures. To accomplish this, the initiative will build strong partnerships that galvanize parents, schools, communities, religious organizations, media, health providers, businesses, local governments, and other caring adults. It will also challenge Americans to organize both at the national level and in local neighborhoods.

The GNP initiative will support challenge grants and create ''power partners'' who will enter into cooperative efforts with public, private and community organizations that have a demonstrated commitment to: contributing to strengthening career and family roles; providing opportunities for community service; fostering access to diverse communities; including participants in the planning and implementation of efforts; and involving key leaders who are in a position to make a difference in effecting positive change.

Challenge grants will take the form of cooperative agreements to support special projects that: Plan and implement innovative and cost-effective approaches for directing resources to promote community-defined preventive health, educational, social, and developmental objectives; foster and promote cooperation among volunteers, community organizations, individuals, agencies, businesses, and families; and build community and statewide partnerships among volunteers, professionals in health, education, social services, government, and business to achieve self-sustaining programs. Within the broad scope of improving the well-being of girls and their families, a multitude of project foci may be acceptable. It is expected that the issues to be addressed as well as the specific approaches to be used will be selected by the applicant. However, each grantee will be expected to support at least four neighborhood programs for girls.

Eligible Applicants

Any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450(b), is eligible to apply for cooperative agreements covered by this announcement.

Funding

Two categories of GNP special projects are open for competition in FY 1997: (1) One cooperative agreement for a National Consortium of Girl Neighborhood Power Partners; and (2) four cooperative agreements for Community-Based Girl Neighborhood Power Partners projects. Awards will be made for 5-year periods.

No first-year award in either category requires grantee matching. In the second through the fifth years Community-Based Girl Neighborhood Power Partners Project grantees will be required to provide matching equal to 25 percent, 50 percent, 75 percent and 100 percent, respectively, of the amount of the federal grant in order to demonstrate sustainability of project effort.

It is anticipated that substantial Federal programmatic involvement will be required in these cooperative

agreements. This means that after award, awarding office staff provide technical assistance and guidance to, or coordinate and participate in, certain programmatic activities of award recipients beyond their normal stewardship responsibilities in the administration of grants. Federal involvement may include, but is not limited to, planning, guidance, coordination and participation in programmatic activities. Periodic meetings, conferences, and/or communications with the award recipient are held to review mutually agreed upon goals and objectives and to assess progress. Details on the scope of Federal programmatic involvement in cooperative agreements included in this Notice, consistent with HRSA grants administration policy, are included in the application kit for each cooperative agreement category.

Category 1: National Consortium of Girl Neighborhood Power Partners

- Narrative Description of this Competition: The purpose of this cooperative agreement is to assemble Federal, State, and local governments, professional organizations, social and religious institutions, schools and universities, community groups, foundations, media, corporate leaders, families, and young people as an ongoing ''national neighborhood caucus.'' The mission of this body is to provide overall direction and galvanize a national commitment to the initiative. Participants will collaborate, share knowledge and expertise, serve as advisors to the Community-based Girl Neighborhood Power Partners Projects, and secure resources sufficient to plan, organize, implement, staff, and otherwise support the consortium, establish a framework for mutual problem solving, and attain program goals.
- Estimated Amount of this Competition: $200,000.
- Number of Expected Awards: 1.
- Funding Priorities and/or Preferences: Preference for funding will be given to a single national nonprofit organization or a coalition of organizations with a history of service to young people, particularly girls 9 to 14 years of age.
- Evaluation Criteria: See Criteria for Review; applications will be reviewed, in addition, on the basis of the extent to which: (a) The project will contribute to the improvement to the health, education, and well being of 9 to 14 year old girls; and (b) the project is responsive to HHS policy concerns applicable to the GNP program.

Category 2: Community-Based Girl Neighborhood Power Partners Projects

- Narrative Description of this Competition: The purpose of these projects is to combine public and private resources at the community level to implement neighborhood efforts addressing the health, education, and psychosocial needs of girls 9 to 14 years of age. These local efforts will include community service and at least two of the following additional program elements: mentoring; before/after school activities; health education; and career development. Projects are challenged to achieve a lasting and sustained investment by enabling communities to use existing resources, including, volunteers, in a collaborative and mutually supportive way.
- Estimated Amount of this Competition: $800,000.
- Number of Expected Awards: 4.
- Funding Priorities and/or Preferences: Priority for funding in this category, in the form of a 1.0 point favorable adjustment in the priority score in a 4.0 point range, will be given to projects serving low income communities. An additional 0.5 point favorable adjustment will be given to projects serving any federally designated Empowerment Zone or Enterprise Community area and coordinating with the local Empowerment Zone or Enterprise Community lead entity organization. (A list of the Empowerment Zone and Enterprise Community sites will be included with the program guidance.) In addition, preference for funding will be given to national/regional/local, nonprofit organizations, with a successful history of both service to young people, particularly girls 9 to 14 years of age, and local community presence and commitment.
- Evaluation Criteria: See Criteria for Review; applications will be reviewed, in addition, on the basis of the extent to which: (a) The project will contribute to the improvement to the health, education, and well being of 9 to 14 year old girls; (b) the project is responsive to the mission of the GNP program; and (c) the project will be integrated with the administration of other federal community grants in addition to the MCH Block Grant, State primary care plans, public health, and prevention programs, ACF's Community Schools programs, the Empowerment Zone and Enterprise Community Initiative and other related programs in the respective communities.

Special Concerns

HRSA places special emphasis on improving service delivery to women, children and youth from communities with limited access to comprehensive care. To assure access and cultural competence, projects will involve individuals from the populations to be served in the planning and implementation of the project. The intent is to ensure that the broadest possible representation of culturally distinct and historically under-represented groups is assured through programs and projects sponsored by the MCHB. This same emphasis applies to improving service delivery to children with special health care needs.

Evaluation Protocol

All SPRANS projects, including any project awarded as part of the GNP initiative, are expected to incorporate a carefully designed protocol capable of documenting measurable progress toward achieving the project's stated goals. The protocol should be based on a clear rationale relating the grant activities, the project goals, and the evaluation measures. The measurements of progress toward goals should focus on health outcome indicators, rather than on intermediate measures such as process or outputs. A project lacking a complete and well-conceived evaluation protocol may not be funded.

Data Reporting Requirements

All SPRANS grantees are required to report annually to HHS (under OMB No. 0915–0169) the number of persons served or trained (by race and ethnicity), evaluations performed, Healthy People 2000 Objectives addressed, and related information. Data forms for this purpose are sent to all grantees during the first grant year, and annually thereafter.

Project Review and Funding

The GNP special projects will be administered as SPRANS cooperative agreements under the MCH Block Grant's SPRANS authority. Program policy, grantee selection, program oversight, and evaluation will be carried out by MCHB/HRSA with full participation by the following HHS agencies: Office of the Assistant Secretary for Planning and Evaluation (OS); Office of Public Health and Science (OS); Office of Population Affairs (OS); Office on Women's Health (OS); Administration on Children and Families; Bureau of Primary Health Care (HRSA); National Center for Chronic Disease Prevention and Health Promotion (CDC); National Institute of Child Health and Human Development (NIH); and the Health Care Financing Administration.

Criteria for Review

The criteria which follow are used, as pertinent, to review and evaluate applications for awarding all SPRANS grants and cooperative agreements. Further guidance regarding review criteria specific to the GNP program is supplied in application materials, which will specify final criteria.

—The quality of the project plan or methodology.
—The extent to which the project will contribute to the advancement of maternal and child health and/or improvement of the health of children with special health care needs.
—The extent to which the project is responsive to policy concerns applicable to MCH grants and to program objectives, requirements, priorities and/or review criteria for specific project categories, as published in program announcements or guidance materials.
—The extent to which the estimated cost to the Government of the project is reasonable, considering the anticipated results.
—The extent to which the project personnel are well qualified by training and/or experience for their roles in the project and the applicant organization has adequate facilities and personnel.
—The extent to which, insofar as practicable, the proposed activities, if well executed, are capable of attaining project objectives.
—The adherence of the project's evaluation plans to the requirements of the Evaluation Protocol.
—The extent to which the project will be integrated with the administration of the Maternal and Child Health Services block grants, State primary care plans, public health and prevention programs, State and local Medicaid agencies, and other related programs in the respective State(s).
—The extent to which the application is responsive to the special concerns and program priorities specified in this notice.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements (approved under OMB No. 0937–0195). Under these requirements, the community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental applicants are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date:

(a) A copy of the face page of the application (PHS 5161–1).

(b) A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State and local health agencies.

Executive Order 12372

The MCH Federal set-aside program has been determined to be a program which is not subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs. The OMB Catalog of Federal Domestic Assistance number is 93.110X.

Dated: July 22, 1997.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 97–19711 Filed 7–25–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Grants to Family Resources, Inc., Bettendorf, Iowa, and PACE/Orchard Place-Child Guidance, Inc., Des Moines, Iowa

AGENCY: Center for Substance Abuse Prevention (CSAP), Substance Abuse and Mental Health Services Administration (SAMHSA), DHHS.

ACTION: Planned awards to prevent substance use among youth at risk for gang/juvenile court involvement in Davenport and Des Moines, Iowa.

SUMMARY: This notice is to provide information to the public concerning planned awards by CSAP/SAMHSA to Family Resources, Inc., Bettendorf, Iowa, and PACE/Orchard Place-Child Guidance, Inc., Des Moines, Iowa, to fund the ''Iowa Youth Substance Abuse Prevention Community-Based Initiative.'' This initiative is designed to educate and enable Iowa's youth at risk for gang involvement and/or first involvement in juvenile court to reject illegal drugs as well as the underage use of alcohol and tobacco. It is intended to provide these youth, early in life, positive messages, role models, and opportunities to learn and achieve.

Upon receipt of satisfactory applications that are recommended for approval by an Initial Review Group and the CSAP National Advisory Council, up to $417,500 in Federal funds may be awarded to each organization for a 12-month project period.

This is not a formal request for applications. Grant funds will be provided only to the two organizations named above.

AUTHORITY/JUSTIFICATION: These grants will be made under the authority of Section 501(d)(5) of the Public Health Service Act (42 U.S.C. 290aa).

The Catalog of Federal Domestic Assistance (CFDA) number is 93.144.

Iowa is presently serving as a national model for coordinating Federal substance abuse prevention funds and activities with the Iowa Departments of Education, Human Rights, Human Services, Public Safety, the Iowa Governor's Alliance on Substance Abuse and three State universities. It is one of very few States with this level of coordination. Iowa also presents unique opportunities to exploit this Federal and State-level coordination in relation to substance abuse prevention service directed at substance abuse among youthful gang members due to the previously established activities of two service providers in the cities of Des Moines and Davenport. It is believed the experiences in these two cities in addressing substance abuse among gang members will serve as a relatively confined model, not possible in larger problem areas, of what benefits can accrue when multi-level State collaboration and Federal participation merge in addressing this subgroup. It is noted that community poverty and delinquency are believed to be the two strongest characteristics of youth who join gangs and are also important to youth involvement in substance abuse. CSAP expects that the multi-faceted collaborative approach in providing innovative strategies in addressing factors in multiple domains which is possible in Iowa through these service providers will provide evidence of the utility of such approaches. CSAP anticipates the Iowa model will become even more useful to other States if this juvenile gang connection to substance abuse is further developed as a result of the funds provided by this initiative.

Eligibility to apply for funds under this initiative in Iowa is limited to Family Resources, Inc., in Bettendorf,

Iowa, and PACE/Orchard Place-Child Guidance, Inc., in Des Moines, Iowa, whose innovative efforts to design and implement state-of-the art substance abuse and gang prevention programming have made them uniquely suited for this explorative effort.

Both organizations address youth substance abuse by preventing school truancy, improving academic performance, tracking services to improve school attendance, providing tutoring services, family involvement projects, after-school programming, extensive substance abuse education, and school-based supportive services. Additionally, PACE/Orchard Place-Child Guidance, Inc., is the only private agency in Iowa working with substance abuse and delinquency prevention and truancy reduction in the Des Moines public schools. PACE/Orchard Place-Child Guidance, Inc., is also the primary private provider of preventive services under contract with Polk County Juvenile Court. Similarly, Family Resources, Inc., administers the oldest substance abuse prevention and gang intervention program in the ''Quad cities'' area, and the program served as a pilot project for the State of Iowa.

For the above reasons, only applications from the Iowa organizations identified above may be considered for this program.

CONTACT: Sylvia L. Quinton, J.D., Deputy Director, Office of Policy and Planning, CSAP, SAMHSA, Rockwall II, 9th Floor, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–0315.

Dated: July 20, 1997.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 97–19723 Filed 7–25–97; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the Center for Mental Health Services (CMHS) National Advisory Council and the Center for Substance Abuse Prevention (CSAP) National Advisory Council in September 1997.

The CMHS National Advisory Council meeting will be open and will include a roll call, general announcements and discussions of Government Performance and Results Act activities, KDA and Block Grant outcomes issues, HIV/AIDS, and defining ''mental health''. Public comments are welcome during the open session. Please notify the contact listed below if you would like to make comments or if you have a disability which requires reasonable accommodation.

The meeting also will include the review, discussion, and evaluation of individual grant applications and contract proposals. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c) (3), (4) and (6) and 5 U.S.C. App. 2, Section 10(d).

A summary of the agenda and a roster of Council members may be obtained from Ms. Patricia Gratton, Committee Management Officer, CMHS, Room 11C–26, Parklawn Building, Rockville, Maryland 20857, Telephone: (301) 443–7987.

Substantive program information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: CMHS National Advisory Council.

Meeting Dates: September 11–12, 1997.

Place: Hotel Washington, 515–15th Street, NW, Washington, DC 20004.

Closed: September 11, 9:00 a.m.–12:00 Noon.

Open: September 11, 12:00 Noon–5:00 p.m. September 12, 9:00 a.m.–Adjournment.

Contact: Ina B. Lyons, Room 13–103, Parklawn Building, Telephone: (301) 443–7586 and FAX: (301) 443–5163.

The CSAP National Advisory Council meeting will be open and will include a roll call, general announcements, and a discussion on administrative matters. The agenda will also include presentations on collaborations with the National Drug Prevention League, report on CSAP's HIV/AIDS activities, introduction to the Secretary's Initiatives, update on the National Household Survey on Drug Abuse and related data issues, discussions of administrative matters and announcements, and reports by workgroups of the SAMHSA National Advisory Council and the CSAP National Advisory Council. Public comments are welcome during the open session. Please notify the contact listed below if you would like to make comments of if you have a disability which requires reasonable accommodation.

A portion of the meeting will include the review, discussion and evaluation of individual grant applications and contract proposals. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c) (3), (4) and (6) and 5 U.S.C. App. 2, Section 10(d).

A summary of this meeting and a roster of committee members may be obtained from Yuth Nimit, Ph.D., Executive Secretary, CSAP National Advisory Council, Rockwall II Building, Suite 901, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–8455.

Substantive program information may be obtained from the contact listed below.

Committee Name: Center for Substance Abuse Prevention National Advisory Council.

Meeting Dates: September 17–18, 1997.

Place: Marriott Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: September 17, 1997, 10:00 a.m. to adjournment.

Open: September 17, 1997, 8:30 a.m. to 10:00 a.m.; September 18, 1997, 8:30 a.m. to 5:00 p.m.

Contact: Yuth Nimit, Ph.D., Rockwall II Building, Suite 901, Telephone: (301) 443–8455.

Dated: July 22, 1997.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 97–19766 Filed 7–25–97; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4238–N–04]

Notice of Funding Availability (NOFA) and Program Guidelines for Homeownership Zones; Fiscal Year 1997; Correction and Extension of Deadline

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Funding Availability (NOFA); Correction and Extension of Deadline.

SUMMARY: On July 7, 1997 HUD published the fiscal year (FY) 1997 NOFA and program guidelines for Homeownership Zones. This notice provides a copy of the lobbying certification that applicants must submit in accordance with 24 CFR part 87; the copy of the certification was inadvertently omitted from the July 7, 1997 NOFA. This notice also provides additional information about the availability of and instructions for completing the forms applicants are required to submit. This notice corrects a typographical error with regard to the points available for the rating criteria. Finally, this notice extends the application submission deadline until September 30, 1997.

DEADLINE DATE: One original and two copies of each application must be received by HUD Headquarters at the address provided below by the deadline date. One additional copy must be received by the HUD Field Office by the deadline date. All four copies may be used in reviewing the application.

Applications Delivered. Applications are due before midnight on *September 30, 1997.* Before the deadline date, and on normal workdays between the hours of 8:30 a.m. and 4:30 p.m., completed applications will be accepted at the Processing and Control Unit, Room 7255, Community Planning and Development at the address provided below.

After 4:30 p.m. on the deadline date, hand-delivered applications will be received at the South Lobby of the Department of Housing and Urban Development at the address provided below. HUD will treat as ineligible for consideration hand-delivered applications that are received after midnight on *September 30, 1997.*

Applications Mailed. HUD will consider applications as received by the deadline if they are postmarked before midnight on *September 30, 1997,* and received by HUD Headquarters within ten (10) calendar days after that date.

Applications Sent by Overnight Delivery. HUD will consider applications sent by overnight delivery as having been received by the deadline upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than *September 30, 1997.*

Applications Sent by Facsimile (FAX). HUD will NOT accept any application sent by FAX.

Applications Sent to HUD Field Offices. One copy of the application must be received by the HUD field office serving the area in which the applicant's Homeownership Zone is located. The field office must receive this copy by the deadline date, but a determination that an application was received on time will be made solely according to the receipt of the application at HUD Headquarters in Washington, DC.

ADDRESSES: This notice does not change the application submission information provided in the July 7, 1997 NOFA. One original and two copies of the completed application must be submitted to HUD Headquarters at the following address: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. One additional copy of the application must be sent to the Director of Community Planning and Development, at the HUD field office serving the State in which the Homeownership Zone is located.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon McKay, Director, Office of Affordable Housing Programs, Room 7164, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–2685 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the Federal Information Relay Service at (800) 877–TDDY, which is a toll-free number. You may also contact the HUD field office serving your area at the number and address provided in Appendix A of the July 7, 1997 NOFA. General background information about homeownership zones is also available through Community Connections by calling (800) 998–9999.

SUPPLEMENTARY INFORMATION: On July 7, 1997 (62 FR 36412), HUD published the FY 1997 NOFA and program guidelines for Homeownership Zones. The July 7, 1997 NOFA announced the availability of $10 million to help reclaim distressed neighborhoods by creating homeownership opportunities for low- and moderate-income families, and to serve as a catalyst for private investment, business creation, and neighborhood revitalization. The NOFA contained information concerning basic program requirements, eligible applicants, funding availability, and application requirements and procedures.

Application Submission Requirements

One of the application submission requirements is the certification regarding lobbying, which is required under HUD's regulations in 24 CFR part 87 (see 62 FR 36415). As indicated in the NOFA, HUD intended to include a copy of this certification as part of Appendix B of the NOFA (see 62 FR 36415), as well as a copy of the form for the disclosure of lobbying activities (SF–LLL) (see 62 FR 36419). While Appendix B of the NOFA did include the form for the disclosure of lobbying activities, HUD inadvertently failed to provide a copy of the required certification. Therefore, a copy of that certification is attached to this notice.

Another application submission requirement is the Standard Form (SF) 424, the Application for Federal Assistance (see 62 FR 36414). Applicants should note that since the funding for Homeownership Zones is relatively new, there is no Catalog of Federal Domestic Assistance number for the program; applicants should indicate ''not applicable'' in box 10 of application form.

The lobbying certification, the lobbying disclosure form (SF–LLL), and the application form (SF–424), as well as general background information about homeownership zones, are also available through Community Connections by calling (800) 998–9999. The forms are also available through HUD's homepage on the Internet (http://www.hud.gov).

Criteria for Rating Applications

The July 7, 1997 NOFA described the criteria HUD will consider when selecting applications for funding (see 62 FR 36415–16). The description of criteria (5)—Capacity to Successfully Carry Out the Plan—in the NOFA contains a typographical error. Although the NOFA provides that 15 points are available for this criteria, the NOFA incorrectly provides that HUD will award not more than 19 points to proposals that do not includes a local partnership recognized by the National Partners in Homeownership. The NOFA should, however, provide that no more than 14 points will be awarded in the absence of such a partnership.

Accordingly, FR Doc. 97–17548, the NOFA and Program Guidelines for Homeownership Zones, published in the **Federal Register** on July 7, 1997 (62 FR 36412) is amended on page 36416, column 3, by correcting the introductory paragraph of section I.J(5), to read as follows:

I. Purpose and Substantive Description

* * * * *

J. Criteria for Rating Applications

* * * * *

(5) Capacity to Successfully Carry Out the Plan

HUD will award up to 15 points based on the capacity of the applicant, its development team, and other partners to implement Homeownership Zone activities successfully. HUD is primarily concerned that the experience of the entities and key staff carrying out each activity reflect the specific areas of competency required for success in carrying out that activity. For example, if a nonprofit developer will be responsible for building and marketing 100 homes, HUD will expect that the developer has successfully undertaken similar projects in the past. HUD may consider information from performance reports, financial status information, monitoring reports, audit reports, and other information available to HUD in making its determination under this criterion. HUD will not award more than 14 points under this criterion to any proposal that does not include a local partnership recognized by the National Partners in Homeownership. In responding to this criterion, applicants should:

* * * * *

Dated: July 23, 1997.

Jacquie Lawing,

General Deputy, Assistant Secretary for Community Planning and Development.

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, a 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 of 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 at 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 entered 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.

Signed: _____

Date: _____

_____

(Print name and title)

[FR Doc. 97–19916 Filed 7–25–97; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–921–41–5700; WYW107756]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

July 18, 1997.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b) (1), a petition for reinstatement of oil and gas lease WYW107756 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW107756 effective March 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 97–19725 Filed 7–25–97; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Shawnee County, KS in the Possession of the Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human remains and associated funerary objects from Shawnee County, KS in the possession of the Kansas State Historical Society, Topeka, KS.

A detailed assessment of the human remains was made by Kansas State Historical Society (KSHS), Kansas State University, and Wichita State University professional staff in consultation with representatives of the Citizen Band of Potawatomi, the Prairie Band of Potawatomi Indians, and the Kaw Indian Tribe.

In 1969, human remains representing two individuals were recovered from site 14SH322 during legally authorized excavations by KSHS for the proposed Grove Reservoir project. No known individuals were identified. The 31 associated funerary objects include ceramic sherds, glass beads, a copper bracelet, a fire steel, a projectile point, and a gunflint.

Site 14SH322 has been identified as precontact Plains Woodland and historic Native American habitation site based on material culture. Based on the associated funerary objects and indications of wood coffins, these individuals have been determined to be Native American, and the burials date from approximately 1825–1870 A.D. This site is within the boundaries of the Potawatomi reservation of 1848–1861. Consultation with representatives of the Citizen Band of Potawatomi, the Prairie Band of Potawatomi Indians, and the Kaw Indian Tribe indicates these burials are likely to be affiliated with the Potawatomi rather than the Kaw Indian Tribe.

In 1984 and 1992, human remains representing one individual were recovered from the surface of site 14SH334, a plowed field on the west edge of Rossville by KSHS archeologists. No known individual was identified. The associated funerary object is a copper or brass crucifix.

Site 14SH334 may be associated with the farmstead of the Potawatomi families Laughton and Laughton-Nadeau dating from 1848 to 1868 based on historic records pertaining to the Potawatomi reservation located in Shawnee county during 1848–1861. Several other Potawatomi family farmsteads were also present in the area, known from both historical documents and confirmed through archeological evidence. The associated funerary object, dating from the mid-nineteenth century, is a likely indicator of Catholic religious affiliation, common for many Potawatomi. Based on the associated funerary object and likely age of the burial, this individual is believed to be Native American, and the historic records for this site indicate this individual was likely Potawatomi.

In 1880, human remains representing three individuals were donated to the Kansas State Historical Society by Mr. Joel Lucas. No known individuals were identified. The three associated funerary objects include a decoratively carved

wood handle with a brass tack, one metal hoe blade, and an iron trowel.

Donor information states Mr. Lucas obtained these human remains and associated funerary objects from ''Indian'' graves located eight miles northwest of Topeka. This area was within the Potawatomi reservation of 1848–1861. Based on the apparent age and types of associated funerary objects, the human remains also date from this period.

Based on the above mentioned information, officials of the Kansas State Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of six individuals of Native American ancestry. Officials of the Kansas State Historical Society have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 34 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Kansas State Historical Society have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Citizen Band of Potawatomi and the Prairie Band of Potawatomi Indians.

This notice has been sent to officials of the Citizen Band of Potawatomi, the Prairie Band of Potawatomi Indians, and the Kaw Indian Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Randy Thies, Archeologist, Kansas State Historical Society, 6425 SW Sixth, Topeka, KS 66606–1099; telephone: (913) 272–8681, ext. 267, before August 27, 1997. Repatriation of the human remains and associated funerary objects to the Citizen Band of Potawatomi and the Prairie Band of Potawatomi Indians may begin after that date if no additional claimants come forward.

Dated: July 21, 1997.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 97–19788 Filed 7–25–97; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Repatriate Cultural Items From Jackson County, KS in the Possession of the Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service.

ACTION: Notice..

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Kansas State Historical Society which meet the definition of ''unassociated funerary objects'' under Section 2 of the Act.

The fourteen cultural items include silver conchos, silver pendents, a conch shell, two bead necklaces, a cowrie shell necklace, a powder horn, two pieces of beaded cloth, two leather tobacco pouches, and a distinctively shaped piece of limestone.

In 1969, these items were donated to the Kansas State Historical Society by T.W. McDonald of Carbondale, KS. Information provided by the donor states the items were removed ''from graves approximately three miles southwest of Mayetta, Kans.'' The cultural items most likely date from the 1850s through the 1860s. The land that is three miles southwest of Mayetta, KS is within the Prairie Band Potawatomi Reservation which has been exclusively occupied by the Potawatomi since 1848.

Officials of the Kansas State Historical Society have determined that, pursuant to 25 U.S.C. 3001(3)(B), these fourteen cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Kansas State Historical Society have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these items and the Citizen Band of Potawatomi and the Prairie Band of Potawatomi Indians.

This notice has been sent to officials of the Citizen Band of Potawatomi and the Prairie Band of Potawatomi Indians. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Randy Thies, Archeologist, Kansas State Historical Society, 6425 SW Sixth, Topeka, KS 66606–1099; telephone (913) 272–8681 ext. 267 before August 27, 1997. Repatriation of these objects to the Citizen Band of Potawatomi and the Prairie Band of Potawatomi Indians may begin after that date if no additional claimants come forward.

Dated: July 21, 1997.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 97–19789 Filed 7–25–97 ; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Solicitation for a Cooperative Agreement

AGENCY: U.S. Department of Justice, National Institute of Corrections.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The Department of Justice (DOJ), National Institute of Corrections (NIC) announces plans for award of a cooperative agreement to fund a ''Training for Trainers and Facilitators Project: A Training Program for Staff in Staff and Local Corrections Agencies.''

Purpose: The National Institute of Corrections is seeking proposals for a cooperative agreement to deliver training for advanced correctional trainers in training design and development and to develop curriculum and train facilitators in state and local corrections agencies. The Training for Trainers and Facilitators Project will be a collaborative effort between NIC program staff and the cooperative agreement recipient.

Authority: Public Law 93–415.

Funds Available: Funding for the project is limited to a maximum total amount of $111,000 (direct and indirect costs) for one cooperative agreement. Funds may not be used for construction, or to acquire or build real property. If the cooperative agreement is not awarded by September 30, 1997, the government's obligation under this cooperative agreement is contingent upon the availability of appropriated funds in FY 98 from which payment can be made. No legal liability on the part of the government for any payment may arise until funds are made available to NIC for this cooperative agreement and until the awardee receives notice in writing of such availability.

Deadline for Receipt of Applications: Applications must be received by NIC's Washington Offices by 4:00 p.m., Eastern time on Friday, August 29, 1997.

Addresses and Further Information: Requests for the application kit, which includes further details on the project's objectives, etc. should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, N.W., Room 5007, Washington, D.C. 20534; or by calling 800–995–6423, ext. 159; or 202–307–3106, ext. 159; or e-mail at jevens@bop.gov.

All technical and/or programmatic information on this announcement should be directed to Ms. Judith Blair, National Institute of Corrections, Academy Division, 1960 Industrial Circle, Suite A, Longmont, CO 80501 or by calling 800–995–6429, ext. 122 or 303–682–0382, ext. 122, or by e-mail at: jblair@bop.gov.

Eligible Applicants: An eligible applicant is any private, non-profit organization or institution, or individual.

Review Consideration: Applications received under this announcement will be subjected to an NIC 3–5 member Peer Review Process.

Number of Awards: One (1).

NIC Application Number: 97A08. This number should appear as a reference line in your cover letter and also in box 11 of Standard Form 424.

Other Information: Applicants are advised that the narrative description of their program, not including the budget justification or Standard Form 424, attachments and appendices *should not* exceed forty (40), double-spaced typed pages.

Executive Order 12372: This program is subject to the provisions of Executive Order 12372. Executive Order 12372 allows the States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. Applicants (other than Federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC), a list of which is included in the application kit, along with further instructions on proposed projects serving more than one State.

(The Catalog of Federal Domestic Assistance number is: 16.603)

Dated: July 23, 1997.

Morris L. Thigpen,

Director, National Institute of Corrections.

[FR Doc. 97–19764 Filed 7–25–97; 8:45 am]

BILLING CODE 4410–36–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated March 31, 1997, and published in the **Federal Register** on May 12, 1997, (62 FR 25971), Lonza Riverside, 900 River Road, Conshohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Lonza Riverside to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: July 1, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–19721 Filed 7–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated May 6, 1997, and published in the **Federal Register** on May 19, 1997, (62 FR 27281), Radian International LLC, 8501 North Mopac Blvd., P.O. Box 201088, Austin, Texas 78720, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
Ibogaine (7260)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-Dimethoxyamphetamine (7395).	I
2,5-dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Psilocybin (7437)	I
Pssilocyn (7438)	I
Etorphine (except HC1) (9056)	I
Heroin (9200)	I
Pholocodine (9314)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration on Radian International LLC to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: July 8, 1997.

John H. King,

Deputy Assistance Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–19722 Filed 7–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated April 16, 1997, and published in the **Federal Register** on May 12, 1997, (62 FR 25973), Research Triangle Institute, Kenneth H. Davis, Jr., Hermann Building East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I
Cocaine (9041)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Research Triangle Institute to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: July 8, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–19720 Filed 7–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Job Training Partnership Act (JTPA), Title IV–D, Demonstration Program: Women in Apprenticeship and Nontraditional Occupations

AGENCY: Women's Bureau, Department of Labor.

ACTION: Notice of Availability of Funds and Solicitation for Grant Applications (SGA 97–05).

SUMMARY: All information required to submit a proposal is contained in this announcement. Applicants for grant funds should read this notice in its entirety and respond as directed. Grant proposals that are not completed as directed will be judged nonresponsive and will not be evaluated. The Women's Bureau (WB), U.S. Department of Labor (DOL) announces the fourth year of its Solicitation for Grant Applications (SGA) first authorized by the Women in Apprenticeship and Nontraditional Occupations (WANTO) Act under its Technical Assistance (TA) grant provisions to Community-Based Organizations (CBOs) to deliver TA to Employers and Labor Unions (E/LUs). The WANTO competitive grant program is funded through the Job Training Partnership Act (JTPA), Title IV–D discretionary funds. While the Women's Bureau has responsibility for implementing the competitive grant process, the WANTO Act is under the joint administration of the Women's Bureau (WB) and the Bureau of Apprenticeship and Training (BAT). The Department expects to make three to five WANTO awards for private sector initiatives from the funds allocated for FY 1997.

The Department's interest is to promote the commitment and participation of employers and labor unions to the building of reciprocal resources that link pre-apprenticeship training to employment and sponsored apprenticeship training. The Department's goal is to increase the participation of women in apprenticeship training and nontraditional employment as one way to move welfare-dependent or eligible women to a career path that can result in economic self-sufficiency for them and their families. WANTO proposals should identify and focus on employment paths to and in high-wage and high employment growth careers for women, particularly occupations in transportation, highway and bridge construction industries, and other growing high-wage careers. Therefore, grant proposals should discuss workplace strategies for technical assistance to employers and labor unions that also bring to the attention of employers and labor unions the need for them to consider cooperative strategies to provide for transitional costs (including fees/dues, tools, and living costs), child care and transportation for women seeking to enter and sustain themselves in the apprenticeship and nontraditional occupations. These are major reasons why women are unable to enter and/or complete training or entry-level employment.

Grant proposals from CBOs who want to provide technical assistance may be submitted with or without the employers and unions for whom CBOs will provide technical assistance and/or who want to link preapprenticeship to sponsored apprenticeship training for women. Employers and Unions may submit requests for technical assistance from CBOs directly to the Department of Labor for matching with CBOs. The Department will give top priority to technical assistance projects in two areas: (1) Transportation industry, particularly highway and bridge construction, in conjunction with megaprojects; and (2) in nonconstruction industries, such as, telecommunications, utilities, and high-technology occupations in the health industries.

This notice describes the background, the application process, statement of work, evaluation criteria, and reporting requirements for Solicitation for Grant Applications (SGA) 97–05. WB anticipates that a total amount of $410,000 will be available for the support of all Fiscal Year 1997. The WB will provide the technical and policy leadership for this project.

DATES: One (1) ink-signed original, complete grant application plus five (5) copies of the Technical Proposal and two (2) copies of the Cost Proposal shall be submitted to the U.S. Department of Labor, Office of Procurement Services, Room N–5416, Reference SGA 97–05, 200 Constitution Avenue, NW, Washington, DC 20210, not later than 4:45 p.m. EDT, August 29, 1997. Hand-delivered applications must be received by the Office of Procurement Services by that time.

ADDRESSES: Applications shall be mailed to the U.S. Department of Labor, Office of Procurement Services, Attention: Lisa Harvey, Reference SGA 97–05, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Lisa Harvey, Office of Procurement Services, at (202) 219–6445. (This is not a toll-free number.)

Part I. Background

The Women In Apprenticeship and Nontraditional Occupations (WANTO) Act—Public Law 102–530, signed October 27, 1992—The Act has three major activities that affect this SGA:

1. Outreach to employers and labor unions. DOL will promote the Act's program to employers and labor unions by informing them of the availability of technical assistance and keeping a database of employers and grant award community-based organizations.

2. Technical assistance. DOL will provide grants to community-based

organizations to deliver technical assistance to employers and labor unions to prepare them to recruit, train, and employ women in apprenticeable and nontraditional occupations.

3. Liaison role of Department of Labor. The Department of Labor is to serve as follows: (1) Acting as a liaison between employers, labor, and the community-based organizations providing technical assistance; (2) coordinating; conducting regular assessment; and seeking input of employers and labor unions.

The Women's Bureau: Improving women's employment opportunities and related equity issues have been the driving force of the Bureau's activities and policies since its inception in 1920. Within the Department of Labor, the Director serves as the policy advisor to the Secretary. For example, the Bureau has a history of encouraging women to consider the wide array of apprenticeable and other occupations nontraditional to women as one way to obtain economic self-sufficiency for them and their families. Nontraditional occupations (NTOs) are occupations where women account for 25 percent or less of all persons employed in an occupational group. These occupations include the more commonly known male-dominated occupations in blue-collar, skilled trades such as carpenter, plumber, electrician, sheet metal worker or welder in the construction and related industries. In addition, NTOs include occupations arising from the advances of high technology fueling improved and/or new manufacturing processes in fiber optics, chemicals, petroleum, as well as technical skills in the electronics and other technical occupations that require computer literacy to customize, service, build and repair precision machinery in manufacturing. Other high-pay computer-based jobs in the service sector industries, such as business and professional services, radiology, laser, and related high technology health care, including nursing; computer-processing of financial services and records; and other high pay jobs in utilities, telecommunications and transportation industries are also expanding as a result of advances in technology.

Today, WB finds some increases in women's interests in NTO as reflected in small increases in women in apprenticeship training in such occupations and nontraditional employment. Women comprised 4 percent of apprentices and 2.5 percent of persons employed in the construction trades in 1996. Similarly, WB finds that there have been some changes in attitudes about whose hands (both women and men) may do skilled work. Nonetheless, as the statistics indicate, women have not obtained a critical mass in most trades nor have critical goals for women in apprenticeship been obtained (i.e., 6.9 percent in construction trades). Moreover, studies point out that once hired, women face problems that erode their retention. (See, Laurie Wessman LeBreton, Sara Segal Loevy, and Lauren Sugerman, Building Equal Opportunity, and Laurie Wessman LeBreton and Sara Segal Loevy, Breaking New Ground: Worksite 2000.) Thus, despite some increase in access in placement, there are still barriers in recruitment and retention of women in apprenticeship positions and NTO training and job placement. This is in addition to problems common to all working women; i.e., child care, balancing work and family conflicts and responsibilities. The Fiscal Year 1997 WANTO solicitation for CBOs to develop preapprenticeship/apprenticeship training partnerships in transportation construction and other nonconstruction industries (as indicated above) will also address issues of quality, commitment and ensuring a friendly and equitable workplace for all workers—women and men.

The Bureau of Apprenticeship and Training: The Women's Bureau co-administers WANTO with the Bureau of Apprenticeship and Training (BAT). BAT was established in 1937 as the national administrative agency in the Department of Labor to carry out the objectives of the National Apprenticeship Act (also known as the Fitzgerald Act), guided by the recommendations of the Federal Committee on Apprenticeship. BAT has the objective to stimulate and assist industry in the development, expansion, and improvement of apprenticeship and training programs designed to provide the skilled workers required by the American economy.

Under the National Apprenticeship Act, the Bureau is responsible for providing service to existing apprenticeship programs and technical assistance to organizations who would like to establish an apprenticeship program. The Bureau works very closely with State Apprenticeship Councils (SAC) and the educational system to deliver support services at the national, State and local level. When apprentices finish their training, they receive certificates of completion of apprenticeship. These are issued by the State apprenticeship agencies, or in those States not having such an agency, by the Bureau of Apprenticeship and Training in accordance with its recommended standards. The State Apprenticeship Council.

BAT is committed to improving the access of women to apprenticeship training to increase their employment in jobs that have historically put men on the career ladder to successful working careers. As apprenticeship has been the building block for a skilled and stable work force, it is also a career path that can provide an economically stable family life in mainstream America.

Definitions: Nontraditional Occupations (NTOs) are those where women account for less than 25 percent of all persons employed in a single occupational group.

Preapprenticeship programs for women prepare them to keep pace with occupational skills training or entry-level employment in nontraditional occupations. The curriculum includes pre-vocational instruction in identification and use of tools, blueprint reading, basic shop skills, and safety procedures, as well as math skills, and physical conditioning.

Apprenticeship, in general, includes a formal paid training-work agreement where labor and management work together to promote learning on the job; to support the ''hands on'' learning, there must be related theoretical instruction (often classroom). After completing the program standards successfully—usually 3 to 5 years—the apprentice is awarded a certificate of completion by either the Bureau of Apprenticeship and Training or the State Apprenticeship Council.

Community-Based Organizations (CBOs) are as defined in Section 4(5) of the Job Training Partnership Act (29 U.S.C. 1501(5)): Private nonprofit organizations which are representative of communities or significant segments of communities and which provide job training services. For this solicitation, communities or significant segment of communities are the private nonprofit organizations that have demonstrated at least three years experience in the development and operation of policies and programs in the recruitment, selection, training, placing, retaining, and otherwise preparing of Women for *Apprenticeship* and other *Nontraditional Occupations* (NTOs).

Please Note That Eligible Applicants Must Not Be Classified Under the IRS Tax Code as a 501(C)(4) Entity.

A. Authorities: The technical assistance grants were first authorized under the Women in Apprenticeship and Nontraditional Occupations (WANTO) Act, Public Law 102–530, approved October 27, 1992.

B. Purpose of the Demonstration: The purpose of the WANTO demonstration

program is to provide technical assistance to employers and labor unions to encourage the employment of women in apprenticeship and nontraditional occupations by preparing employers and labor unions to recruit, select, train, retain and prepare women in other areas for apprenticeship and nontraditional occupations in their workplaces. The goal of WANTO is to increase the employment of women in apprenticeable and nontraditional occupations by preparing employers and labor unions.

Part II. Application Process

A. Eligible Applicants

1. Community-Based Organizations are the only entities eligible for grant awards. *Please Note That Eligible Applicants Must Not Be Classified Under the IRS Tax Code as a 501(C)(4) Entity.*

a. *Community-Based Organizations* (CBOs) are the eligible applicants to receive WANTO grants to provide technical assistance to employers and labor unions that request assistance to recruit, select, train, place, retain, and other areas of preparation to promote women to nontraditional or apprenticeship positions in their workplaces and/or are interested in linking their apprenticeship program to preapprenticeship to support or provide for an increase or pipeline for women in apprenticeship.

Specific Technical Assistance provided by CBOs may include:

(1) Developing outreach and orientation sessions to recruit women into the employers' apprenticeable occupations and nontraditional occupations;

(2) Developing preapprenticeable occupations or nontraditional skills training to prepare women for apprenticeable occupations or nontraditional occupations;

(3) Providing ongoing orientations for employers, unions, and workers on creating a successful environment for women in apprenticeable occupations or nontraditional occupations;

(4) Setting up support groups and facilitating networks for women in nontraditional occupations on or off the job site to improve their retention;

(5) Setting up a local computerized data base referral system to maintain a current list of tradeswomen who are available for work;

(6) Serving as a liaison between tradeswomen and employers and tradeswomen and labor unions to address workplace issues related to gender; and

(7) Conducting exit interviews with tradeswomen to evaluate their on-the-job experience and to assess the effectiveness of the program.

b. *Employers and Labor Unions* are eligible to request and receive technical assistance, provided by a community-based organization (CBO) that has received a WANTO grant. Such technical assistance includes linking preapprenticeship with a commitment to employer and labor union sponsored apprenticeship training. To be selected to receive technical assistance and matched with a CBO, employers and labor unions must submit a request (as described below) either directly to the Department of Labor, OASAM, Office of Procurement Services, Room N–5416, Attention: Lisa Harvey, 200 Constitution Avenue, NW., Washington, DC 20210 or employers and labor unions may submit requests to be matched with a CBO with which there is an established working relationship as an individual entity with the CBO's proposal for a WANTO grant award.

Selection of Employers and Labor Unions to receive technical assistance must provide—

(1) A description of the need for assistance;

(2) A description of the types of apprenticeable occupations or nontraditional occupations in which the employer or labor union would like to train or employ women;

(3) Assurances that there are or will be suitable and appropriate positions available in the apprenticeable occupations program or in the nontraditional occupations being targeted; and

(4) Commitments that all reasonable efforts shall be made to place women in apprenticeable occupations or nontraditional occupations.

B. Contents

To be considered *responsive* to this SGA, each application must consist of, and follow the order of, the sections listed in Part III of this solicitation. The applicant must also include information which the applicant believes will address the selection criteria identified in Part IV. Technical proposals shall not exceed 20 single sided, double spaced, 10 to 12 pitch-typed pages (not including attachments). *Any Proposal That Does Not Conform to These Standards Shall Be Deemed Non-Responsive to This SGA and Will Not Be Evaluated.*

1. *Technical proposal.* Each proposal shall include: (1) A two-page abstract summarizing the proposal and (2) a complete description of the CBO's program for technical assistance, including information required in *Part III and IV.* No cost data or reference to price shall be included in the technical proposal.

2. *Cost proposal.* The cost (business) proposal must be separate from the technical proposal. The transmittal letter shall be attached to the business proposal, which shall consist of the following:

a. Standard Form 424 ''Application for Federal Assistance,'' (Appendix A) signed by an official from the applicant organization who is authorized to enter the organization into a grant agreement with the Department of Labor. The Catalog of Federal Domestic Assistance Number (CFDA) is 17.700;

b. Standard Budget Form 424A ''Budget Information Form,'' (Appendix B); and

c. *Budget Narrative.* Provide a narrative explanation of the budget which describes all proposed costs and indicates how they are related to the operation of the project. Provide this information separately for the amount of requested Federal funding and the amount of proposed Non-Federal contribution. In an application which proposes to fund staff positions, the budget narrative must provide information which describes the number of proposed positions by title and by the amount of staff time and salary charged to Federal and Non-Federal funding resources. The Budget Narrative provides the detailed description of the costs reflected on the SF 424A.

C. Funding Levels

The Department expects to have $410,000 to be disbursed through WANTO grants. The Department expects to make at least three (3) awards to Community-Based Organizations (CBOs). The Women's Bureau expects awards to range from approximately $75,000 to $200,000, depending upon the scope of the demonstration and technical assistance activities to be delivered.

D. Length of Grant and Grant Awards

The initial performance period for the grants awarded under this SGA shall be for eighteen (18) months of program performance, with the option to extend for up to six months as a no cost extension to complete final reports. Each applicant shall reflect in their application the intention to begin operation no later than *September 30, 1997.*

E. Submission

One (1) ink-signed original, complete grant application plus five (5) copies of the Technical Proposal and three (3) copies of the Cost Proposal must be

submitted to the U.S. Department of Labor, Office of Procurement Services, Room N–5416, 200 Constitution Avenue, NW, Washington, DC 20210, not later than 4:45 pm EDT, August 29, 1997. Hand delivered applications must be received by the Office of Procurement Services by that time. Any application received at the Office of Procurement Services after 4:45 pm EDT will not be considered unless it is received before award is made and:

1. It was sent by registered or certified mail not later than the fifth calendar day before August 29, 1997 (i.e., not later than August 24, 1997);

2. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the above address; or

3. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 pm EDT at the place of mailing two working days, excluding weekends and Federal holidays, prior to August 29, 1997 (i.e., not later than 5:00 pm EDT August 27, 1997).

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (*not* a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants shall request that the postal clerk place a legible hand cancellation bull's-eye postmark on both the receipt and the wrapper or envelope.

The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above. Therefore, applicants shall request that the postal clerk place a legible hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Office of Procurement Services on the application wrapper or other documentary evidence of receipt maintained by that office. Applications sent by e-mail, telegram, or facsimile (Fax) will *not* be accepted.

Part III. Statement of Work—Key Features

A. Introduction and Priority

This SGA (97–05) will fund technical assistance provided to employers and labor unions to increase the participation of women in apprenticeship and nontraditional employment. Such assistance includes the linking of preapprenticeship programs to employer and/or labor union sponsored apprenticeship. With WANTO Grants, the Department wants to increase the participation of women in higher-paying apprenticeship and nontraditional occupational employment which includes linkages to pre-apprenticeship and employer and/or labor union sponsored apprenticeship to expand the employment and self-sufficiency options of women.

The industrial priority for technical assistance is to promote an increase of women in occupations and/or careers in (1) State highway and bridge construction programs, particularly cooperative technical assistance for apprenticeship and other employment under the Intermodal Surface Transportation Efficiency Act (ISTEA), funded by the Department of Transportation. ISTEA funds which allow States to support activities to assist women and minorities to enter and remain in transportation industry trades; and (2) other partnerships that develop or link with programs in other nonconstruction trades in telecommunications, utilities, and high technology health care industries.

Bonus Points. Twenty-five (25) bonus points will be added to the technical proposal score of proposals in the priority area. Other projects will receive consideration.

B. Key Features

1. WANTO Project Proposal Submissions should provide for technical assistance between a Community-Based Organization (CBO) and requesting employers and labor unions. Such an entity can also provide for the linking of preapprenticeship programs to apprenticeship programs sponsored by employers and labor unions. All technical assistance grant activity has the goal to increase the employment of women in apprenticeship and other nontraditional occupations.

Grant proposal must specify expected outcomes based on past experience and expenditures for the following:

—The proposed number of employers and labor unions to be provided on-site technical assistance and those to receive;

—The number of women trained, placed, promoted, and/or retained in apprenticeship and other nontraditional employment;

—Any other activities for which grant funds will be expended.

2. CBOs that apply for funding to provide technical assistance must provide information on their experience and accomplishments in apprenticeship and nontraditional activities in the areas of: (1) Policy; (2) program development; (3) program operation; (4) and the provision of technical assistance to business, labor organizations, and other activities in the employment and training community related to increasing the participation of women in apprenticeship and nontraditional employment.

a. List name, trade, and organizational position of tradeswomen and other women in nontraditional occupations on staff or on your organization's Board of Directors. Include the dates when tradeswomen served in active paid or unpaid positions in your organization.

b. In addition, all applications must also include a management and staff loading plan. The management plan is to include a project organizational chart and accompanying narrative which differentiates between elements of the Applicant's staff and subcontractors or consultants who will be retained. The staff loading plan must identify all key tasks and the hours required to complete each task. Labor estimates for each task must be broken down by individuals assigned to the task, including subcontractors and consultants. All key tasks must be charted to show time required to perform them by months or weeks.

3. Proposed projects should include a discussion of support services to participants that include (1) transitional costs (which may include living expenses as well as fees, union dues, uniforms, etc.), (2) child care, and (3) transportation.

4. Proposed projects should include outreach activities to improve apprenticeship and NTO opportunities for women in their own workplaces as well as women seeking to enter NTO career ladder employment and training.

5. Proposed project preapprenticeship training should include three cycles of training from 12 to 16 weeks each.

6. Proposed projects should clearly identify expected outcomes in terms of:

(1) Number of participants per training cycle; (2) number of apprenticeship training commitments by employer/labor organizations; (3) number of participants moving into NTO employment; (4) number of women participants moving from preapprenticeship into apprenticeship program; (5) number of preapprenticeship women moving into permanent employment without participating in an apprenticeship program.

7. Proposed project submissions should include a listing of all items for which grant funds will be expended. (Do not include any cost information for this item in the technical proposal, but expenditure items *MUST* be listed.)

8. Proposed project submissions should include any leverage or co-funding anticipated by this submission.

9. Proposed project submissions should include copies of the CBO's budget and major funding sources for the past three years, including foundation and government grants and other types of funding.

10. In addition to the grant's final report, proposed project submissions should include plans for a ''how-to-do-it'' project replication manual, including awareness/outreach material, technical assistance and curriculum manual(s) and all other materials developed as a result of the grant activities.

11. The proposed project submission should include any activities to encourage and promote the continuation or expansion of grant activities beyond the grant's period of program performance.

Part IV. Evaluation Criteria and Selection

Applicants are advised that selection for grant award is to be made after careful evaluation of technical applications by a panel. Each panelist will evaluate applications against the various criteria on the basis of 100 points. The scores will then serve as the primary basis to select applications for potential award. Clarification may be requested of grant applicants if the situation so warrants. Please see Part III, Sections A and B for additional information on the elements against which proposal will be reviewed.

	Points
1. Technical Evaluation Criteria:	
a. Capabilities and Qualifications of CBO and Staff (NTO experience and education)	50
b. Established or Anticipated Program Linking and Working Relationship for WANTO	25
c. Quality and Scope of WANTO Project	25
(Such as, proposed number of employers, labor unions provided on-site technical assistance, number of women affected and served by the WANTO project and placed in apprenticeship or nontraditional employment; proposed career ladder and technical assistance strategies to promote the increase in women in apprenticeship and nontraditional occupations for employers and labor unions; proposed job placement outcomes.)	
2. Bonus Points:	
a. Priority Focus	25
(See Part III, A Statement of Work—Key Features, Bonus Points.)	
3. Cost Criteria: Proposals will be scored, based on their costs in relation to other proposals submitted in response to this SGA.	
4. Total Score: Technical quality of proposals will be weighted three (3) times the estimated price in ranking proposals, for purposes of selections for award.	

Proposals received will be evaluated by a review panel based on the criteria immediately above, in Technical Evaluation Criteria 1 and 2. The panel's recommendations will be advisory, and final awards will be made based on the best interests of the Government, including but not limited to such factors as technical quality, geographic balance, occupational/industrial impact, and diversity in service providers.

The Department wishes to make it clear that it is not simply the best written proposals that will be chosen, but rather those which demonstrate the greatest experience and commitment to assisting employers and labor organizations to successfully develop successful strategies to increase the participation of women in higher-paying apprenticeship and nontraditional, including linkages to preapprenticeship and employer and/or labor union sponsored apprenticeship and to expand the employment and self-sufficiency options of women.

During the technical panel evaluation of all proposals and requests, the Department will bring together CBO qualifications and capabilities with employers/labor unions requests for matching with CBOs.

Part V

A. Deliverables

(This section is provided only so that grantees may more accurately estimate the staffing budgetary requirements when preparing their proposal. Applicants are to exclude from their cost proposal the cost of any requested travel to Washington, DC.)

1. No later than four (4) weeks after award, the grantees and partners shall meet with the Women's Bureau and the Bureau of Apprenticeship and Training at the Post-Award Conference to discuss employment preappenticeship, apprenticeship demonstration project and related partnership technical assistance activities, timelines, and technical assistance outcomes assessment for comment and final approval. The grantees and partners and the Department will discuss and make decisions on the following program activities:

a. Any preapprenticeship or apprenticeship activities and responsibilities; the number of partnership employers and labor organizations to be served.

b. The types of systemic changes anticipated by technical assistance strategies anticipated to be incorporated into employer ongoing recruitment, hiring, training and promotion of women in apprenticeship and apprenticeable nontraditional occupations.

c. The occupational, industrial and geographical impact anticipated.

d. The supportive services to be provided to employers and women after successful placement into apprenticeship or apprenticeable nontraditional occupations.

e. The plan for the development and maintenance of a relationship with the State level of the Federal Bureau of Apprenticeship and Training and the State Apprenticeship Council.

The Women's Bureau and the Bureau of Apprenticeship and Training will provide further input orally and in writing, if necessary, within ten (10) working days after the Post-Award Conference.

2. No later than ten (10) weeks after award, the grantee and the Women's Bureau will confirm the ''plan of

action'' or detailed timeline for program implementation.

3. No later than twelve (12) weeks after award, the grantee(s) shall have begun the provision of technical assistance to employers and labor unions to recruit, select, train, place, retain, and other areas of preparation to promote the increase of women in apprenticeable occupations and other nontraditional training for women, characterized by employment growth and above average earnings.

4. No later than sixteen (16) weeks after award, the first quarterly progress report of work done under this grant will be due. Thereafter, quarterly reports will be due twenty (20) working days after the end of each of the remaining quarters.

Quarterly progress reports must include:

a. A description of overall progress on work performed during the reporting period—(a) the number of employers and labor unions provided on-site, off-site (conferences, workshops, seminars, etc.),

(b) number of women trained, placed in apprenticeship or other nontraditional employment. Describe:

(1) number of women affected or participating in TA programs, include name and address of workplace/company and person responsible for the operation; (2) number of employers and labor unions receiving technical assistance—name, address, size of the workplace; including proportion of women; include brief profiles of employers and labor organizations; (3) describe any systemic workplace and policy changes—actual or in process, including the hiring and promotion of women already in the workplace, career ladders or other training activities; (4) public presentations; (5) media articles or appearances; (6) publications disseminated; and (7) publications developed.

b. An indication of any current problems which may impede the performance of the grant and the proposed corrective action.

c. A discussion of work to be performed during the next reporting period.

Between scheduled reporting dates the grantee also shall immediately inform the Grant Officer's Technical Representative (GOTR) of significant developments affecting the grantee's ability to accomplish the work.

5. No later than sixty-four (64) weeks after award, the grantee shall submit three (3) copies of the draft final report, an integrated draft analysis of the process and results of the technical assistance activities during the year. The Women's Bureau and the Bureau of Apprenticeship and Training will provide written comments on the draft report within twenty (20) working days if substantive problems are identified. The grantee's response to these comments shall be incorporated into the final report.

6. No later than seventy-four (74) weeks after award, the grantee(s) shall submit one (1) camera-ready copy and five (5) copies of the final report, bound in a professional manner, and not a collection of looseleaf sheets; one (1) diskette (IBM compatible, WordPerfect 6.1) of the Final Report; along with five (5) copies of all products manuals, curriculum, ''how-to-do-it'' handbooks, videos, etc., paid for with grant funds. The report shall cover findings, final performance data, outcome results and assessment, and employer or labor organization plans for follow-up of participants. The report shall provide all information to replicate the project including copies of curriculum, technical assistance materials developed for the project and technical assistance—videos, posters, notices, etc., as well as any plans for replication and dissemination of information. An Executive Summary of the findings and recommendations shall be included in the report or accompany the report.

Signed at Washington, D.C. on July 18, 1997.

Lawrence J. Kuss,

Grant Officer.

BILLING CODE 4510–23–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 the 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

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

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 ave 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:	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 this 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 required.
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 the 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 <u>only</u> 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 using 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 disallowances, 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.)

APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

NOTE: Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. ***Personnel:*** *Show salaries to be paid for project personnel.*

2. ***Fringe Benefits****: Indicate the rate and amount of fringe benefits.*

3. ***Travel****: Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. ***Equipment****: Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more.*

5. ***Supplies****: Include the cost of consumable supplies and materials to be used during the project period.*

6. ***Contractual****: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.*

7. ***Other****: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.*

8. ***Total, Direct Costs****: Add lines 1 through 7.*

9. ***Indirect Costs****: Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.*

10. ***Training /Stipend Cost:*** *(If allowable)*

11. ***Total Federal funds Requested****: Show total of lines 8 through 10.*

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE:

PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

Budget Backup

B. Budget Categories		Federal Share		Matching Share	
a. Personnel Project Support	Salary/Wage Rate	Time Charged to Grant	Total Costs	Time Charged to Grant	Total Costs
Total, a. Personnel:		$_____		$_____	
b. Fringe Benefits % of Salary/Wages:____					
Total, b. Fringe Benefits:		$_____		$_____	
c. Travel $_____/mile x _____miles					
Total, c. Travel:		$_____		$_____	
Item	Unit Cost or Cost/Mo.	# Units or # Mos.	Total Costs	# Units or # Mos.	Total Costs
d. Equipment					
Total, d. Equipment:		$_____		$_____	

Budget Backup

Item	Unit Cost or Cost/Mo.	Federal Share # Units or # Mos.	Federal Share Total Costs	Matching Share # Units or # Mos.	Matching Share Total Costs
e. Supplies					
Total, e. Supplies:		$_____		$_____	
f. Contractual					
Total, f. Contractual:		$_____		$_____	
g. Construction Total, g. Construction:					
h. Other					
Total, h. Other:		$_____		$_____	
i. Total Direct Costs Total, a. through h. :		$_____		$_____	
j. Indirect Costs		$_____		$_____	
k. Total Costs Total, i. + j. :		$_____		$_____	

[FR Doc. 97–19706 Filed 7–25–97; 8:45 am]

BILLING CODE 4510–23–C

NUCLEAR REGULATORY COMMISSION

[Docket No.: 040–8767]

Consideration of Amendment Request for Decommissioning Area 10 of the Lake City Army Ammunition Plant in Independence, Missouri, and an Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of amendment request for decommissioning area 10 of the Lake City Army Ammunition Plant in Independence, Missouri, and an opportunity for a hearing.

The U.S. Nuclear Regulatory Commission is considering issuance of a license amendment to Material License No. SUC–1380 (SUC–1380), issued to the Department of the Army (the Army or the licensee), to authorize decommissioning of Area 10 of its Lake City Army Ammunition Plant (LCAAP) in Independence, Missouri.

The Army built the plant and still operates it for the purpose of manufacturing and testing small caliber conventional munitions for the U.S. Army. LCAAP was founded in 1941 as a Government-owned/contractor-operated facility. From its inception in 1941 until 1985, the plant operating contractor was Remington Arms.

During the 1960s and 1970s, there was a small depleted uranium (DU) operation at LCAAP. Developmental planning of the XM–101 DU spotting projectile started in 1959, and by 1961 LCAAP was producing the round. The Army designed these XM–101 rounds as ''spotters'' for small scale, shoulder fired weapons.

The maximum production capability was approximately 8,000 rounds per month although various supply problems resulted in a considerably lower production rate. The XM–101 (later M–101) round consisted of a fused, 20 millimeter (mm) projectile with a body constructed from DU. LCAAP also produced an XM–106 round that was identical to the XM–101, but without the explosive components. The installation designed, tested, manufactured and in later years, demilitarized some 75,000 20 mm DU spotter rounds. These spotter rounds were approximately six inches in length, 20 mm in diameter and weighed approximately one pound (lb) each. A machined DU body made up 0.45 lbs of the round's weight. The round contained a fused-white phosphorus charge that would detonate on impact with the ground.

By 1968, the program was terminated and LCAAP was left with an estimated 44,000 spotter rounds. In 1971, Remington Arms Company, Inc., the operator of LCAAP at the time, proposed a method for the disposal of approximately 44,000 remaining rounds of XM–101 ammunition. Because the rounds were fused, the safest demilitarization methodology involved shooting the rounds into a sand-filled catch box, identified as the ''600-yard bullet catcher.'' The catch box was filled with sand as an impact material. The impact material was periodically replaced in the catch box. Remington would remove the ''old'' impact material (i.e., DU contaminated sand) from the 600-yard catch box and place it in an area of the site known as ''Area 10.'' In 1976, an additional 40 rounds of this ammunition were discovered and a temporary permit was obtained to allow disposal in the same manner as the original disposal operation.

NRC is requiring the licensee to remediate the Area 10 of LCAAP to meet NRC's decommissioning criteria and, during the decommissioning activities, to maintain effluents and doses within NRC requirements and as low as reasonably achievable.

Prior to approving the decommissioning plan, NRC will make the necessary findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the LCAAP Area 10 decommissioning plan will be documented in an amendment to SUC–1380.

NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L ''Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings,'' of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Services Branch of the Office of the Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR § 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Department of the Army, Headquarters U.S. Army Industrial Operations Command, Rock Island, Illinois 61299–6000, Attention: Mr. Stephen R. Mapley; and

2. NRC staff, by delivery to the Office of the Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, or by mail, addressed to the Office of the Secretary, U. S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch.

For further details with respect to this action, the site decommissioning plan is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555–0001.

Dated at Rockville, Maryland, this 21st day of July 1997.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–19804 Filed 7–25–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318]

Baltimore Gas and Electric Company; Calvert Cliffs Nuclear Power Plant, (Unit Nos. 1 and 2)

Exemption

I

The Baltimore Gas and Electric Company (BGE) is the holder of Facility Operating License Nos. DPR–53 and DPR–69 for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (Calvert Cliffs). The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II

Subsection (a) of 10 CFR 70.24, ''Criticality Accident Requirements,'' requires that each licensee authorized to possess special nuclear material shall maintain in each area where such material is handled, used, or stored, an appropriate criticality monitoring system. In accordance with Subsection (a)(1) of 10 CFR 70.24, coverage of all such areas at Calvert Cliffs shall be provided by two criticality detectors. However, exemptions may be requested pursuant to 10 CFR 70.24(d), provided that the licensee believes that good cause exists for the exemption.

By letter dated August 19, 1996, as supplemented February 14, 1997, the licensee requested an exemption from the requirements of 10 CFR 70.24(a). A previous exemption from the provisions of 10 CFR 70.24 for the storage of special nuclear material, including reactor fuel assemblies [maximum amount of 2,440 kg of U–235 in uranium enriched to no more than 3.00 weight percent (w/o)] for Unit 1 and maximum amount of 2450 Kg of U–235 in uranium enriched to no more than 3.05% was granted to Baltimore Gas and Electric Company for Calvert Cliffs Unit 1 in NRC Materials License No. SNM–1364 and for Calvert Cliffs Unit 2 in NRC Materials License No. SNM–1624. The materials licenses were issued on August 23, 1973, for Unit 1 and May 18, 1976, for Unit 2.

The materials licenses expired upon conversion of the construction permits to operating licenses, which was July 31, 1974, for Unit 1 and November 30, 1976, for Unit 2, respectively. The basis for the current exemption request is the same as for the original request. The licensee proposes to handle and store unirradiated fuel without having a criticality monitoring system as required by 10 CFR 70.24.

The basis for the exemption is that inadvertent or accidental criticality will be precluded, in accordance with General Design Critrion 62 through compliance with the Calvert Cliffs Technical Specifications, the geometric spacing of fuel assemblies in the new fuel storage racks and spent fuel storage pool, and administrative controls imposed on fuel handling procedures.

Special nuclear material, as nuclear fuel, is stored in the spent fuel pool, the new fuel storage racks, and the Independent Spent Fuel Storage Installation. The spent fuel pool is used to store irradiated fuel under water after its discharge from the reactor, and new fuel prior to loading into the reactor. The Independent Spent Fuel Storage Installation utilizes dry canisters to store spent fuel.

Special nuclear material is also present in the form of excore fission chamber detectors and startup neutron sources. The small quantity of special nuclear material present in these latter items precludes an inadvertent criticality.

The spent fuel pool is designed to store the fuel in a geometric array using a solid neutron absorber that precludes criticality. The effective neutron multiplication factor, K_{eff}, is maintained less than or equal to 0.95 by the solid neutron absorber. Although soluble boron is maintained in the spent fuel pool, no credit is taken for it in determining K_{eff}.

The new fuel storage racks may be used to receive and store new fuel in a dry condition upon arrival on site and prior to loading in the reactor or spent fuel pool. The spacing between new fuel assemblies in the storage racks is sufficient to maintain the array in a subcritical condition even under accident conditions assuming the presence of moderator. The maximum enrichment of 5.0 wt% U–235 for the new fuel assemblies results in a maximum K_{eff} of 0.89 at a water density of 1.0 gm/cc (fully flooded), and a K_{eff} of less than 0.89 for aqueous foam at optimum moderation conditions.

Nuclear fuel is moved between the new fuel storage racks, the reactor vessel, the refueling pool, and the spent fuel pool to accommodate refueling operations. In addition, fuel is moved into the facility and within the reactor vessel, or within the spent fuel pool. In all cases, fuel movements are procedurally controlled and designed to preclude conditions involving criticality concerns. These procedural controls include:

1. Plastic bags or other dust covers placed around new core components are removed or rendered incapable of holding water prior to inserting the assemblies into the new fuel storage racks.

2. Only the auxiliary hook of the spent fuel cask handling crane may be used to move new fuel. Therefore, only one fuel assembly can be moved at a time.

3. A maximum of two fuel assemblies are permitted outside of the approved shipping container or new fuel storage rack location at one time, one of which must be located in the new fuel inspection platform. Although two highly enriched assemblies may achieve criticality under close proximity, fully flooded conditions, it is highly improbable that the required water level for neutron moderation could be attained. The spent fuel pool area and new fuel handling areas would have to be flooded to an elevation approximately 17 feet above the floor. Based on the possible sources of water, achieving this fully flooded condition would require blockage of floor drains, sealing of access doors, and numerous procedure violations. In addition, the spent fuel pool high level alarm would alert operators of flooding from any of these sources. Since no fire protection sprinkler system exists in the new fuel handling area, there is no source of low-density aqueous foam moderation.

Technical Specifications also preclude certain movements over the spent fuel pool to prevent an inadvertent criticality. Previous accident analyses have demonstrated that a fuel handling accident (i.e., a dropped fuel assembly) will not create conditions which could result in inadvertent criticality. Additionally, the Emergency Response Plan contains provisions for coping with unusual events such as a dropped fuel assembly.

In order to meet the requirements of General Design Criterion 63, three area radiation monitors are provided for detecting high radiation levels in the spent fuel pool area, the spent fuel handling machine, and the new fuel storage area. At the alarm setpoint of these monitors, audible and visual alarms annunciate locally and in the control room. The output of each monitor is also recorded in the control room.

Based upon the information provided, there is reasonable assurance that irradiated and unirradiated fuel will remain subcritical during handling and storage. The circumstances for granting an exemption to 10 CFR 70.24 are met because criticality is precluded with the present design configuration, Technical

Specifications requirements, administrative controls, and the fuel handling equipment and procedures. Therefore, the staff has determined that the Licensee has demonstrated good cause for the granting of the exemption, thus the exemption should be granted.

III

Accordingly, 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. Therefore, the Commission hereby grants Baltimore Gas and Electric Company an exemption as described in Section II above from 10 CFR 70.24, ''Criticality Accident Requirements'' for Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2.

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 (61 FR 52959).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 18th day of July 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–19802 Filed 7–25–97; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244]

Rochester Gas and Electric Corporation, R. E. Ginna Nuclear Power Plant

Exemption

I

The Rochester Gas and Electric Corporation (the licensee) is the holder of Facility Operating License No. DPR–18, which authorizes operation of the R. E. Ginna Nuclear Power Plant. The license provides that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor at the licensee's site located in Wayne County, New York.

II

The Code of Federal Regulations at 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 in which such material is handled, used, or stored. Sections 70.24 a(1) and a(2) specify detection and sensitivity requirements that these monitors must meet. Section 70.24 a(1) also specifies that all areas subject to criticality accident monitoring must be covered by two detectors. Section 70.24(a)(3) 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. Section 70.24(b)(1) requires licensees to have a means by which to quickly identify personnel who have received a dose of 10 rads or more. Section 70.24(b)(2) 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. Section 70.24(c) exempts Part 50 licensees from the requirements of 10 CFR 70.24(b) for special nuclear material used or to be used in the reactor. Subsection 70.24(d) 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 the R. E. Ginna Nuclear Power Plant 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 the R. E. Ginna Nuclear Power Plant and has determined that such an accident is unlikely to occur if the licensee meets the following eight criteria:

1. Plant procedures do not permit more than one PWR fuel assembly or three BWR fuel assemblies to be in storage or transit between their associated shipping cask or storage rack at one time.

2. The requirement is met that k-effective not exceed 0.95, at a 95% probability, 95% confidence level with the fresh fuel storage racks filled with fuel of maximum permissible U–235 enrichment and flooded with pure water.

3. The requirement is met that k-effective not exceed 0.98, at a 95% probability, 95% confidence level with the fresh fuel storage racks filled with fuel at the maximum permissible U–235 enrichment and flooded with moderator at the (low) density corresponding to optimum moderation.

4. The requirement is met that k-effective not exceed 0.95, at a 95% probability, 95% confidence level with the spent fuel storage racks filled with fuel of the maximum permissible U–235 enrichment and flooded with pure water.

5. The quantity of forms of special nuclear material, other than nuclear fuel, such as sources or detectors, that are stored onsite in one area, is less than that necessary for a critical mass.

6. Radiation monitors, as required by GDC 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 5 wt%.

8. Training is provided to the appropriate personnel for safely handling fresh fuel.

By letter dated June 5, 1997, Rochester Gas and Electric Corporation requested an exemption from 10 CFR 70.24. In this exemption request, the licensee addressed the eight criteria given above. The NRC staff has reviewed the licensee's submittal and has determined that the R. E. Ginna Nuclear Power Plant meets the criteria for prevention of inadvertent criticality; therefore, the staff has determined that an inadvertent criticality is highly unlikely in special nuclear material handling or storage areas at the R. E. Ginna Nuclear Power Plant.

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 it is highly unlikely that such an accident could occur, the licensee has radiation monitors, as required by General Design Criterion 63 (GDC), 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:

The Rochester Gas and Electric Corporation is exempt from the requirements of 10 CFR 70.24 for the R. E. Ginna Nuclear Power Plant.

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 38590.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of July 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–19803 Filed 7–25–97; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No.: 070–00698]

Consideration of Amendment Request To Approve a Site Remediation Plan for the Westinghouse Electric Corporation Waltz Mill Site in Madison, Pennsylvania, and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of amendment request to approve a site remediation plan for the Westinghouse Electric Corporation Waltz Mill Site in Madison, Pennsylvania, and opportunity for a hearing.

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Special Nuclear Material License No. SNM–770 (SNM–770), issued to Westinghouse Electric Corporation (the licensee), to authorize remediation of portions of the licensee's Waltz Mill site in Madison, Pennsylvania.

The licensee is currently authorized by the NRC to perform activities with licensed radioactive materials at its Waltz Mill facility. These activities primarily support company ongoing service operations. Because of the presence of residual radioactive contamination from past operations identified in groundwater monitoring wells, the NRC added this site to its Site Decommissioning Management Plan (SDMP) in 1990. The NRC established and implemented the SDMP to identify and resolve issues associated with the timely and effective cleanup of the sites on the list. Radioactive contamination is also present in some interior areas of retired facilities on the site.

The licensee requested an amendment, by letter dated November 27, 1996, to approve a Remediation Plan, submitted with the letter, for their Waltz Mill facility. The licensee has requested authorization to commence remediating exterior soil contamination and contamination in interior retired areas. The licensee intends to remediate the interior areas so that they may be used in the performance of activities currently authorized by SNM–770, and to remediate exterior areas by removing soil contamination and structures, so that groundwater on the site is no longer adversely impacted and the site can be removed from the SDMP. Because the licensee is actively performing work under the current license, they are not requesting release of the site for unrestricted use nor termination of the license.

The NRC will require the licensee to remediate the Waltz Mill to meet NRC's decommissioning criteria, and to maintain effluents and doses within NRC requirements and as low as reasonably achievable during the remediation activities.

Prior to approving the decommissioning plan, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the Remediation Plan will be documented in an amendment to SNM–770.

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings,'' of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania 15230, Attention: Joseph Nardi; and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738 or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for amendment request is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555 or at NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA 19406. Persons desiring to review documents at the Region I Office should call Ms. Sheryl Villar at (610) 337–5239 several days in advance to assure that the documents will be readily available for review.

Dated at Rockville, Maryland this 21st day of July 1997.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–19801 Filed 7–25–97; 8:45 am]

BILLING CODE 7590–01–O

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Procedures for PBGC Approval of Multiemployer Plan Amendments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') is requesting that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of a collection of information in its regulation on Procedures for PBGC Approval of Plan Amendments (29 CFR part 4220). This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 27, 1997.

ADDRESSES: Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. The request for extension will be available for public inspection at the Communications and Public Affairs Department of the Pension Benefit Guaranty Corporation, suite 240, 1200 K Street, NW., Washington, DC, 20005–4026, between 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024).

SUPPLEMENTARY INFORMATION: The PBGC administers the pension plan termination insurance programs under Title IV of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''). Section 4220 of ERISA requires the plan sponsor of a multiemployer pension plan covered by Title IV of ERISA to submit for PBGC review certain plan amendments authorized by ERISA sections 4201 through 4219. Plan amendments under those sections deal with modification of the statutory provisions regarding when a withdrawal from a multiemployer plan occurs and how the withdrawing employer's withdrawal liability is determined. Any such amendment is effective only if, within 90 days after receiving notice and a copy of the amendment, the PBGC approves it or fails to disapprove it. The PBGC may disapprove an amendment only if it determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to the PBGC.

The PBGC's regulation on Procedures for PBGC Approval of Plan Amendments (29 CFR part 4220) includes, in § 4220.3, rules for requesting the PBGC's approval of an amendment. (The regulation may be accessed on the PBGC's home page at http://www.pbgc.gov.) Section 4220.3(d) requires the submission of information that the PBGC needs to identify a plan and evaluate the risk of loss, if any, posed by the amendment (and, hence, determine whether it should disapprove the amendment). The regulation also permits submission of other information that the plan sponsor may consider pertinent to the request.

The collection of information under the regulation has been approved by OMB under control number 1212–0031. The PBGC is requesting that OMB extend its approval for three years. The PBGC estimates that it receives three submissions annually under the regulation and that each submission costs the submitting plan about $165 to have prepared by an outside consultant, for a total annual cost burden of $495.

Issued in Washington, DC, this 23rd day of July, 1997.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97–19812 Filed 7–25–97; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (62 FR 39040, July 21, 1997).

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: July 21, 1997.

CHANGE IN THE MEETING: Cancellation of Meeting.

The closed meeting scheduled for Thursday, July 24, 1997, at 3:00 p.m., has been cancelled.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: July 24, 1997.

Johnathan G. Katz,

Secretary.

[FR Doc. 97–19966 Filed 7–24–97; 3:31 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38856; File Nos. SR-Amex-97–24; SR–CBOE–97–31; SR–PCX–97–30; and SR–Phlx–97–33]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Changes by the American Stock Exchange, Inc., Chicago Board Options Exchange, Inc., Pacific Exchange, Inc., and Philadelphia Stock Exchange, Inc.; Relating to an Extension of the 2½ Point Strike Price Pilot Program

July 21, 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 July 8, 1997, the American Stock Exchange, Inc. (''Amex''); on July 10, 1997, the Chicago Board Options Exchange, Inc. (''CBOE''); on July 10, 1997, the Pacific Exchange, Inc. (''PCX''); and on July 10, 1997, the Philadelphia Stock Exchange, Inc. (''Phlx'') (collectively the ''Exchanges'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule changes as described in Items I and II below, which Items have been prepared by the Exchanges. The CBOE submitted to the Commission Amendment No. 1 to its proposal on July 17, 1997[3] and Amendment No. 2 to its proposal on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the CBOE submitted to the Commission the required report detailing open interest and volume for the past year. *See* Letter from Timothy H. Thompson, Senior Attorney, CBOE, to Deborah Flynn, Attorney, Division of Market Regulation (''Division''), SEC, dated July 15, 1996 (''CBOE Amendment No. 1'').

July 17, 1997.[4] The Amex submitted to the Commission Amendment No. 1 to its proposed rule change on July 21, 1997[5] and Amendment No. 2 to its proposal on July 21, 1997.[6] The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons, and to grant accelerated approval of the proposed rule changes, as amended.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

The Exchanges propose to extend for one-year (*i.e.*, July 17 1998) the Exchanges' pilot program whereby the Exchanges may select a limited number of their listed options for inclusion in a pilot program for the listing of strike prices at 2½ point intervals. The text of the proposed rule changes is available at the Office of the Secretary, the Exchanges, and at the Commission.

II. Self-Regulatory Organizations' Statement of the Propose of, and Statutory Basis for, the Proposed Rule Changes

In their filings are the Commission, the Exchanges included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Exchanges have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The Commission has previously approved a pilot program proposed by the Exchanges to list selected options trading at a strike price greater than $25 but less than $50 at 2½ point intervals (*i.e.*, 27½, 32½, 37½, 42½ and 47½).[7] Subsequently, the Commission extended the pilot program for the twelve month period ending July 18, 1997.[8] Pursuant to the pilot program, the Exchanges are permitted to use such 2½ point strike price intervals for a joint total of up to 100 option issues. Ten options plus a percentage of the remaining 50 options equal to each exchange's pro rata share of the total number of equity options listed by the Exchanges were allocated to each exchange.[9]

Subsequent to the issuance of the 2½ Point Strike Price Extension Order, the NYSE sold its options programs to the CBOE. As a result, the four remaining options Exchanges have agreed upon a new allocation [10] of the 100 classes for purposes of the extension of the pilot program.[11] Under the new proposal, each exchange would be allocated a whole number of classes based on the sum of the following: (1) one quarter of the first 50 issues; and (2) a percentage of the remaining 50 classes determined by each exchange's pro rata share of the total number of equity option listings as of July 1, 1997.[12] The Exchanges also have proposed that the eleven options selected by the NYSE will continue to be eligible for the pilot program, but will not count against any exchange's allotment.[13] However, these eleven classes may not be replaced by another selection in the event a class becomes ineligible or is decertified.

As has been the case since the inception of the 2½ point strike price pilot program, when more than one exchange selects a multiply-traded option for its allotment, the Options Clearing Corporation (''OCC'') will determine which exchange will be deemed to have selected the option according to the procedures agreed upon by the Exchanges. The Exchanges have agreed that an exchange (''Selecting Exchange'') intending to list 2½ point strikes on an option will inform OCC of its selection by submitting a notice (''Selection Notice'') to OCC between the hours of 8:30 a.m. and 12:00 Noon (Central Time). In the event that more than one exchange submits a Selection Notice to the OCC for the same multiply-traded option, the exchange which first submits a Selection Notice to the OCC will be deemed to be the Selecting Exchange for that option. Such option will count toward the allotment of the Selecting Exchange, but not toward the allotment of any other exchange submitting a Selection Notice under the terms of the pilot program.

In addition, each of the Exchanges has submitted a report to the Commission that includes data and written analysis regarding the operation of the pilot program during the previous year, as required in the 2½ Strike Price Extension Order.[14] The Exchanges generally believe that the pilot program has provided customers greater opportunities and flexibility to tailor their options positions, while enhancing the depth and liquidity of the markets in the selected options classes. The Exchanges [15] and the Options Price Reporting Authority (''OPRA'') [16] represent that sufficient computer processing capacity is available to

[4] In amendment No. 2, the CBOE: 1) set forth the allocation of the 100 option classes to be included in the pilot program; 2) detailed the treatment of the eleven classes selected for the pilot program by the New York Stock Exchange (''NYSE'') prior to the sale of its options business to the CBOE; and 3) enclosed a memorandum from the Options Price Reporting Authority (''OPRA'') stating that based on the Exchange's representations, additional traffic generated by extending the 2½ point strike pilot is within OPRA's capacity. *See* Letter from Timothy H. Thompson, Senior Attorney, CBOE, to Deborah Flynn, Attorney, Division, SEC, dated July 16, 1997 (''CBOE Amendment No. 2'').

[5] In Amendment No. 1, the Amex clarified that the pilot program will be extended until July 17, 1998 and discussed the allocation of the 100 options classes and the treatment of the eleven classes selected by the NYSE. *See* Letter from Claire P. McGrath, Vice President and Special Counsel, Derivative Securities, Ames, to Ivette Lopez, Assistant Director, Division, SEC, dated July 16, 1997 (''Amex Amendment No. 1'').

[6] *See* Letter Claire P. McGrath, Vice President and Special Counsel, Derivative Securities, to Ivette Lopez, Assistant Director, Division, SEC, dated July 17, 1997 (''Amex amendment No. 2''). In Amendment No. 2, the Amex stated that the Exchange has sufficient capacity to handle the extension of the 2–½ strike price pilot program for another year.

[7] *See* Securities Exchange Act Release No. 35993 (July 19, 1995), 60 FR 38073 (July 25, 1995) (File Nos. SR–Phlx–95–08, SR–Amex–95–12, SR–PSE–95–07, SR–CBOE–95–19, SR–NYSE–95–12) (''2½ Point Strike Price Approval Order'').

[8] *See* Securities Exchange Act Release No. 37441 (July 15, 1996), 61 FR 38234 (July 23, 1996) (File Nos. SR–Amex–96–24; SR–CBOE–96–41; SR–NYSE–96–19; SR–PSE–96–18; and SR–Phlx–96–22) (''2½ Point Strike Price Approval Order'').

[9] The actual allotment of option issues for each exchange as of July 1996 was: CBOE (28), Amex (22), Phlx (18), PSE (18), and NYSE (14).

[10] The Commission believes that if the Exchanges wish to modify the allocation agreement prior to the expiration of this point program, they should contact the Division to determine whether a Rule 19b–4 filing is required.

[11] *See* CBOE Amendment No. 2, *supra* note 4; Amex Amendment No. 1, *supra* note 5; and Letters from Michael D. Pierson, Senior Attorney, Regulatory Policy, PCX, to Deborah Flynn, Attorney, Division, SEC, dated July 16, 1997 and Philip H. Becker, Senior Vice President, Senior Vice President and Chief Regulatory Officer, Phlx to Michael Walinskas, Senior Special Counsel, Division, SEC, dated July 17, 1997.

[12] The actual allotment of options issues for each exchange is: CBOE (31), Amex (25), Phlx (23), and PCX (21).

[13] *See* CBOE Amendment No. 2, *supra* note 4; Amex Amendment No. 1, *supra* note 5; *See also* File Nos. SR–PCX–97–30 and SR–Phlx–97–33.

[14] In the 2½ Point Strike Price Extension Order, the Commission required that each Exchange submit a report before the Commission would review a proposal to extend, expand or make permanent the pilot program.

[15] *See* Letters from Thomas A. Wittman, Vice President, Trading Systems, Phlx, to Michael Walinskas, Senior Special Counsel, Division, SEC, dated July 16, 1997 and Claire McGrath, Vice President and Special Counsel, Derivative Securities, Amex, to Ivette Lopez, Assistant Director, Division, SEC, dated July 17, 1997. *See also* File Nos. SR–CBOE–97–31 and SR–PCX–97–30.

[16] *See* Letter from Joseph P. Corrigan, Executive Director, OPRA, to Michael Walinskas, Senior Special Counsel, Division, SEC, dated July 18, 1997 (''OPA Capacity Statement'').

accommodate the extension of the 2½ point strike price pilot program for another year.

Each exchange has stated that it believes its respective proposed rule change is consistent with Section 6(b) of the Act [17] in general and furthers the objectives of Section 6(b)(5) [18] in particular in that the joint proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organizations' Statement on Burden on Competition

The Exchanges believe that the proposed rule changes will impose no burden on competition.

C. Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Commission's Findings and Order Granting Accelerated Approval

The Exchanges have requested accelerated approval for their respective proposals. The Commission finds that the proposed rule changes, as amended, are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[19] and, in particular, the requirements of Section 6(b)(5) of the Act.[20] Specifically, the Commission believes that the proposed extension of the pilot program providing for the listing of 2½ point strike price intervals in selected equity options will continue to provide investors with more flexibility in the trading of equity options with a strike price greater than $25 but less than $50, thereby furthering the public interest by allowing investors to establish equity options positions that are better tailored to meet their investment objectives. The Commission also believes that the Exchanges' proposal strikes a reasonable balance between the Exchanges' desire to accommodate market participants by offering a wide array of investment opportunities and the need to avoid excessive proliferation of options series. The Commission expects the Exchanges to continue to monitor the applicable equity options activity closely to detect any proliferation of illiquid options series resulting from the narrower strike price intervals and to act promptly to remedy this situation should it occur.

The Commission notes that the proposal allows the eleven options classes previously selected by the NYSE to continue to be eligible for the 2½ point strike pilot program, but such classes may not be replaced in the event a class becomes either ineligible or is decertified. The Commission further notes that the proposal provides that these eleven classes will not count against the allotment of any of the Exchanges. The Commission notes that he proposed treatment of these eleven options will allow investors to continue to trade in 2½ point strikes in these options. Moreover, the Commission believes that the proposed treatment of the eleven options classes represents only a marginal increase in the total number of options classes eligible for the pilot program. Consequently, the Commission believes that the proposed treatment of the eleven options classes previously selected by the NYSE is reasonable.

In addition, OPRA represents that adequate computer processing capacity to accommodate the additional strike prices is currently available.[21] The Exchange also represent that their current systems capacities are sufficient to meet the expected demands of the additional strike prices.[22] Nonetheless, the Commission expects the Exchanges to continue to monitor the trading volume associated with the additional options series listed as a result of the extension of the pilot program and the effect of these additional series on the capacity of the Exchanges', OPRA's and vendors' automated systems.

In the event the Exchanges propose to (1) extend the pilot program beyond July 17, 1998, (2) expand the pilot program beyond the 100 option classes,[23] or (3) seek permanent approval of the pilot program, they should submit a report to the Commission along with the filing of such a proposal.[24] The report should cover the period from May 19, 1997 to May 22, 1998 and should include data and written analysis on the open interest and trading volume in affected series, and delisted options series (for all strike price intervals) on the selected pilot program option classes. The report should also discuss any capacity problems that may have arisen during the pilot program and any other data relevant to the analysis of the pilot program, including an assessment of the appropriateness of the 2½ point strike price intervals for the options selected by the reporting exchange.

The Commission finds good cause for approving the proposed rule changes, including CBOE Amendment Nos. 1 and 2 and Amex Amendment Nos. 1 and 2, prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. As mentioned above, the Exchanges submitted separate reports to the Commission that include data and written analysis regarding the operation of the pilot program as required in the 2½ Strike Price Extension Order. The Commission notes that the Exchanges have not reported any significant problems with the pilot program since its inception and that the Exchanges will continue to monitor the pilot program to ensure that no problems arise. Moreover, the Commission believes that the extension of the pilot program on an accelerated basis will provide the investing public with the added flexibility provided by 2½ point strike prices on an uninterrupted basis. Finally, no adverse comments have been received by the Exchanges or the Commission concerning the pilot program. Based on the above, the Commission believes good cause exists to approve the extension of the pilot program through July 17, 1998, on an accelerated basis. Accordingly, the Commission believes that granting accelerated approval of the proposals is appropriate and consistent with Sections 6(b)(5) and 19(b)(2) of the Act.[25]

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 field with the Commission, and all written communication relating to the proposed rule change between the Commission

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(5).

[19] 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).

[20] 15 U.S.C. 78f(b)(5).

[21] *See* OPRA Capacity Statement, *supra* note 16.

[22] *See supra* note 15.

[23] The Commission notes that he proposed treatment of the eleven options classes previously selected for the 2½ point strike pilot program by the NYSE temporarily establishes a maximum of 111 eligible options.

[24] The Commission expects that each Exchange will submit a proposed rule change at least two months before the expiration of the pilot program in the event the Exchanges wish to seek to extend, expand or seek permanent approval of the pilot program as noted above.

[25] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filings will also be available for inspection and copying at the principal office of the Exchanges. All submissions should refer to File Nos. SR–Amex–97–24; SR–CBOE–97–31; SR–PCX–97–30; and SR–Phlx–97–33 and should be submitted by August 18, 1997.

V. Conclusion

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[26] that the pilot program proposed by the Exchanges (File Nos. SR–Amex–97–24; SR–CBOE–97–31; SR–PCX–97–30; and SR–Phlx–97–33), as amended, is approved through July 17, 1998, on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[27]

Jonathan G. Katz,

Secretary.

[FR Doc. 97–19710 Filed 7–25–97; 8:45 am]

BILLING CODE 8010–01–M

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Safety Performance Standards and Research and Development Programs Meetings

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of NHTSA industry meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program. In addition, NHTSA will hold a separate public meeting to describe and discuss specific research and development projects.

DATES: The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on September 18, 1997, beginning at 9:45 a.m. and ending at approximately 12:30 p.m. Questions relating to the vehicle regulatory program must be submitted in writing by August 25, 1997, to the address shown below. If sufficient time is available, questions received after August 25 may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by August 25, 1997, and the issues to be discussed, will be transmitted to interested persons by September 15, 1997, and will be available at the meeting. Also, the agency will hold a second public meeting September 17, devoted exclusively to a presentation of research and development programs. The meeting is described more fully in a separate announcement. The next NHTSA vehicle regulatory program meeting will take place on December 17, 1997 at the Clarion Inn Hotel, 9191 Wickham Road, in Romulus, MI.

ADDRESSES: Questions for the September 18, NHTSA Technical Industry Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Gage, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329. The meeting will be held at the Tysons Westpark Hotel, 8401 Westpark Drive, in McLean, Virginia.

FOR FURTHER INFORMATION CONTACT: Delia Gage, (202) 366–1810.

SUPPLEMENTARY INFORMATION: NHTSA holds this regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4:00 p.m. We would appreciate the questions you send us to be organized by categories to help us to process the questions into agenda form more efficiently. Sample format as follows:

I. Rulemaking
  A. Crash avoidance
  B. Crashworthiness
  C. Other Rulemakings
II. Consumer Information
III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Gage on (202) 366–1810, by COB August 25, 1997.

Issued: July 22, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–19773 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Nos. 97–022; Notice 2, 97–023; Notice 2, 97–032; Notice 2, 97–034; Notice 2]

Decision that Certain Nonconforming Motor Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This notice announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATES: These decisions are effective as of the date of their publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141 (a)(1)(A), a motor vehicle that was not originally

manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petition as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTS hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. § 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 22, 1997.

Marilynne Jacobs, Director,

Office of Vehicle Safety Compliance.

Annex A

Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. 97–022

Nonconforming Vehicle: 1994 Mercedes-Benz S600L
Substantially similar U.S.-certified vehicle: 1994 Mercedes-Benz S600
Notice of Petition published at: 62 FR 19649 (April 22, 1997)
Vehicle Eligibility Number: VSP–214

2. Docket No. 97–023

Nonconforming Vehicles: 1995 Saab 900 SE
Substantially similar U.S.-certified vehicles: 1995 Saab 900 SE
Notice of Petition published at: 62 FR 19166 (April 18, 1997)
Vehicle Eligibility Number: VSP–213

3. Docket No. 97–032

Nonconforming Vehicle: 1989 Chrysler Shadow (Middle Eastern Market)
Substantially similar U.S.-certified vehicle: 1989 Dodge Shadow
Notice of Petition published at: 62 FR 28753 (May 27, 1997)
Vehicle Eligibility Number: VSP–216

4. Docket No. 97–034

Nonconforming Vehicle: 1988 Jaguar XJ6 Sovereign
Substantially similar U.S.-certified vehicle: 1988 Jaguar XJ6 Sovereign
Notice of Petition published at: 62 FR 28530 (May 23, 1997)
Vehicle Eligibility Number: VSP–215

[FR Doc. 97–19768 Filed 7–25–97; 8:45 am]
BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97–025; Notice 2]

Decision that Certain Nonconforming 1993 Land Rover Defender 110 Multi-Purpose Passenger Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that certain nonconforming 1993 Land Rover Defender 110 multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1993 Land Rover Defender 110 MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards, are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1993 Land Rover Defender 110), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of the date of its publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing laboratories, Inc. Of Houston, Texas (''Wallace'') (Registered Importer No. R–90–005) petitioned NHTSA to decide whether 1993 Land Rover Defender 110 MPVs are eligible for importation into the United States. NHTSA published notice of the petition on April 18, 1997 (62 FR 19167) to afford an opportunity for public comment. As stated in the

notice of petition, the vehicle which Wallace believes is substantially similar is the 1993 Land Rover Defender 110 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner contended that it carefully compared the non-U.S. certified 1993 Land Rover Defender 110 to its U.S. certified counterpart, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the non-U.S. certified 1993 Land Rover Defender 110, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claimed that the non-U.S. certified 1993 Land Rover Defender 110 is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * *.,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 211 *Windshield Mounting,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner also contended that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* replacement of the speedometer/odometer with one calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Replacement of the headlight and taillight assemblies with conforming parts; (b) installation of turnsignal lens assemblies and sidemarkers.

Standard No. 111 *Rearview Mirrors:* inscription of the required warning statement on the passenger-side rearview mirror.

Standard No. 114 *Theft Protection:* installation of a warning buzzer in the ignition switch.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a seat belt warning system; (b) installation of lap belts adjustable by means of an emergency locking retractor in the rear side mount seats. The petitioner stated that the vehicle is equipped at each front and rear outboard seating position with Type 2 lap and shoulder belts that are adjustable by means of an emergency locking retractor. Additionally, the petitioner stated that the vehicle is equipped with a Type 1 lap belt in the rear center designated seating position.

Standard No. 210 *Seat Belt Assembly Anchorages:* installation of seat belt anchorages at the rear side mount seating positions.

Standard No. 216 *Roof Crush Resistance:* installation of an internal and external roll cage assembly identical to the one found on the vehicle's U.S.-certified counterpart.

Standard No. 301 *Fuel System Integrity:* installation of a rear bumper assembly with supports attached to the frame to provide protection to the fuel tank.

One comment was received in response to the notice of petition, from Land Rover North America Inc., (''Land Rover''), the United States representative of the Rover Group Ltd., the vehicle's manufacturer. In its comment, Land Rover stated that a stamped steel stiffening saddle is welded to the frame of the U.S. certified 1993 Land Rover Defender 110 to stiffen the fuel tank enclosure so that it can withstand rear impact testing under Standard No. 301. Land Rover stated that the stamped steel reinforcement is not available through the company's parts system, requiring replacement of the entire chassis. Arguing that a vehicle requiring chassis replacement cannot be ''readily altered,'' Land Rover contended that the non-U.S. certified 1993 Land Rover Defender 110 does not meet the import eligibility criteria specified in 49 U.S.C. § 30141(a)(1)(A)(iv). Land Rover further noted that weld nuts were added to the rear cross member of the U.S. certified 1993 Land Rover Defender 110 to mount the rear bumper/step, but that these parts were omitted from non-U.S. production. Additionally, Land Rover stated that the fuel tank on the U.S. certified 1993 Land Rover Defender 110 was modified to stiffen the fuel sender opening to reduce deformation and subsequent fuel leakage after Standard No. 301 rear impact tests. Because the non-U.S. certified 1993 Land Rover Defender 110 was never subjected to that testing, Land Rover stated that it is unable to comment on that vehicle's ability to meet the standard. Land Rover finally noted that the steering column, steering wheel and steering wheel hub pad on the U.S. certified 1993 Land Rover Defender 110 were modified to meet Standard No. 208 compliance tests.

NHTSA accorded Wallace an opportunity to respond to Land Rover's comments. In its response, Wallace stated that the steering column, steering wheel, and steering wheel hub pad on the non-U.S. certified 1993 Land Rover Defender 110 can be readily replaced with U.S.-model components to meet the requirements of Standard No. 208. Additionally, Wallace contended that the fuel tank on the non-U.S. certified 1993 Land Rover Defender 110 can be readily replaced with a U.S.-model tank to meet the requirements of Standard No. 301. Contrary to Land Rover's assertion that a new chassis incorporating the stamped steel reinforcement would have to be installed to meet the rear impact requirements of this standard, Wallace contended that it is only necessary to install the reinforcement itself. Based on consultations with professional welding companies, Wallace described this modification as a straight forward process utilizing identical material welded in the identical location.

NHTSA has reviewed each of the issues that Land Rover has raised regarding Wallace's petition. NHTSA believes that Wallace's responses adequately address each of those issues. NHTSA further notes that the modifications described by Wallace would not preclude the 1993 Land Rover Defender 110 from being found ''capable of being readily altered to comply with applicable motor vehicle safety standards.''

NHTSA has accordingly decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–212 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1993 Land Rover Defender 110 that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a 1993 Land Rover Defender 110 that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 22, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 97–19770 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemption from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before August 12, 1997.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the application are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW, Wasington, DC.

Application No.	Docket No.	Applicant	Renewal of exemption
6922–M		Halocarbon Products Co., N. Augusta, SC (See Footnote 1)	6922
9064–M		Propack, Inc., Essington, PA (See Footnote 2)	9064
10020–M		Allwaste, Inc., Houston, TX (See Footnote 3)	10020
11378–M		Astrotech Space Operations, Inc., Titusville, FL (See Footnote 4)	11378
11380–M		Western Atlas Logging Services, Houston, TX (See Footnote 5)	11380
11512–M		Alaska Eskimo Whaling Commission, Barrow, AK (See Footnote 6)	11512
11836–M	RSPA–97–2572–4	HCI USA Distribution Companies, Inc., Greensboro, NC (See Footnote 7)	11836
11888–M	RSPA–97–2583–2	Day & Zimmermann, Inc., Parsons, KS (See Footnote 8)	11888

[1] To modify the exemption to provide for use of alternative metal for DOT Specification 106A500–X multi-unit tank car tank, for shipment of certain compressed gases.

[2] To modify the exemption to provide for ocean transportation as an additional mode for use in transporting corrosive materials in glass containers placed in cushioned cylindrical steel overpacks.

[3] To modify the exemption to provide for the transportation of a Division 4.2 hazardous materials in non-DOT specification roll-on/roll-off containers.

[4] To modify the exemption to provide for ocean transportation as an alternative mode for use in transporting certain hazardous materials in non-DOT specification stainless steel cylinders.

[5] To modify the exemption to provide for several technical changes to the non-DOT specification cylinders for use in transporting compressed hydrocarbon gases.

[6] To reissue the exemption originally issued on an emergency basis to authorize the transportation in commerce of Black powder, Division 1.1D., by cargo aircraft only.

[7] To reissue the exemption originally issued on an emergency basis for the transportation of polyethylene drums for use in transporting non-bulk quantities of ammonia solutions, Class 8.

[8] To reissue the exemption originally issued on an emergency basis to authorize the shipment of substances, explosive, n.o.s. mixture, which is not authorized by the Hazardous Materials Regulations, in a specially designed packaging.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 22, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 97–19771 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 27, 1997.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, Room 8421, DHM–30, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11910–N	RSPA–97–2734	San Esters Corp., New York, NY.	49 CFR 172.102(c)(7)(i), T15.	To authorize the transportation in commerce of allyl methacrylate, Division 6.1, in IMO Type 1 tanks with a minimum test pressure of 4 bar, equipped with prohibited bottom outlets. (modes 1, 3)
11911–N	RSPA–97–2735	Transfer Flow, Inc., Chico, CA.	49 CFR 178.700 thru 178.819.	To authorize the manufacture, mark and sale of 50 gallon to 105 gallon refueling tanks as intermediate bulk containers a system for use in transporting various Class 3 hazardous materials. (mode 1)
11912–N	RSPA–97–2736	Florida Power Light, Jensen Beach, FL.	49 CFR 173.403, 173.427	To authorize the transportation in commerce of steam generators to be classified as surface contaminated objects and transported in non-specification packaging. (mode 2)
11913–N	RSPA–97–2737	Wheatland Tube Company, Wheatland, PA.	49 CFR 178.507(6)	To authorize the transportation in commerce of Class 9 Hazardous Material in 16 gauge 1A2 drums in weight that exceed the quantity limitation as presently authorized. (mode 1)
11914–N	RSPA–97–2738	Glowmaster Corp., Garfield, NJ.	49 CFR 173.304(d)(3)(ii), 178.33.	To authorize the transportation in commerce of a Division 2.1 hazardous materials in nonrefillable non-DOT specification inside container conforming with the DOT Specification 2P except for size, testing requirements and markings. (modes 1, 2, 3, 4)
11915–N	RSPA–97–2739	Lockheed Martin Aeronautical Systems Marietta, GA.	49 CFR 173.34(e)	To authorize an alternative maintenance/inspection program for certain DOT specification and non-DOT specification cylinders used as part of the engine and fire extinguishing systems on aircraft. (modes 1, 2, 4, 5)
11916–N	RSPA–97–2740	CP Industries, Inc., McKeesport, PA.	49 CFR 173.302(e)(2) (4) and 5, 173.34(e)(1)(3)(4).	To authorize the use of ultrasonic wall thickness retest method to re-qualify DOT–3AX, DOT–3AAX and DOT–3T cylinders and extend the retest period to 10 years for non-corrosive service. (modes 1, 2, 3, 4)
11917–N	RSPA–97–2741	Sexton Can Co., Martinsburg, WV.	49 CFR 173.304(a), 178.65.	To authorize the manufacture, marking and sale of non-DOT specification cylinder to be used for the transportation in commerce of certain Division 2.2 materials. (modes 1, 2, 3, 4)
11918–N	RSPA–97–2742	E.I. DuPont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.31(b)(3)(i), 173.31(b)(4)(i).	To authorize the transportation in commerce of tanks cars without head and thermal protection for use in transporting Class 2 material. (mode 2)
11923–N	RSPA–97–2743	Hoover Materials Handling Group.	49 CFR 178.705(c)(iv)(A)	To authorize the manufacture, marking and sale of metal intermediate bulk containers having specifications that do not meet minimum thickness requirements. (modes 1, 2, 3)
11924–N	RSPA–97–2744	U.F. Strainrite, Lewiston, ME.	49 CFR 173.12(b)	To authorize the manufacture, marking and sale of a corrugated fiberboard box for use as the outer packaging for lab pack applications for use in transporting various classes of hazardous wastes. (modes 1, 2, 3)
11925–N	RSPA–97–2745	Concorde Battery Corp., West Covina, CA.	49 CFR 173.159(d)	To authorize the transportation in commerce of non-spillable aircraft batteries which have been altitude tested at a pressure less than the test pressure set forth in the regulations, overpacked in non-specification fiberboard boxes to be transported without required markings and labels. (modes 1, 2, 3, 4, 5)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11926–N	RSPA–97–2746	The Dow Chemical Co., Midland, MI.	49 CFR 173.221	To authorize the transportation in commerce of polystrene beads, expandable, Class 9, in UN1H2 plastic drums not to exceed 200 pounds. (modes 1, 2, 3, 4)
11927–N	RSPA–97–2747	Alaska Marine Lines, Seattle, WA.	49 CFR 176.170(b)	To authorize the transportation in commerce of Class 1 explosives in container sizes 24′ and 40′ by ocean transportation. (mode 3)

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 22, 1997.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 97–19772 Filed 7–25–97; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

July 17, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0046.

Form Number: IRS Form 982.

Type of Review: Extension.

Title: Reduction of Tax Attributes Due to Discharge of Indebtedness.

Description: Internal Revenue Code (IRC) section 108 allows taxpayers to exclude from gross income amounts attributable to discharge of indebtedness in title 11 cases, insolvency, or a qualified farm indebtedness. Section 1081(b) allows corporations to exclude from gross income amounts attributable to certain transfers of property. The data is used to verify adjustments to basis of property and reduction of tax attributes.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—5 hr., 16 min.

Learning about the law or the form—2 hr., 5 min.

Preparing and sending the form to the IRS—2 hr., 16 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 9,610 hours.

OMB Number: 1545–0193.

Form Number: IRS Form 4972.

Type of Review: Extension.

Title: Tax on Lump-Sum Distributions.

Description: Internal Revenue Code (IRC) section 402(e) allows taxpayers to compute a separate tax on a lump-sum distribution from a qualified retirement plan. Form 4972 is used to correctly figure that tax. The data is used to verify the correctness of the separate tax. Form 4972 is also used to make the special 20% capital gain election attributable to pre-1974 participation from the lump-sum distribution.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 140,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—33 min.

Learning about the law or the form—26 min.

Preparing the form—1 hr., 19 min.

Copying, assembling and sending the form to the IRS 35 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 403,200 hours.

OMB Number: 1545–0712.

Form Number: IRS Form 6198.

Type of Review: Extension.

Title: At-Risk Limitations.

Description: Internal Revenue Code (IRC) section 465 requires taxpayers to limit their at-risk loss to the lesser of the loss or their amount at risk. Form 6198 is used by taxpayers to determine their deductible loss and by IRS to verify the amount deducted.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

Estimated Number of Respondents/Recordkeepers: 121,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—1 hr., 12 min.

Learning about the law or the form—1 hr., 0 min.

Preparing the form—1 hr., 5 min.

Copying, assembling and sending the form to the IRS—20 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 439,468 hours.

OMB Number: 1545–1480.

Regulation Project Number: FI–34–94 Final.

Type of Review: Extension.

Title: Hedging Transactions by Members of a Consolidated Group.

Description: The information is required by the IRS to aid it in administering the law and to prevent manipulation. The information will be used to verify that a taxpayer is properly reporting its business hedging transactions.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 17,100.

Estimated Burden Hours Per Respondent/Recordkeeper: 4 hours, 27 minutes.

Frequency of Response: Other (one-time).

Estimated Total Reporting/Recordkeeping Burden: 76,050 hours.

OMB Number: 1545–1541.

Revenue Procedure Number: Revenue Procedure 97–27.

Type of Review: Extension.

Title: Changes in Methods of Accounting.

Description: The information requested in sections 6, 8, and 13 of Revenue Procedure 97–27 is required in order for the Commissioner to determine whether the taxpayer is properly requesting to change its method of accounting and the terms and conditions of that change.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

Estimated Number of Respondents: 3,000.

Estimated Burden Hours Per Respondent: 3 hours, 13 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 9,633 hours.

OMB Number: 1545–1542.

Form Number: IRS Form 8482.

Type of Review: Extension.

Title: Magnetic Tape of Federal Tax Deposits.

Description: This form is used to transmit Federal Tax Deposit payment information on magnetic tape from authorized reporting agents and/or fiduciaries to the IRS Service Centers.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 14,000.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 700 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 97–19713 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

July 22, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0059.

Form Number: IRS Form 4137.

Type of Review: Extension.

Title: Social Security and Medicare Tax on Unreported Tip Income.

Description: Section 3102 requires an employee who receives tips subject to Social Security and Medicare tax to compute tax due on these tips if the employee did not report them to his or her employer. The data is used to help verify that the Social Security and Medicare tax on tip income is correctly computed.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 76,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—26 min.

Learning about the law or the form—7 min.

Preparing the form—21 min.

Copying, assembling, and sending the form to the IRS—17 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 90,440 hours.

OMB Number: 1545–0228.

Form Number: IRS Form 6252.

Type of Review: Extension.

Title: Installment Sale Income.

Description: Information is needed to figure and report an installment sale for a casual or incidental sale of personal property, and a sale of real property by someone not in the business of selling real estate. Data is used to determine whether the installment sale has been properly reported and the correct amount of profit is included in income on the taxpayer's return.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

Estimated Number of Respondents/Recordkeepers: 782,848.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—1 hr., 25 min.

Learning about the law or the form—40 min.

Preparing the form—56 min.

Copying, assembling and sending the form to the IRS—20 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 2,630,369 hours.

OMB Number: 1545–0644.

Form Number: IRS Form 6781.

Type of Review: Extension.

Title: Gains and Losses From Section 1256 Contracts and Straddles.

Description: Form 6781 is used by taxpayers in computing their gains and losses from Section 1256 Contracts and Straddles and their special tax treatment. The data is used to verify that the tax reported accurately reflects any such gains and losses.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 100,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—10 hr., 17 min.

Learning about the law or the form—2 hr., 33 min.

Preparing the form—3 hr., 46 min.

Copying, assembling and sending the form to the IRS—16 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 1,686,000 hours.

OMB Number: 1545–0998.

Form Number: IRS Form 8615.

Type of Review: Extension.

Title: Tax on Children Under Age 14 Who Have Investment Income of More Than $1,300.

Description: Under section 1(g), children under age 14 who have unearned income may be taxed on part of that income at their parent's tax rate. Form 8615 is used to see if any of the child's unearned income is taxed at the parent's rate and, if so, to figure the child's tax on his or her unearned income and earned income, if any.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 500,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—13 min.

Learning about the law or the form—13 min.

Preparing the form—45 min.

Copying, assembling, and sending the form to the IRS—17 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 735,000 hours.

OMB Number: 1545–1035.

Form Number: IRS Form 8611.

Type of Review: Extension.

Title: Recapture of Low-Income Housing Credit.

Description: Internal Revenue Code (IRC) section 42 permits owners of residential rental projects providing low-income housing to claim a credit against their income tax. If the property is disposed of or it fails to meet certain requirements over a 15-year compliance period and a bond is not posted, the owner must recapture on Form 8611 part of the credit(s) taken in prior years.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,200.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—6 hr., 56 min.

Learning about the law or the form—1 hr., 12 min.

Preparing and sending the form to the IRS—1 hr., 22 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 10,459 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 97–19714 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

[Treasury Order Number 101–21]

Delegation of Authority To Approve Death Gratuity Payment

Dated: July 17, 1997.

1. By virtue of the authority vested in the Secretary of the Treasury by 31 U.S.C. 321(b), I hereby delegate the authority of the Secretary under Section 651 of the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 1997, as enacted in the Omnibus Consolidated Appropriations Act for Fiscal Year 1997 (Pub. L. 104–208, 110 Stat. 3009–368–69) to the heads of bureaus and the Inspector General to exercise any right or power, make any finding or determination, or perform any duty or obligation which the Secretary of the Treasury is authorized to exercise, make or perform under Section 651 related to such death gratuity payment.

2. For purposes of this delegation, the Deputy Assistant Secretary (Administration) shall serve as the head of the bureau for the Departmental Offices.

3. The death gratuity shall be in addition to other amounts paid and offset only by statutorily mandated amounts paid by the Department of Labor under 5 U.S.C. 8133(f), 5 U.S.C. 8134(a), and, if appropriate, any amount paid under Section 312, Pub. L. 103–332. The amount paid under the above authorities, plus the death gratuity payment, may not total more than $10,000. Before paying a death gratuity, the Department of Labor must be contacted to ascertain the amount of the offset.

4. Each death gratuity payment recommendation must be submitted to the bureau chief counsel for review, and must be approved by the head of the bureau, or the Inspector General. Complete and final authority to authorize the payment of a death gratuity, and to determine, in any particular case, who is the decedent's personal representative rests with the bureau head and the Inspector General for their respective organizations. These officials may be guided with respect to the determination of the decedent's personal representative by: (a) formal designations of executors and administrators made by the decedent, or by operation of State law; (b) orders of precedence governing the payment of a Federal employee's unpaid compensation, as set forth in Title 5; (c) advice and guidance from the Department of Labor; and (d) by any other factor(s) considered to be relevant.

5. The bureau head and Inspector General shall authorize death gratuity payments when presented with clear and convincing evidence that an employee, in the performance of duty, sustained an injury on or after August 2, 1990, which resulted in the employee's death. This includes employees who die after separation from service if the death is the result of an injury sustained in the line of duty. It does not include employees whose death is determined to have resulted from willful misconduct. Claims for payment which, by available evidence, do not clearly and convincingly establish entitlement to a death gratuity payment shall await a Department of Labor determination and the concurrence of the bureau head and Inspector General in the Department of Labor finding.

6. The authority delegated herein may not be redelegated.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 97–19781 Filed 7–25–97; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8853

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8853, Medical Savings Accounts and Long-Term Care Services and Contracts.

DATES: Written comments should be received on or before September 26, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Medical Savings Accounts and Long-Term Care Services and Contracts.

OMB Number: To be assigned later.

Form Number: Form 8853.

Abstract: This form is used by individuals to report general information about their medical savings accounts (MSAs), to figure their MSA deductions, and to figure their taxable distributions from MSAs. The form is also used to report taxable payments from long-term care (LTC) contracts.

Current Actions: This is a new collection of information.

Type of Review: New OMB approval.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,250,000.

Estimated Time Per Respondent: 1 hr., 43 min.

Estimated Total Annual Burden Hours: 3,877,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 18, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–19701 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Letter 109C

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Letter 109C, Return Requesting Refund Unlocatable or Not Filed; Send Copy.

DATES: Written comments should be received on or before September 26, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Return Requesting Refund Unlocatable or Not Filed; Send Copy.

OMB Number: 1545–0393.

Form Number: Letter 109C.

Abstract: If a taxpayer inquires about not receiving a refund and no return is found, this letter is sent requesting the taxpayer to file another return. The taxpayer must complete an affidavit stating that if they receive a second refund check, it will be returned to the IRS.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 18,223.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 1,513.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 22, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–19703 Filed 7–25–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Submission for OMB Review; Comment Request

July 22, 1997.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

Dates: Written comments should be received on or before August 27, 1997 to be assured of consideration.

OMB Number: 1550–0025.

Form Number: OTS Forms 1584, 1585, 1589.

Type of Review: Extension of an already approved collection.

Title: Purchase of Branch Office(s) and/or Transfer of Assets/Liabilities.

Description: Information provided to the OTS is evaluated to determine whether the proposed assumption of liabilities and/or transfer of asset transactions complies with applicable laws, regulations and policy and will not have an adverse effect on the Savings Association Insurance Fund.

Respondents: Savings and Loan Associations and Savings Banks Holding Companies.

Estimated Number of Respondents: 127.

Estimated Burden Hours Per Respondent: 1 hour on average.

Frequency of Response: 1 per application.

Estimated Total Respondents Burden: 140 hours.

Clearance Officer: Colleen M. Devine, (202) 906–6025, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

OMB Reviewer: Alexander Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, D.C. 20503.

Catherine C.M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 97–19715 Filed 7–25–97; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Submission for OMB Review; Comment Request

July 21, 1997.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dates: Written comments should be received on or before August 27, 1997 to be assured of consideration.

OMB Number: 1550–0060.

Form Number: OTS Form H–(b)11.

Type of Review: Extension of an already approved collection.

Title: Savings Association Holding Company Report H–(b)11.

Description: The H–(b)11 report is used to determine whether a savings association holding company is adhering to the statutes, regulations and conditions of approval to acquire an insured institution and whether any of the company's activities are injurious to the operation of any subsidiary savings association.

Respondents: Savings and Loan Associations and Savings Banks Holding Companies.

Estimated Number of Respondents: 743.

Estimated Burden Hours Per Respondent: 62 hours average.

Frequency of Response: 4.

Estimated Total Respondents Burden: 46,066 hours.

Clearance Officer: Colleen M. Devine, (202) 906–6025, Office of Thrift Supervision, 1700 Street, NW., Washington, DC 20552.

OMB Reviewer: Alexander Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Catherine C. M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 97–19716 Filed 7–25–97; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Submission for OMB Review; Comment Request

July 22, 1997.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995 Public Law 104–13. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552.

Dates: Written comments should be received on or before August 27, 1997 to be assured of consideration.

OMB Number: 1550–0084.

Form Number: OTS Form 1586–A and 1586–I.

Type of Review: Extension of an already approved collection.

Title: Instructions for Filing Out the Interest-Rate Risk Appeals Submissions.

Description: The two forms give savings association an opportunity to appeal their interest-rate risk component, which is determined by the Office of Thrift Supervision's interest-rate risk model.

Respondents: Savings and Loan Associations and Savings Banks Holding Companies.

Estimated Number of Respondents: 6.

Estimated Burden Hours Per Respondent: 15.5 hours on average.

Frequency of Response: 11.

Estimated Total Respondents Burden: 170 hours.

Clearance Officer: Colleen M. Devine, (202) 906–6025, Office of Thrift Supervision, 1700 Street, N.W., Washington, D.C. 20552.

OMB Reviewer: Alexander Hunt, (202) 395–7860, Office of Management and Budget, Room 10226 New Executive Office Building, Washington, D.C. 20503.

Catherine C.M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 97–19717 Filed 7–25–97; 8:45 am]

BILLING CODE 6720–01–M

UNITED STATES ENRICHMENT CORPORATION

Sunshine Act Meeting

AGENCY: United States Enrichment Corporation Board of Directors.

TIME AND DATE: 8:00 a.m., Wednesday, July 20, 1997.

PLACE: USEC Corporate Headquarters, 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: Part of this meeting will be open to the public. The balance of the meeting will be closed.

MATTERS TO BE CONSIDERED:

PORTION OPEN

- Chairman's Award Presentation

PORTIONS CLOSED

- Review of commercial, operational and financial issues of the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Barbara Arnold, 301–564–3354.

Dated: July 23, 1997.

William H. Timbers, Jr.,

President and Chief Executive Officer.

[FR Doc. 97–19896 Filed 7–24–97; 10:54 am]

BILLING CODE 8720–01–M

federal register

Monday
July 28, 1997

Part II

Department of Labor

Office of the Secretary

Office of the Worker's Compensation Program

20 CFR Part 10

29 CFR Parts 70a and 71

Privacy Act of 1974; Implementation and Use and Disclosure of Federal Employees' Compensation Claims File Material; Proposed Rules

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Parts 70a and 71

RIN: 1290–AA16

Protection of Individual Privacy In Records

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Labor proposes to revise its existing regulations governing the conduct of Departmental employees and members of the public as it pertains to the treatment of records covered by the Privacy Act of 1974, 5 U.S.C. 552a, as amended. The existing regulations were promulgated shortly after the Privacy Act was enacted almost 20 years ago and are in need of revision. In their place new regulations are being proposed. The intent of the proposed regulations is to conform Labor Department requirements with the caselaw which evolved under the Privacy Act over the past years and to provide clarity.

DATES: Comments must be received before September 26, 1997.

ADDRESS: Comments should be mailed to Robert A. Shapiro, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, U.S. Department of Labor, Room N–2428, 200 Constitution Avenue, NW., Washington, DC 20210–0002.

FOR FURTHER INFORMATION CONTACT: Miriam McD. Miller, Co-Counsel for Administrative Law, telephone (202) 219–8188.

SUPPLEMENTARY INFORMATION: The proposed regulations address access to records, records in exempt systems of records, fees, appeals from denials of access, requests for correction or amendment of records, records not subject to correction or amendment, requests for accounting of disclosure of records, emergency disclosures, security of systems of records, use and collection of social security numbers and taxpayer identifying numbers, and employee standards of conduct. Each of these subjects is comprehensively addressed in a separate section.

This proposed rule correlates with the Department's earlier publication, in full, of all current systems of records. On September 23, 1993, in 58 FR 49548, the Department published 137 systems of records, as well as various proposed routine uses. On December 13, 1993, those proposed systems became final and effective. This document proposes to exempt thirty-nine of those systems.

Below, accordingly, the Department proposes to revise 29 CFR part 70a, its existing regulations governing implementation of the Privacy Act, by inserting in lieu thereof a new regulatory scheme set forth at 29 CFR part 71 which reflects the current state of the law. At this time the Department is withdrawing its September 12, 1984 proposal published at 49 FR 35800 to amend 29 CFR part 70a. That proposal has been obviated by this proposal.

Discussion

A. The major effect of this proposal is to add thirty-five systems of records to the exempt category. The current regulations were originally published in 1977, and set forth only four systems of records as being exempt from access. During the past twenty years numerous additional systems of records have been established. Thirty-five of these additional systems are investigative systems, and accordingly, should be exempt from certain requirements of the Privacy Act, by virtue of either subsection (j)(2) , (k)(2) or (k)(5) of Title 5 of section 552a.

B. The proposed regulation, in contrast to the existing regulation, is divided into two subparts. Subpart A is entitled ''General'', and sets forth procedures. Subpart B contains the exemptions from access, and provides justification for the exemptions. The proposal is much more detailed and more instructive to the public than is the existing rule.

C. The existing rule places the listing of the disclosure officers within the body of the rule. The proposal places them in an appendix at the end of the rule. This structure is more readable for the public.

D. The proposal, in contrast to the existing regulations, sets forth two government-wide systems. These systems are DOL/GOVT–1, which is the Office of Workers' Compensation Programs, Federal Employees' Compensation Act File, and DOL/GOVT–2, Job Corps Student Records. This means that these systems of records are maintained by and are under the control of the Department of Labor, even though custody may be at the employing agency. Finally, the proposal increases the fees for photocopying from $.10 to $.15 per page, and it raises the minimum payment to $15.00.

Regulatory Procedures

Executive Order 12866

The proposed rule constitutes a ''significant regulatory action'' within the meaning of Executive Order 12866 of September 30, 1993 (58 FR 51735), because it meets the criteria of section 3(f)(4)of Executive Order 12866 for the following reasons. This proposed rule raises certain novel legal and policy issues arising out of legal mandates, the President's priorities, and principles set forth in the Execuitve Order.

Accordingly, because the proposal meets the criteria of section 3(f)(4) of the Executive Order, and because the Office of Management and Budget (OMB) performs a special role under the Privacy Act, pursuant to the statute and as specified by OMB Circular A–130, this document has been submitted to OMB.

It should be noted that the proposal does not require an assessment of anticipated monetary costs because the proposal will not have an annual monetary effect on the economy of $100 million or more, nor will it adversely affect the economy in any material way. This conclusion is based upon the fact that this proposed rule addresses access to records and related matters, and clearly does not affect the economy in a material fashion.

Regulatory Flexibility Act

This proposed rule, if promulgated in final, will address access to records and related matters. The Privacy Act records that are maintained by the Department of Labor relate to individuals rather than small, or even large business or other types of entities. For the vast majority of instances, these records do not relate to sole proprietorships. In view of the above facts, the Secretary of Labor hereby certifies that this proposed rule, if promulgated in final, will not have a ''significant economic impact on a substantial number of small entities''. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 605(b)) is not required. The Secretary of Labor has certified to this effect to the Chief Counsel for Advocacy of the Small Business Administration.

Unfunded Mandates Reform

Executive Order 12875—This proposed rule, if promulgated in final, will not create an unfunded Federal mandate upon any State, local or tribal government.

Unfunded Mandates Reform Act of 1995—This proposed rule, if promulgated in final, will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of $100 million or more, or in increased expenditures by the private sector of $100 million or more.

Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act since it does not contain a collection of information requirement.

List of Subjects In 29 CFR Parts 70a and 71

Privacy.

For the reasons set out in the preamble, part 70a of subtitle A of title 29 of the Code of Federal Regulations is proposed to be redesignated as part 71 and revised to read as follows:

PART 70a—[REDESIGNATED AS PART 71 AND REVISED]

PART 71—PROTECTION OF INDIVIDUAL PRIVACY AND ACCESS TO RECORDS UNDER THE PRIVACY ACT OF 1974

Subpart A—GENERAL

Sec.
71.1 General provisions.
71.2 Request for access to records.
71.3 Responses by components to requests for access to records.
71.4 Form and content of component responses.
71.5 Access to records.
71.6 Fees for access to records.
71.7 Appeals from denials of access.
71.8 Preservation of records.
71.9 Requests for correction or amendment of records.
71.10 Certain records not subject to correction.
71.11 Emergency disclosures.
71.12 Use and collection of social security numbers.
71.13 Employee standards of conduct.
71.14 Use of nonpublic information.
71.15 Training.

Subpart B—-Exemption of Records Systems Under the Privacy Act

Sec.
71.50 General exemptions pursuant to subsection (j) of the Privacy Act.
71.51 Specific exemptions pursuant to subsection (k)(2) of the Privacy Act.
71.52 Specific exemptions pursuant to subsection (k)(5) of the Privacy Act.

Appendix A to Part 71—Responsible Officials

Authority: 5 U.S.C. 301; 5 U.S.C. 552a as amended; Reorganization Plan No. 6 of 1950, 5 U.S.C. Appendix.

Subpart A—General

§ 71.1 General provisions.

(a) *Purpose and scope.* This part contains the regulations of the U.S. Department of Labor implementing the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records which are contained in systems of records maintained by, or under the control of, the Department of Labor and which are retrieved by an individual's name or personal identifier. These regulations set forth the procedures by which an individual may seek access under the Privacy Act to records pertaining to him, may request correction or amendment of such records, or may seek an accounting of disclosures of such records by the Department. These regulations are applicable to each component of the Department.

(b) *Government-wide systems of records* (1) DOL/GOVT–1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File):

(i) All records, including claim forms, medical, investigative and other reports, statements of witnesses, and other papers relating to claims for compensation filed under the Federal Employees' Compensation Act (as amended and extended), are covered by the government-wide system of records entitled DOL/GOVT–1. This system is maintained by and under the control of the Employment Standards Administration's Office of Workers' Compensation Programs (OWCP), and, as such, all records contained in the OWCP claims file, as well as all copies of such documents retained and/or maintained by the injured worker's employing agency, are official records of the OWCP.

(ii) The protection, release, inspection and copying of records covered by DOL/GOVT–1 shall be accomplished in accordance with the rules, guidelines and provisions of this part, as well as with part 70 of this subtitle, and with the notice of the systems of records and routine uses published in the **Federal Register**. All questions relating to access/disclosure, and/or the amendment of FECA records maintained by the OWCP or an employing agency, are to be resolved in accordance with this part.

(iii)(A) While an employing agency may establish procedures that an injured employee or beneficiary should follow in requesting access to documents it maintains, any decision issued in response to such a request must comply with the rules and regulations of the Department of Labor.

(B) Any administrative appeal taken from a denial issued by the employing agency shall be filed with the Solicitor of Labor in accordance with §§ 71.7 and 71.9 of this part.

(iv) No agency other than the OWCP has authority to issue determinations in response to requests for the correction or amendment of records contained in or covered by DOL/GOVT–1. Any request for correction or amendment received by an employing agency must be referred to the OWCP for review and decision.

(2) For the government-wide system of records entitled DOL/GOVT–2 (Job Corps Student Records), a system maintained by and under the control of the Employment and Training Administration, the regulations of this Department shall govern, including the procedure for requesting access to, or amendment of the records, as well as appeals therefrom, shall govern.

(c) *Definitions.* As used in this subpart, the following terms shall have the following meanings:

(1) *Agency* has the meaning set forth in 5 U.S.C. 552(f).

(2) *Component* means each separate agency, bureau, office, board, division, commission, service, or administration of the Department of Labor, as well as each agency which possesses records covered by a DOL government-wide system of records.

(3) *Individual Data Subject* means the individual by whose name or identifier the subject record is retrieved.

(4) *Record* means any item, collection, or grouping of information about an individual which is maintained by any component within a system of records and which contains the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint, voiceprint, or photograph.

(5) *Requester* means an individual who makes either a request for access, a request for correction or amendment, or a request for an accounting.

(6) *Routine use* has the meaning set forth in 5 U.S.C. 552a(7).

(7) *Statistical record* has the meaning set forth in 5 U.S.C. 552a(6).

(8) *System of records* means a group of any records under the control of the Department or any component from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to that individual.

(9) *Under the control of* means those official records for which the agency is offically responsible and either has in its possession or exercises dominion over. This excludes those records which, although in the physical possession of agency employees and used by them in performing official functions, are not, in fact, agency records. Uncirculated personal notes, papers and records which are retained or discarded at the author's discretion and over which the agency exercises no dominion or control (e.g., personal telephone list) are not agency records for purposes of this part.

(10) *He*, *his*, and *him* include *she*, *hers* and *her*.

§ 71.2 Requests for access to records.

(a) *Procedure for making requests for access to records.* An individual, or legal representative acting on his behalf, may request access to a record about himself by appearing in person or by writing to the component that maintains the record. (*See* appendix A to this part which lists the components of the Department of Labor and their addresses.) A requester in need of guidance in defining his request may write to the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210–0002. A request should be addressed to the component that maintains the requested record. Both the envelope and the request itself should be marked: ''Privacy Act Request.''

(b) *Description of records sought.* A request for access to records must describe the records sought in sufficient detail to enable Department personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for access should describe the nature of the record sought, the date of the record or the period in which the record was compiled, and the name or identifying number of the system of records in which the requester believes the record is kept.

(c) *Agreement to pay fees.* The filing of a request for access to a record under this subpart shall be deemed to constitute an agreement to pay all applicable fees charged under § 71.6 up to $25.00. The component responsible for responding to the request shall confirm this agreement in its letter of acknowledgement to the requester. When filing a request, a requester may specify a willingness to pay a greater amount, if applicable.

(d) *Verification of identity.* Any individual who submits a request for access to records must verify his identity in one of the following ways:

(1) Any requester making a request in writing must state in his request his full name, and current address. In addition, a requester must provide with his request an example of his signature, which shall be notarized, or signed as an unsworn declaration under penalty of perjury, pursuant to 28 U.S.C. 1746. In order to facilitate the identification of the requested records, a requester may also include in his request his Social Security number.

(2) Any requester submitting a request in person may provide to the component a form of official photographic identification, such as a passport, an identification badge or a driver's license which contains the photograph of the requester. If a requester is unable to produce a form of photographic identification, he may provide to the component two or more acceptable forms of identification bearing his name and address. In all cases, sufficient identification must be presented to confirm that the requester is the individual data subject.

(e) *Verification of guardianship.* The parent, guardian, or representative of a minor or the guardian or representative of a person judicially determined to be incompetent who submits a request for access to the records of the minor or incompetent must establish:

(1) His identity, as required in paragraph (d) of this section,

(2) That the requester is the parent, guardian, or representative of the subject of the record, which may be proved by providing a copy of the subject's birth certificate showing parentage or by providing a court order establishing the guardianship, and

(3) That he seeks to act on behalf of the subject of the record.

(f) The disclosure officer may waive the requirements set forth in paragraphs (d)and (e) of this section when he deems such action to be appropriate, and may substitute in lieu thereof, other reasonable means of identification.

§ 71.3 Responses by components to requests for access to records.

(a) *In general.* Except as otherwise provided in this section, the component that:

(1) First receives a request for access to a record, and

(2) Has possession of the requested record is the component ordinarily responsible for responding to the request.

(b) *Authority to grant or deny requests.* The head of a component, or his designee (*i.e.* disclosure officer), is authorized to make an initial grant or denial of any request for access to a record in the possession of that component.

(c) *Processing of requests for access not properly addressed.* A request for access that is not properly addressed as specified in § 71.2 shall be forwarded to the Assistant Secretary for Administration and Management, who shall forward the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be deemed not to have been received by the Department until the Assistant Secretary for Administration and Management has forwarded the request to the appropriate component which has the record and that component has received the request. When the component receives an improperly addressed request, it shall notify the requester of the date on which it received the request. Accordingly, a request for access shall be deemed received on the date that it is received in the appropriate component.

(d) *Date for determining responsive records.* In determining the extent to which records are responsive to a request for access, a component ordinarily will include only those records within the component's possession and control as of the date of its receipt of the request.

(e) *First party requests.* A request for access by the individual data subject for his or her own records shall be processed both under the Freedom of Information Act(FOIA) and the Privacy Act(PA).

§ 71.4 Form and content of component responses.

(a) *Form of notice granting request for access.* A request by the individual data subject for access to his or her own records shall not be denied unless both a Privacy Act exemption and a Freedom of Information Act exemption apply to the requested records. A component shall make a determination within 30 days to grant or deny a request for access in whole or in part. If the request is granted in whole, the component shall so notify the requester in writing. The notice shall describe the manner in which access to the record will be granted and shall inform the requester of any fees to be charged in accordance with § 71.6.

(b) *Form of notice denying request for access.* A component denying a request for access in whole or in part shall so notify the requester in writing. The notice, signed by the responsible agency official, shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason or reasons for the denial, including the Privacy Act and FOIA exemption or exemptions which the component has relied upon in denying the request; and

(3) A statement that the denial may be appealed under § 71.7(a), and a description of the requirements of that paragraph.

(c) *Record cannot be located.* If no records are found which are responsive to the request, the component shall so notify the requester in writing. Such notification by the component shall inform the requester that, if the requester considers this response to be a denial of their request, the requester

has a right to appeal to the Solicitor of Labor, within ninety days, as set forth in § 71.7.

(d) *Medical records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the disclosure officer shall, if deemed necessary because of possible harm to the individual, advise the individual that the Department of Labor believes that the records should be provided to a physician designated in writing by the individual. In addition, the Department shall request the individual to designate such a physician. Upon receipt of the designation, the disclosure officer will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity.

§ 71.5 Access to records.

(a) *Manner of access.* A component that has made a determination to grant a request for access shall grant the requester access to the requested record either by: Providing the requester with a copy of the record, or making the record available for inspection by the requester at a reasonable time and place. The component shall charge the requester only duplication costs in accordance with the provisions of § 71.6. If a component provides access to a record by making the record available for inspection by the requester, the manner of such inspection shall not unreasonably disrupt the operations of the component.

(b) *Accompanying person.* A requester appearing in person to review his own records may be accompanied by another individual of his own choosing. The requester shall provide the Department with his or her written consent to disclose the record to the accompanying person.

§ 71.6 Fees for access to records.

(a) *When charged.* A component shall charge fees pursuant to 31 U.S.C. 9701 and 5 U.S.C. 552a(f)(5) for the copying of records unless the component, in its discretion, waives or reduces the fees for good cause shown. A component shall charge fees at the rate of $0.15 per page. In accordance with the provisions of the Freedom of Information Act, the first 100 pages of copying shall be furnished without charge. For materials other than paper copies, the component may charge the direct costs of reproduction, but only if the requester has been notified of such costs before they are incurred. Fees shall not be charged where they would amount, in the aggregate, for one request or for a series of related requests, to less than $15.00. Notwithstanding any other provision of this paragraph, the first copy of an individual's Privacy Act record shall be provided to the individual at no cost.

(b) *Notice of estimated fees amounting to between $25 to $250.* When a component determines or estimates that the fees to be charged under this section may amount to between $25 to $250, the component shall notify the requester as soon as practicable of the actual or estimated amount of the fee, unless the requester has indicated in advance his willingness to pay a fee as high as that anticipated.

(c) *Notice of estimated fees in excess of $250.* When a component determines or estimates that the fees to be charged under this section may amount to more than $250, the component shall notify the requester as soon as practicable of the actual or estimated amount of the fee, unless the requester has indicated in advance his willingness to pay a fee as high as that estimated. If the fee is estimated to be in excess of $250, then the agency may require payment in advance. (If only a portion of the fee can be estimated readily, the component shall advise the requester that the estimated fee may be only a portion of the total fee.) Where the estimated fee exceeds $250 and a component has so notified the requester, the component will be deemed not to have received the request for access to records until the requester has paid the anticipated fee, in full or in part. A notice to a requester pursuant to this paragraph shall offer him the opportunity to confer with Department personnel with the object of reformulating his request to meet his needs at a lower cost.

(d) *Form of payment.* Requesters must pay fees by cash, check or money order payable to either the Treasury of the United States, or the U.S. Department of Labor. However, the Department shall not require advance payment in any case where the fee is under $250, except that where a requester has previously failed to pay a fee charged under this part, the requester must pay the component or the Department the full amount owed and make an advance deposit of the full amount of any estimated fee before a component shall be required to process a new or pending request for access from that requester.

§ 71.7 Appeals from denials of access.

(a) *Appeals to the Solicitor of Labor.* When a component denies in whole or in part a request for access to records, the requester may appeal the denial to the Solicitor of Labor within 90 days of his receipt of the notice denying his request. An appeal to the Solicitor of Labor shall be made in writing, addressed to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210–0002. Both the envelope and the letter of appeal itself must be clearly marked: ''Privacy Act Appeal.'' An appeal not so addressed and marked shall be forwarded to the Office of the Solicitor as soon as it is identified as an appeal under the Privacy Act. An appeal that is improperly addressed shall be deemed not to have been received by the Department until the Office of the Solicitor receives the appeal.

(b) *Form of action on appeal.* The disposition of an appeal shall be in writing. A written decision affirming in whole or in part the denial of a request for access shall include a brief statement of the reason or reasons for the affirmation, including each Privacy Act and FOIA exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the U.S. District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia. If the denial of a request for access is reversed on appeal, the requester shall be so notified and the request shall be processed promptly in accordance with the decision on appeal.

(c) *Delegation of Authority by the Solicitor of Labor.* The Solicitor of Labor is authorized to delegate his authority to decide appeals from any and all denials of access to other senior attorneys within the Office of the Solicitor.

§ 71.8 Preservation of records.

Each component shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to title 44 of the U.S. Code and record schedules approved by the National Archives and Records Administration, and otherwise in accordance with retention requirements as published in the agency's system of records. Under no circumstances shall records be destroyed while they are the subject of a pending request for access, appeal, or lawsuit under the Act.

§ 71.9 Request for correction or amendment of records.

(a) *How made.* An individual may submit a request for correction or amendment of a record pertaining to him. The request must be in writing and must be addressed to the component

that maintains the record. (Appendix A of this part lists the components of the Department and their addresses.) The request must identify the particular record in question, state the correction or amendment sought, and set forth the justification for the change. Both the envelope and the request itself must be clearly marked: ''Privacy Act Amendment Request.''

(b) *Initial determination.* Within 30 working days of receiving a request for correction or amendment, a component shall notify the requester whether his request will be granted or denied, in whole or in part. If the component grants the request in whole or in part, it shall send the requester a copy of the amended record, in releasable form, as proof of the change. If the component denies the request in whole or in part, it shall notify the requester in writing of the denial. The notice of denial shall state the reason or reasons for the denial and advise the requester of his right to appeal.

(c) *Appeals.* When a request for correction or amendment is denied in whole or in part, the requester may appeal the denial to the Solicitor of Labor within 90 days of his receipt of the notice denying his request. An appeal to the Solicitor of Labor shall be made in writing, shall set forth the specific item of information sought to be corrected or amended, and shall include any documentation said to justify the change. An appeal shall be addressed to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210–0002. Both the envelope and the letter of appeal itself must be clearly marked: ''Privacy Act Amendment Appeal.''

(d) *Determination on appeal.* The Solicitor of Labor shall decide all appeals from denials of requests to correct or amend records. All such appeals shall be decided within 30 working days of receipt of the appeal, unless there is good cause shown to extend this period. The appellant shall be notified if the period for decision has been extended.

(1) If the denial of a request is affirmed on appeal, the requester shall be so notified in writing and advised of:

(i) The reason or reasons the denial has been affirmed,

(ii) The requester's right to file a Statement of Disagreement, as provided in paragraph (f) of this section, and

(iii) The requester's right to obtain judicial review of the denial in the U.S. District Court for the judicial district in which the requester resides or has its principal place of business, the judicial district in which the record is located, or the District of Columbia.

(2) If the denial is reversed on appeal, the requester shall be so notified and the request for correction or amendment shall be promptly remanded to the component that denied the request for processing in accordance with the decision on appeal.

(e) *Delegation of authority by the Solicitor of Labor.* The Solicitor of Labor is authorized to delegate his or her authority to decide any and all appeals from denials of requests to correct or amend records to other senior attorneys within the Office of the Solicitor.

(f) *Statements of disagreement.* A requester whose request or appeal under this section has been denied shall have the right to file a Statement of Disagreement with the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210–0002, within 30 days of receiving notice of denial. Statements of Disagreement may not exceed one typed page per fact disputed. Statements exceeding this limit shall be returned to the requester for condensation. Upon receipt of a Statement of Disagreement under this section, the agency shall promptly have the statement included in the record and shall have the disputed record marked so as to indicate that a Statement of Disagreement has been filed.

(g) *Notices of correction or amendment or disagreement.* Within 30 working days of the correction or amendment of a record, the component that maintains the record shall advise all components or agencies to which it previously disclosed the record that the record has been amended. Whenever an individual has filed a Statement of Disagreement, a component shall append a copy of the Statement to the disputed record whenever the record is disclosed. The component may also append to the disputed record a written statement giving the component's reasons for denying the request to correct or amend the record.

§ 71.10 Certain records not subject to amendment.

Certain records are not subject to correction or amendment. These include, but are not limited to:

(a) Transcripts of testimony given under oath or written statements made under oath;

(b) Transcripts or decisions of grand jury, administrative, judicial, or quasi-judicial proceedings which constitute the official record of such proceedings;

(c) Records duly exempted from correction pursuant to 5 U.S.C. 552a(j) or 552a(k) by rulemaking promulgated under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*)

§ 71.11 Emergency disclosures.

If the record of an individual has been disclosed to any person under compelling circumstances affecting the health or safety of any person, as described in 5 U.S.C. 552a(b)(8), the individual to whom the record pertains shall be notified of the disclosure at his last known address within 10 working days. The notice of such disclosure shall be in writing and shall state the nature of the information disclosed, the person or agency to whom it was disclosed, the date of disclosure, and the compelling circumstances justifying the disclosure. The officer who made or authorized the disclosure shall be responsible for providing such notification.

§ 71.12 Use and collection of social security numbers.

(a) Each component unit that requests an individual to disclose his social security account number shall provide the individual, in writing, with the following information:

(1) The statute, regulation, Executive Order or other authority under which the number is solicited;

(2) Whether the disclosure is mandatory or voluntary; and

(3) The consequences, if any, to the individual should he or she refuse or fail to disclose the number.

(b) Neither the Department nor any of its component units shall, in the absence of specific federal statutory authority, deny to an individual any right, benefit or privilege provided by law solely because of such individual's refusal to disclose his social security account number.

(c) The head of each component unit shall ensure that employees authorized to collect social security account numbers or tax identifying numbers, are aware of the statutory or other basis for collecting such information, of the uses to which such numbers may be put, and of the consequences, if any, that might follow if a person refuses to disclose the requested number.

§ 71.13 Employee standards of conduct.

(a) Each component shall inform its employees of the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Each component also shall notify its employees that they have a duty to:

(1) Protect the security of records,

(2) Ensure the accuracy, relevance, timeliness, and completeness of records,

(3) Avoid the unauthorized disclosure, either verbal or written, of records, and

(4) Ensure that the component maintains no system of records without public notice.

(b) Except to the extent that the Privacy Act permits such activities, an employee of the Department of Labor shall:

(1) Not collect information of a personal nature from individuals unless the employee is authorized to collect such information to perform a function or discharge a responsibility of the Department;

(2) Collect from individuals only that information which is necessary to the performance of the functions or to the discharge of the responsibilities of the Department;

(3) Collect information about an individual directly from that individual, whenever practicable;

(4) Inform each individual from whom information is collected of:

(i) The legal authority that authorizes the Department to collect such information,

(ii) The principal purposes for which the Department intends to use the information,

(iii) The routine uses the Department may make of the information, and

(iv) The practical and legal effects upon the individual of not furnishing the information;

(5) Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as to ensure fairness to the individual in the determination;

(6) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment to the United States Constitution, unless:

(i) The individual has volunteered such information for his own benefit,

(ii) A statute expressly authorizes the Department to collect, maintain, use, or disseminate the information, or

(iii) The individual's beliefs, activities, or membership are pertinent to and within the scope of an authorized law enforcement activity;

(7) Notify the head of the component of the existence or development of any system of records that has not been disclosed to the public;

(8) Disclose no record to anyone, for any use, unless authorized by the Act;

(9) Maintain and use records with care to prevent the inadvertent disclosure of a record to anyone; and

(10) Notify the head of the component of any record that contains information that the Act or the foregoing provisions of this paragraph do not permit the Department to maintain.

§ 71.14 Use of nonpublic information.

(a) *Prohibition.* (1) An employee shall not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendations, or by knowing unauthorized disclosure. *See* 5 CFR 2635.703.

(2) Nonpublic information is information that an employee gains by reason of Federal employment that he knows or reasonably should know has not been made available to the general public. Nonpublic information includes information contained in a Privacy Act system of records which an individual knew or should have known:

(i) Is normally exempt from disclosure under Exemptions 6 or 7(C) of the Freedom of Information Act, or is otherwise protected from disclosure by statute, Executive Order or regulation;

(ii) Has not actually been disseminated to the general public and is not authorized to be made available to the public upon request.

(b) *Sanctions.* Any DOL employee who willfully discloses any information or records from any file that contains individually-identifiable information to any person or agency not entitled to receive it, and the disclosure of which is prohibited by the Privacy Act or by rules or regulations established thereunder, and who, knowing the disclosure of the specific material is so prohibited, will be subject to disciplinary action, as appropriate.

(c) *Public disclosures by third parties of DOL Privacy Act records.* When Labor Department records subject to the Privacy Act are disclosed to third parties, and as a condition of the disclosure of such records, the person or entity to whom the records are furnished is expressly prohibited from further disseminating the information, any further dissemination of the information so furnished to such person or entity may be subject to the penalties set forth in 18 U.S.C. 641.

§ 71.15 Training.

All DOL systems managers, disclosure officers, and employees with responsibilities under the Privacy Act shall periodically attend training offered by the Department on the Privacy Act.

Subpart B—Exemption of Records Systems Under the Privacy Act

§ 71.50 General exemptions pursuant to subsection (j) of the Privacy Act.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(j)(2) because they are maintained by a component of the agency or subcomponent which performs as its principal function the enforcement of criminal laws, and they contain investigatory material compiled for criminal law enforcement purposes. Accordingly, these systems of records are exempt from the following subsections of 552a of title 5 U.S. Code: (c) (3) and (4), (d), (e) (1), (2), and (3), (e)(4) (G), (H), and (1), (e) (5) and (8), (f) and (g).

(1) DOL/OIG–1 (General Investigative Files, and Subject Title Index, USDOL/OIG), a system of records maintained by the Office of the Inspector General (OIG).

(2) DOL/OIG–2 (Freedom of Information/Privacy Acts Records), a system of records maintained by the OIG.

(3) DOL/OIG–3 (Case Development Records), a system of records maintained by the OIG.

(4) DOL/OIG–5 (Investigative Case Tracking Systems/Audit Information Reporting Systems, USDOL/OIG), a system of records maintained by the OIG.

(5) DOL/OAW–1 (Investigative Files), a system of records maintained by the Office of the Labor-Management Standards.

(6) DOL/MSHA–20 (Civil/Criminal Investigations), a system of records maintained by the Mine Safety and Health Administration.

(7) DOL/PWBA–2 (Office of Enforcement Index Cards and Investigation Files), a system of records maintained by the Pension and Welfare Benefits Administration.

(b) This exemption applies to the extent that information in these systems of records is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(c) These systems are exempted for the reasons set forth below, from the following subsections of 5 U.S.C. 552a:

(1) *Subsection (c)(3).* The release of the disclosure accounting would present a serious impediment to law enforcement by permitting the subject of an investigation of an actual or potential criminal violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation and the information obtained, or to identify witnesses and informants.

(2) *Subsection (c)(4).* Since an exemption is being claimed for subsection (d) of the Act (Access to Records), this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) *Subsection (d).* Access to records contained in these systems would inform the subject of an actual or potential criminal investigation of the existence of that investigation, of the

nature and scope of the investigation, of the information and evidence obtained as to his or her activities, and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection, apprehension, and prosecution. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and imposes an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) *Subsection (e)(1).* In the course of criminal and related law enforcement investigations, cases, and matters, the agency will occasionally obtain information concerning actual or potential violations of law that may not be technically within its statutory or other authority, or it may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain some or all of such information since it can aid in establishing patterns of criminal activity and can provide valuable leads for Federal and other law enforcement agencies. Moreover, it is difficult to know during the course of an investigation what is relevant and necessary. In this connection, facts or evidence may not seem relevant at first, but later in the investigation, their relevance is borne out.

(5) *Subsection (e)(2).* To collect information to the greatest extent practicable from the subject individual of a criminal investigation or prosecution would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, improperly influence witnesses, destroy evidence, or fabricate testimony.

(6) *Subsection (e)(3).* To provide individuals supplying information with a form which includes the information required by subsection (e)(3) would constitute a serious impediment to law enforcement, i.e., it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7) *Subsections (e)(4) (G) and (H).* These subsections are inapplicable to the extent that these systems are exempt from the access provisions of subsection (d) and the rules provisions of subsection (f).

(8) *Subsection (e)(4)(I).* The categories of sources of the records in these systems have been published in the **Federal Register** in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary to protect the confidentiality of the sources of criminal and related law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) *Subsection (e)(5).* In the collection of information for criminal enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. Furthermore, the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would inhibit the ability of government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal information and related data necessary for effective law enforcement.

(10) *Subsection (e)(8).* The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investgative techniques, procedures, or evidence.

(11) *Subsection (f).* Procedures for notice to an individual pursuant to subsection (f)(1) as to existence of records pertaining to the individual dealing with an actual or potential criminal, civil, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or case, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under investigation or may become the subject of an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsections (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(12) *Subsection (g).* Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

§ 71.51 Specific exemptions pursuant to subsection (k)(2) of the Privacy Act.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(k)(2) because they contain investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2) of 5 U.S.C. 552a. Provided however, that if any individual is denied any right, privilege or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. Accordingly the following systems of records are exempt from (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(I) and (f) of 5 U.S.C. 552a.

(1) DOL/GOVT–1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File), a system of records maintained by the Employment Standards Administration (ESA).

(2) DOL/OASAM–17 (Equal Employment Opportunity Complaint Files), a system of records maintained by the Office of the Assistant Secretary for Administration and Management (OASAM).

(3) DOL/OASAM–19 (Negotiated Grievance Procedure and Unfair Labor Practice Files), a system of records maintained by OASAM.

(4) DOL/OASAM–20 (Personnel Investigation Records), a system of records maintained by OASAM.

(5) DOL/OASAM–22 (Directorate of Civil Rights Discrimination Complaint Case Files), a system of records maintained by OASAM.

(6) DOL/OASAM–29 (OASAM Employee Administrative Investigation File), a system of records maintained by OASAM.

(7) DOL/BLS–7 (BLS Employee Conduct Investigation), a system of records maintained by the Bureau of Labor Statistics (BLS).

(8) DOL/ESA–2 (Office of Federal Contract Compliance Programs, Complaint Files), a system of records maintained by ESA.

(9) DOL/ESA–25 (Office of Federal Contract Compliance Programs, Management Information Systems (OFCCP/MIS), a system of records maintained by ESA.

(10) DOL/ESA–26 (Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files), a system of records maintained by ESA.

(11) DOL/ESA–27 (Office of Workers' Compensation Programs, Longshore Act Claimant Representatives), a system of records maintained by ESA.

(12) DOL/ESA–28 (Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Longshore Act), a system of records maintained by ESA.

(13) DOL/ESA–29 (Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Federal Employees' Compensation Act), a system of records maintained by ESA.

(14) DOL/ESA–32 (ESA, Complaint and Employee Conduct Investigations), a system of records maintained by ESA.

(15) DOL/ESA–36 (ESA, Wage and Hour Division, MSPA/FLCRA Civil Money Penalty Record Files), a system of records maintained by ESA.

(16) DOL/ESA–40 (ESA, Wage and Hour Division, MSPA/FLCRA Tracer List), a system of records maintained by ESA.

(17) DOL/ESA–41 (ESA, Wage and Hour Division, MSPA/FLCRA Certificate Action Record Files), a system of records maintained by ESA.

(18) DOL/ETA–16 (Employment and Training Administration Investigatory File), a system of records maintained by the Employment and Training Administration (ETA).

(19) DOL/ETA–22 (ETA Employee Conduct Investigations), a system of records maintained by ETA.

(20) DOL/OIG–1 (General Investigative Files, and Subject Title Index, USDOL/OIG), a system of records maintained by the Office of the Inspector General (OIG).

(21) DOL/OIG–2 (Freedom of Information/Privacy Acts Records), a system of records maintained by the OIG.

(22) DOL/OIG–3 (Case Development Records), a system of records maintained by OIG.

(23) DOL/OIG–5 (Investigative Case Tracking Systems/Audit Information Reporting Systems, USDOL/OIG), a system of records maintained by OIG.

(24) DOL/OAW–1 (Investigative Files), a system maintained by the Office of Labor-Management Standards.

(25) DOL/MSHA–10 (Discrimination Investigations), a system of records maintained by the Mine Safety and Health Administration (MSHA).

(26) DOL/MSHA–19 (Employee Conduct Investigations), a system of records maintained by MSHA.

(27) DOL/MSHA–20 (Civil/Criminal Investigations), a system of records maintained by MSHA.

(28) DOL/OSHA–1 (Discrimination Complaint File), a system of records maintained by the Occupational Safety and Health Administration (OSHA).

(29) DOL/OSHA–12 (Employee Conduct Investigations), a system of records maintained by OSHA.

(30) DOL/PWBA–2 (Office of Enforcement Index Cards and Investigation Files), a system of records maintained by the Pension and Welfare Benefits Administration (PWBA).

(31) DOL/PWBA–7 (PWBA Employee Conduct Investigations), a system of records maintained by PWBA.

(32) DOL/SOL–8 (Special Litigation Files), a system of records maintained by the Office of the Solicitor (SOL).

(33) DOL/SOL–9 (Freedom of Information Act and Privacy Act Appeals Files), a system of records maintained by SOL.

(34) DOL/SOL–11 (Division of Civil Rights Defensive Litigation Files), a system of records maintained by SOL.

(35) DOL/SOL–12 (Third-party Recovery Files), a system of records maintained by SOL.

(36) DOL/SOL–13 (SOL Employee Conduct Investigations), a system of records maintained by SOL.

(37) DOL/SOL–15 (Solicitor's Office Litigation Files), a system of records maintained by SOL.

(38) DOL/VETS–1 (Veterans' Reemployment Complaint File—VETS–1), a system of records maintained by the Veterans' Employment and Training Service (VETS).

(39) DOL/VETS–2 (Veterans' Preference Complaint File), a system of records maintained by VETS.

(b) This exemption applies to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(c) The systems of records listed under paragraphs (a)(1) through (a)(39) of this section are exempted for the reasons set forth below, from the following subsections of 5 U.S.C. 552a:

(1) *Subsection (c)(3).* The release of the disclosure accounting, for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would enable the subject of an investigation of an actual or potential civil case to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, and to determine the identity of witnesses or informants. Such access to investigative information would, accordingly, present a serious impediment to law enforcement. In addition, disclosure of the accounting would constitute notice to the individual of the existence of a record even though such notice requirement under subsection (f)(1) is specifically exempted for this system of records.

(2) *Subsections (d)(1), (d)(2), (d)(3), and (d)(4).* Access to the records contained in these systems would inform the subject of an actual or potential civil investigation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his or her activities, and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(3) *Subsection (e)(1).* The notices for these systems of records published in the **Federal Register** set forth the basic statutory or related authority for maintenance of these systems. However, in the course of civil and related law enforcement investigations, cases and matters, the agency will occasionally obtain information concerning actual or potential violations of law that are not strictly or technically within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific case. In the interests of effective law enforcement, it is

necessary to retain some or all of such information in this system of records since it can aid in establishing patterns of compliance and can provide valuable leads for Federal and other law enforcement agencies. Moreover, it is difficult to know during the course of an investigation what is relevant and necessary. In this connection, facts or evidence may not seem relevant at first, but later in the investigation, their relevance is borne out.

(4) *Subsections (e)(4) (G) and (H).* Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act, these subsections are inapplicable to the extent that these systems of records are exempted from subsections (f) and (d).

(5) *Subsection (e)(4)(I).* The categories of sources of the records in these systems have been published in the **Federal Register** in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of civil law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(6) *Subsection (f).* Procedures for notice to an individual pursuant to subsection (f)(1) as to existence of records pertaining to the individual dealing with an actual or potential criminal, civil, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or case, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since an exemption is being claimed for subsection (d) of the Act (Access to Records), the rules required pursuant to subsections (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

§ 71.53 Specific exemptions pursuant to subsection (k)(5) of the Privacy Act.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(k)(5) because they contain investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. Accordingly, these systems of records are exempt from (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(I) and (f) of 5 U.S.C. 552a.

(1) DOL/OASAM–20 (Personnel Investigation Records), a system of records maintained by the Office of the Assistant Secretary for Administration and Management (OASAM).

(2) DOL/OIG–1 (General Investigative Files, and Subject Title Index, USDOL/OIG), a system of records maintained by the Office of the Inspector General (OIG).

(3) DOL/OIG–2 (Freedom of Information/Privacy Acts Records), a system of records maintained by the OIG.

(4) DOL/OIG–3 (Case Development Records), a system of records maintained by the OIG.

(5) DOL/OIG–5 (Investigative Case Tracking Systems/Audit Information Reporting Systems, USDOL/OIG), a system of records maintained by the OIG.

(b) This exemption applies to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(c) The systems of records listed under paragraphs (a)(1) through (a)(5) of this section are exempted for the reasons set forth below, from the following subsections of 5 U.S.C. 552a:

(1) *Subsection (c)(3).* The release of the disclosure accounting, for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for this system of records, would enable the subject of an investigation of an actual or potential civil case to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, and to determine the identity of witnesses or informants. Such access to investigative information would, accordingly, present a serious impediment to the investigation. In addition, disclosure of the accounting would constitute notice to the individual of the existence of a record even though such notice requirement under subsection (f)(1) is specifically exempted for this system of records.

(2) *Subsections (d)(1), (d)(2), (d)(3), and (d)(4).* Access to the records contained in these systems would inform the subject of an actual or potential investigation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his or her activities, and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection. This result, therefore, would constitute a serious impediment to effective investigation not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(3) *Subsection (e)(1).* The notices for these systems of records published in the **Federal Register** set forth the basic statutory or related authority for maintenance of this system. However, in the course of civil and related investigations, cases and matters, the agency will occasionally obtain information concerning actual or potential violations of law that are not strictly or technically within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific case. In the interests of effective investigation, it is necessary to retain some or all of such information in these systems of records since it can aid in establishing patterns of compliance and can provide valuable leads for Federal and other law enforcement agencies. Moreover, it is difficult to know during the course of an invesigation what is relevant and necessary. In this connection, facts or evidence may not seem relevant at first, but later in the investigation, their relevance is borne out.

(4) *Subsections (e)(4) (G) and (H).* Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act, these subsections are inapplicable to the extent that these systems of records are exempted from subsections (f) and (d).

(5) *Subsection (e)(4)(I).* The categories of sources of the records in these systems have been published in the **Federal Register** in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to

require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of investigatory information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(6) *Subsection (f).* Procedures for notice to an individual pursuant to subsection (f)(1) as to existence of records pertaining to the individual dealing with an actual or potential investigation must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or case, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since an exemption is being claimed for subsection (d) of the Act (Access to Records), the rules required pursuant to subsections (f) (2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

Appendix A to Part 71—Responsible Officials

(a)(1) The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. This list is provided for information and to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210–0002

Secretary of Labor, *Attention:* Assistant Secretary for Administration and Management (OASAM)
Deputy Solicitor, Office of the Solicitor
Chief Administrative Law Judge, Office of the Administrative Law Judges (OALJs)
Assistant Secretary for Administration and Management (OASAM)
Deputy Assistant Secretary for Administration and Management (OASAM)
Director, Business Operations Center, OASAM
Director, Civil Rights Center, OASAM
Director, Human Resources Center, OASAM
Director, Information Technology Center, OASAM
Director, Program Management and Information Center, OASAM
Director, Reinvention Center, OASAM
Director, Safety and Health Center, OASAM
Director, DOL Academy
Director, Office of Small Business and Minority Affairs
Chairperson, Employees' Compensation Appeals Board (ECAB)
Chief Administrative Appeals Judge, Benefits Review Board (BRB)
Director, Women's Bureau
Assistant Secretary Office of Congressional and Intergovernmental Affairs (OCIA)
Deputy Assistant Secretary , OCIA
Assistant Secretary for Policy (ASP)
Deputy Assistant Secretary, ASP
Assistant Secretary, Office of Public Affairs (OPA)
Deputy Assistant Secretary, OPA
Director, Office of Administrative Review Board (ARB)
Disclosure Officer, Office of the Inspector General (OIG)
Director, Office of Management, Administration and Planning Bureau of International Labor Affairs (ILAB)
Secretary, U.S. National Administrative Office (USNAO)
Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
Director, Office of Management, Administration and Planning (OMAP), ESA
Director, Equal Employment Opportunity Unit, ESA
Director, Office of Public Affairs, OMAP,ESA
Director, Division of Human Resources Management, OMAP, ESA
Director, Division of Legislative and Regulatory Analysis, OMAP, ESA
Director, Office of Workers' Compensation Programs (OWCP),
Assistant to the Director, OWCP, ESA
Director for Federal Employees' Compensation, OWCP, ESA
Director for Longshore and Harbor Workers' Compensation, OWCP, ESA
Director for Coal Mine Workers' Compensation, OWCP, ESA
National Office Program Administrator, Wage and Hour Division, ESA
Deputy National Office Program Administrator, Wage and Hour Division, ESA
Director, Office of Enforcement Policy, Wage and Hour Division, ESA
Deputy Director, Office of Enforcement Policy, Wage and Hour Divison, ESA
Director, Office of Planning and Analysis, Wage and Hour Division ESA
Director, Office of Wage Determinations, Wage and Hour Division ESA
Director, Office of External Affairs, Wage and Hour Division, ESA
Director, Office of Quality and Human Resources, Wage and Hour Division, ESA
Deputy Assistant Secretary for Contract Compliance Programs (OFCCP), ESA
Deputy Director, Office of Federal Contract Compliance Programs, OFCCP, ESA
Director, Division of Policy, Planning and Program Development, OFCCP, ESA
Deputy Director, Division of Policy, Planning and Program Development, OFCCP, ESA
Director, Division of Program Operations, OFCCP, ESA
Deputy Director, Division of Program Operations, OFCCP, ESA
Director, Division of Management and Administrative Programs, OFCCP, ESA
Deputy Assistant Secretary for Labor-Management Programs, ESA
Deputy Assistant Secretary for Labor-Management Standards, ESA
Deputy Assistant Secretary for Work and Technology Policy, ESA
Assistant Secretary of Labor, Employment and Training Administration (ETA)
Deputy Assistant Secretary of Labor, Employment and Training Administration (ETA)
Administrator, Office of Financial and Administative Management, ETA
Director, Office of Management, Information, and Support, ETA
Director, Office of Human Resources, ETA
Director, Office of the Comptroller, ETA
Director, Office of Grants and Contracts Management, ETA
Chief, Division of Resolution and Appeals, ETA
Chief, Division of Acquisition and Assistance, ETA
Chief, Division of Financial and Grant Management Policy and Review, ETA
Administrator, Office of Regional Management, ETA
Administrator, Office of Policy and Research, ETA
Director, Unemployment Insurance Service, ETA
Director, United States Employment Service, ETA
Chief, Division of Foreign Labor Certifications, ETA
Administrator, Office of Job Training Programs, ETA
Director, Office of Employment and Training Programs, ETA
Director, National Office of School to Work Opportunities, ETA
Director, Office of Job Corps, ETA
Director, Office of National Programs, ETA
Director, Bureau of Apprenticeship and Training, ETA
Administrator, Office of Work-Based Learning, ETA
Program Manager, Office of Worker Retraining and Adjustment Programs, ETA
Director, Office of Trade Adjustment Assistance, ETA
Director, Office of One-Stop/LMI, ETA
Director, Office of Equal Employment Opportunity
Occupational Safety and Health Administration (OSHA)
Director, Office of Information and Consumer Affairs, OSHA
Director, Directorate Office of Construction, OSHA
Director, Directorate of Federal-State Operations, OSHA
Director, Directorate of Policy, OSHA
Director, Directorate of Administrative Programs, OSHA
Director, Office of Personnel Management, OSHA
Director, Office of Administrative Services, OSHA
Director, Office of Management Data Systems, OSHA
Director, Office of Management Systems and Organization, OSHA

Director, Office of Program Budgeting, Planning and Financial Management, OSHA
Director, Directorate of Technical Support, OSHA
Director, Directorate of Safety Standards Programs, OSHA
Director, Directorate of Health Standards Programs, OSHA
Director, Office of Statistics, OSHA
Director of Program Services, Pension and Welfare Benefits Administration
Assistant Secretary for Veterans' Employment and Training (VETS)
Deputy Assistant Secretary for Veterans' Employment and Training, VETS
Director, Office of Operations and Programs, VETS
Chair, Benefits Review Board
Commissioner, Bureau of Labor Statistics

The mailing address for responsible official in the Bureau of Labor Statistics is: Rm. 4040—Postal Square Bldg., 2 Massachusetts Ave., NE,. Washington, DC 20212–0001.

Director of Program Evaluation and Information Resources Mine Safety and Health Administration (MSHA)

The mailing address for responsible official in the Mine Safety and Health Administration (MSHA) is: 4015 Wilson Boulevard, Arlington, Virginia 22203.

The mailing address for the Office of Administrative Law Judges is: Chief, Office of Administrative Law Judges, 800 K Street, NW., Suite N–400, Washington, DC. 20001–8002.

(2) The titles of the responsible officials in the field offices of the various independent agencies are listed below: Unless otherwise specified, the mailing address for these officials by region, shall be:

Region I:

U.S. Department of Labor, John F. Kennedy Federal Building, Boston, Massachusetts 02203

IN REGION I, ONLY, THE MAILING ADDRESS FOR OSHA IS:

133 Portland Street, 1st Floor, Boston, Massachusetts 02114

Region II

201 Varick Street, New York, New York 10014

Region III

Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104

Region IV

U.S. Department of Labor, Atlanta Federal Center, 61 Forsyth Street, S.W. Atlanta, Georgia 30303
214 N. Hogan Street, Suite 1006, Jacksonville, Florida 32202, (OWCP Only)

Region V

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1240 East Ninth Street,
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Region VI

525 Griffin Square Building, Griffin & Young Streets, Dallas, Texas 75202

Region VII

Center City Square Building, 1100 Main Street, Kansas City, Missouri 64105
801 Walnut Street, Room 200, Kansas City, Missouri 64106, (OFCCP only)

Region VIII

1999 Broadway Street, Denver, Colorado 80202

The mailing address for the Director of the Regional Bureau of Apprentice and Training in Region VIII is:

Room 465, U.S. Custom House, 721—19th Street, Denver, CO. 80202

Region IX

71 Stevenson Street, San Francisco, California 94105

Region X

1111 Third Avenue, Seattle, Washington 98101–3212

Regional Administrator for Administration and Management (OASAM)
Regional Personnel Officer, OASAM
Regional Director for Information and Public Affairs, OASAM
Regional Administrator for Occupational Safety and Health and Safety (OSHA)
Regional Commissioner, Bureau of Labor Statistics (BLS)
Regional Administrator for Employment and Training Administration (ETA)
Regional Director, Job Corps, ETA
Director, Regional Bureau of Apprenticeship and Training, ETA
Regional Management Analyst, ETA—Atlanta, Georgia
Regional Administrator for Wage and Hour, ESA
Regional Director for Federal Contract Compliance Programs, ESA
Regional Director for the Office of Workers' Compensation Programs, ESA
District Director, Office of Workers' Compensation Programs, ESA

Wage and Hour Division, ESA Responsible Officials, District Offices

135 High Street, Room 310, Hartford, Connecticut 06103
66 Pearl Street, Room 201, Portland, Maine 04101
One Bowdoin Square, 8th Floor, Boston, Massachusetts 02114
200 Sheffield St., Room 102, Mountainside, New Jersey 07092
3131 Princeton Pike, Building 5, Room 216, Lawrenceville, New Jersey 08648
Leo W. O' Brien Federal Bldg. Rm. 822, Albany, New York 12207
1967 Turnbull Avenue, Bronx, New York 10473
111 West Huron Street, Room 1512, Buffalo, New York 14202
825 East Gate Boulevard, Room 202, Garden City, New York 11530
26 Federal Plaza, Room 3838, New York, New York 10278
159 Carlos Chardon Street, Room 102, Hato Rey, Puerto Rico 00918
Federal Office Building, 103 South Gay Street, Room 913, Baltimore, Maryland 21202
U.S. Custom House, Room 238, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106
Federal Building, Room 313, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222
3329 Penn Place, 20 North Pennsylvania Ave., Wilkes-Barre, Pennsylvania 18701
The 700 Building, 700 East Franklin Street, Suite 560, Richmond, Virginia 23219
2 Hale Street, Suite 301, Charleston, West Virginia 25301–2834
100 Alabama Street, S.W., Room 7M10, Atlanta, Georgia 30303
Medical Forum Building, 950—22nd Street North, Suite 656, Birmingham, Alabama 35203
Federal Building, Room 408, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301–1976
3728 Phillips Hwy., Suite 219, Jacksonville, Florida 32207–0880
Sunset Center, 10300 Sunset Drive, Room 255, Miami, Florida 33173–3038
Austin Laurel Bldg., Suite 300, 4905 W. Laurel Street, Tampa, Florida 33607–3838
Gene Snyder U.S. Courthouse & Customhouse, Room 31, 601 Broadway, Louisville, Kentucky 40202–9570
800 Briar Creek Road, Suite CC–412, Charlotte, North Carolina 28205–6903
Somerset Park Building, 4407 Bland Rd., Suite 260, Raleigh, North Carolina 27609
Federal Building, Room 1072, 1835 Assembly Street, Columbia, South Carolina 29201
1 Jackson Place, No. 1020, 188 East Capitol Street, Jackson, Mississippi 39201, 1321 Murfreesboro Road, Suite 511, Nashville, Tennessee 37217–3131
230 South Dearborn Street, Room 412, Chicago, Illinois 60604–1595
509 West Capitol Avenue, Suite 205, Springfield, Illinois 62704
429 N. Pennsylvania Street, Room 403, Indianapolis, Indiana 46204–1873
River Glen Plaza, Suite 160, 501 East Monroe, South Bend, Indiana 46601–1615
2920 Fuller Avenue, Suite 100, Grand Rapids, Michigan 49505–3409
Bridge Place, Room 106, 220 South Second Street, Minneapolis, Minnesota 55401–2104
Federal Office Building, Room 817, 1240 East Ninth Street, Cleveland, Ohio 44199–2054
525 Vine Street, Room 880, Cincinnati, Ohio 45202–3268
200 North High Street, Room 646, Columbus, Ohio 43215–2475
Federal Center Building, Room 309, 212 East Washington Avenue, Madison, Wisconsin 53703–2878
TCBY Building, Suite 725, 425 West Capitol, Little Rock, Arkansas 72201
701 Loyola Avenue, Room 13028, New Orleans, Louisiana 70113
Western Bank Bldg, Suite 840, 505 Marquette, NW, Albuquerque, New Mexico 87102–2160
Wilson Plaza, 606 N. Carancachua, Suite 710, Corpus Christi, Texas 78476
Federal Building, Room 507, 525 South Griffin Street, Dallas, Texas 75202–5007
2320 LaBranch, Room 2100, Houston, Texas 77004
Northchase 1 Office Building, Suite 140, 10127 Morocco, San Antonio, Texas 78216
Fifty-One Yale Building, Suite 303, 5110 South Yale, Tulsa, Oklahoma 74135–7438
Federal Building, Room 643, 210 Walnut Street, Des Moines, Iowa 50309

Gateway Tower II, Suite 706, 400 State Avenue, Kansas City, Missouri 66101
1222 Spruce Street, Room 9102B, St. Louis, Missouri 63103
Federal Building, Room 715, 106 South 15th Street, Omaha, Nebraska 68102
Federal Office Building, Room 615, 1961 Stout Street, P.O. Drawer 3505, Denver, Colorado 80294
10 West Broadway, Suite 307, Salt Lake City, Utah 84101
3221 North 16th Street, Suite 301, Phoenix, Arizona 85016–7103
300 South Glendale Avenue, Suite 400, Glendale, California 91205–1752
2981 Fulton Avenue, Sacramento, California 95821
455 Market Street, Suite 800, San Francisco, California 94105
5675 Ruffin Road, Suite 320, San Diego, California 92123–1362
111 SW Columbia, Suite 1010, Portland, Oregon 97201–5842
1111 Third Avenue, Suite 755, Seattle, Washington 98101–3212

Office of Federal Contract Compliance Programs ESA, Responsible Offices, Regional Offices

JFK Federal Building, Room E–235, Boston, Massachusetts 02203
201 Varick Street, Room 750, New York, New York 10014
Gateway Building, Room 15340, 3535 Market Street, Philadelphia, Pennsylvania 19104
61 Forsyth Street, SW., Suite 7875, Atlanta, Georgia 30303
Klucynski Federal Building, Room 570, 230 South Dearborn Street, Chicago, Illinois 60604
Federal Building, Room 840, 525 South Griffin Street, Dallas, Texas 75202
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Office of Workers' Compensation Programs ESA, Responsible Officials, District Directors

John F. Kennedy, Federal Building, Boston, Massachusetts 02203, (FECA and LHWCA only)
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3535 Market Street, Philadelphia, Pennsylvania 19104, (FECA and LHWCA only)
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105 North Main Street, Suite 100, Wilkes-Barre, Pennsylvania 18701, (BLBA only)
Wellington Square, 1225 South Main Street, Greensburg, Pennsylvania 15601, (BLBA only)
300 West Pratt Street, Suite 240, Baltimore, Maryland 21201, (LHWCA only)
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2 Hale Street, Suite 304, Charleston, West Virginia 25301, (BLBA only)
609 Market Street, Parkersburg, West Virginia 26101, (BLBA only)
800 North Capitol Street, NW., Washington, DC 20211, (FECA only)
1200 Upshur Street, NW., Washington, DC 20210, (DCCA only)
334 Main Street, Fifth Floor, Pikeville Kentucky 41501, (BLBA only)
500 Springdale Plaza, Spring Street, Mt. Sterling, Kentucky 40353, (BLBA only)
214 N. Hogan Street, 10th Floor, Jacksonville, Florida 32201, (FECA and LHWCA only)
230 South Dearborn Street, 8th Floor, Chicago, Illinois 60604, (FECA and LHWCA)
1240 East 9th Street, Cleveland, Ohio 44199, (FECA only)
274 Marconi Boulevard, 3rd Floor, Columbus, Ohio 43215, (BLBA only)
525 Griffin Street, Federal Building, Dallas, Texas 75202, (FECA only)
701 Loyola Avenue, Room 13032, New Orleans, Louisiana 70183, (LHWCA only)
8866 Gulf Freeway, Suite 140, Houston, Texas 77017, (LHWCA only)
City Center Square, Suite 750, 1100 Main Street, Kansas City, Missouri 64105, (FECA only)
1801 California Street, Denver, Colorado 80202, (FECA andd BLBA only)
71 Stevenson Street, 2nd Floor, San Francisco, California 94105, (LHWCA and FECA only)
401 E. Ocean Boulevard, Suite 720, Long Beach, California 90802, (LHWCA only)
300 Ala Moana Boulevard, Room 5119, Honolulu, Hawaii 96850, (LHWCA only)
1111 3rd Avenue, Seattle, Washington 98101–3212, (LHWCA and FECA only)

Regional Administrator, Occupational Safety and Health Administration (OSHA)

Area Director, OSHA

Valley Office Park, 13 Branch Street, Methuen, Massachusetts 01844
639 Granite Street, 4th Floor, Braintree, Massachusetts 02184
279 Pleasant Street, Suite 201, Concord, New Hampshire 03301
380 Westminister Mall, Room 243, Providence, Rhode Island 02903
1145 Main Street, Room 108, Springfield, Massachusetts 01103–1493
40 Western Avenue, Room 121, Augusta, Maine 04330
Federal Office Building, 450 Main Street, Room 508, Hartford, Connecticut 06103
One LaFayette Square, Suite 202, Bridgeport, Connecticut 06604
90 Church Street, Room 1407, New York, New York 10007
990 Westbury Road, Westbury, New York 11590
42–40 Bell Boulevard, Bayside, New York 11361
3300 Vikery Road, North New, Syracuse, New York 13212
5360 Genesee Street, Bowmansville, New York 14026
U.S. Courthouse & Federal Office Building, Carlos Chardon Avenue, Room 559, Hato Rey, Puerto Rico 00918
401 New Karner Road, Suite 300, Albany, New York 12205–3809
Marlton Executive Park, Building 2, Suite 120, 701 Route 73 South, Marlton, New Jersey 08053
299 Cherry Hill Road, Suite 304, Parsippany, New Jersey 07054
500 Route 17 South, 2nd Floor, Hasbrouck Heights, New Jersey 07604
Plaza 35, Suite 205, 1030 St. Georges Avenue, Avenel, New Jersey 07001
660 White Plains Road, 4th Floor, Tarrytown, New York 10591–5107
US Custom House, Room 242, Second & Chestnut Street, Philadelphia, Pennsylvania 19106
One Rodney Square, Suite 402, 920 King Street, Wilmington, Delaware 19801
Federal Building, Room 1428, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222
20 North Pennsylvania Avenue, Penn Place, Room 2005, Wilkes-Barre, Pennsylvania 18701–3590
850 North 5th Street, Allentown, Pennsylvania 18102
550 Eagan Street, Room 206, Charleston, West Virginia 25301
3939 West Ridge Road, Suite B12, Erie, Pennsylvania 16506–1857
Progress Plaza, 49 North Progress Street, Harrisburg, Pennsylvania 17109
Federal Building, Room 1110, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201
Federal Office Building, 200 Granby Street, Room 835, Norfolk, Virginia 23510–1811
La Vista Perimeter Office Park, Building 7, Suite 110, Tucker, Georgia 30084
2400 Herodian Way, Suite 250, Smyrna, Georgia 30080
450 Mall Boulevard, Suite J, Savannah, Georgia 31406
Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216
3737 Government Boulevard, Suite 100, Mobile, Alabama 36693
1835 Assembly Street, Room 1468, Columbia, South Carolina 29201
Jacaranda Executive Court, 8040 Peters Road, Building H–100, Fort Lauderdale, Florida 33324
3780 I–55 North, Suite 210, Jackson, Mississippi 39211–6323
1851 Executive Center Drive, Ribault Building, Suite 227, Jacksonville, Florida 32207
John C. Watts Federal Building, 330 West Broadway, Room 108, Frankfort, Kentucky 40601
2002 Richard Jones Road, Suite C–205, Nashville, Tennessee 37215
Century Station, 300 Fayetteville Mall, Room 438, Raleigh, North Carolina 27601
5807 Breckenridge Parkway, Suite A, Tampa, Florida 33610
1600 167th Street, Suite 12, Calumet City, Illinois 60409
O'Hara Lake Plaza, 2360 East Devon Avenue, Suite 1010, Des Plaines, Illinois 60018
344 Smoke Tree Business Park, North Aurora, Illinois 60542
Federal Office Building, 1240 East 9th Street, Room 899, Cleveland, Ohio 44199
Federal Office Building, 200 N. High Street, Room 620, Columbus, Ohio 43215
US P.O. & Courthouse Building, 46 East Ohio Street, Room 423, Indianapolis, Indiana 46204
36 Triangle Park Drive, Cincinnati, Ohio 45246
2618 North Ballard Road, Appleton, Wisconsin 54915
Henry S. Reuss Building, Room 1180, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203

110 South 4th Street, Room 116, Minneapolis, Minnesota 55401
234 North Summit Street, Room 734, Toledo, Ohio 43604
801 South Waverly Road, Suite 306, Lansing, Michigan 48917–4200
4802 East Broadway, Madison, Wisconsin 53716
2918 W. Willow Knolls Road, Peoria, Illinois 61614
8344 East R.L. Thornton Freeway, Suite 420, Dallas, Texas 75228
611 East 6th Street, Grant Building, Room 303, Austin, Texas 78701
Westbank Building, Suite 820, 505 Marquette Avenue, NW, Albuquerque, New Mexico 87102
2156 Wooddale Boulevard, Hoover Annex, Suite 200, Baton Rouge, Louisiana 70806
Wilson Plaza, 606 N. Carancahua, Suite 700, Corpus Christi, Texas 78401
Federal Office Building, 1205 Texas Avenue, Room 422, Lubbock, Texas 79401
350 North Sam Houston Parkway East, Room 120, Houston, Texas 77060
17625 El Camino Real, Suite 400, Houston, Texas 77058
420 West Main Place, Suite 300, Oklahoma City, Oklahoma 73102
North Starr II, Suite 430, 8713 Airport Freeway, Fort Worth, Texas 76180–7604
Savers Building, Suite 828, 320 West Capitol Avenue, Little Rock, Arkansas 72201
4171 North Mesa Street, Room C119, El Paso, Texas 79902
6200 Connecticut Avenue, Suite 100, Kansas City, Missouri 64120
911 Washington Avenue, Room 420, St. Louis, Missouri 63101
210 Walnut Street, Room 815, Des Moines, Iowa 50309
300 Epic Center, 301 North Main, Wichita, Kansas 67202
Overland—Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106
5799 Broadmoor, Suite 338, Mission, Kansas 66202
19 North 25th Street, Billings, Montana 59101
220 E. Rosser, Room 348, P.O. Box 2439, Bismarck, North Dakota 58501
7935 East Prentice Avenue, Suite 209, Englewood, Colorado 80011–2714
1391 Speer Boulevard, Suite 210, Denver, Colorado 80204
1781 South 300 West, P.O. Box 65200, Salt Lake City, Utah 84165–0200
71 Stevenson Street, Room 415, San Francisco, California 94105
300 Ala Moana Boulevard, Suite 5122, P.O. Box 50072, Honolulu, Hawaii 96850
3221 North 16th Street, Suite 100, Phoenix, Arizona 85016
1050 East William, Suite 435, Carson City, Nevada 89701
301 West Northern Lights Boulevard, Suite 407, Anchorage, Alaska 99503
3050 North Lakeharbor Lane, Suite 134, Boise, Idaho 83703
505 16th Avenue, Northeast, Belleview, Washington 98004
1220 Southwest Third Avenue, Room 640, Portland, Oregon 97204

Pension and Welfare Benefits Administration Regional Director or District Supervisor

Regional Director, One Bowdoin Square, 7th Floor, Boston, Massachusetts 02114
Regional Director, 1633 Broadway, Rm. 226, New York, N.Y. 10019
Regional Director, 3535 Market Street, Room M300, Gateway Building, Philadelphia, Pennsylvania 19104
District Supervisor, 1730 K Street NW., Suite 556, Washington, DC 20006
Regional Director, 61 Forsyth Street, SW., Room 7B54, Atlanta, Georgia 30303
District Supervisor, 111 N.W. 183rd Street, Suite 504, Miami, Florida 33169
Regional Director, 1885 Dixie Highway, Suite 210, Ft. Wright, Kentucky 41011
District Supervisor, 211 West Fort Street, Suite 1310, Detroit, Michigan 48226–3211
Regional Director, 200 West Adams Street, Suite 1600, Chicago, Illinois 60606
Regional Director, City Center Square, 1100 Main Street, Suite 1200, Kansas City, Missouri 64105
District Supervisor, 815 Olive Street, Room 338, St. Louis, Missouri 63101
Regional Director, 525 Griffin Street, Room 707, Dallas, Texas 75202
Regional Director, 71 Stevenson Street, Suite 915, PO Box 190250, San Francisco, California 94119–0250
District Director, 1111 Third Avenue, Room 860, Seattle, Washington 98101–3212
Regional Director, Suite 514, 790 E. Colorado Blvd, Pasadena, California 91101

Regional Administrators, Veterans' Employment and Training Service (VETS)

Region I

J.F. Kennedy Federal Building, Government Center, Room E–315, Boston, Massachusetts 02203

Region II

201 Varick Street, Room 766, New York, New York 10014

Region III

U.S. Customs House, Room 305, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106

Region IV

Atlanta Federal Center, 61 Forsyth Street, SW., Room 6T85, Atlanta, Georgia 30303

Region V

230 South Dearborn, Room 1064, Chicago, Illinois 60604

Region VI

525 Griffin Street, Room 205, Dallas, Texas 75202

Region VII

Center City Square, 1100 Main Street, Suite 850, Kansas City, Missouri 64105

Region VIII

1801 California Street, Suite 910, Denver, Colorado 80202–2614

Region IX

71 Stevenson Street, Suite 705, San Francisco, California 94105

Region X

1111 Third Avenue, Suite 800, Seattle, Washington 98101–3212

Signed at Washington, DC this 17th day of July 1997.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 97–19476 Filed 7–25–97; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 10

RIN 1215–AB18

Use and Disclosure of Federal Employees' Compensation Act Claims File Material

AGENCY: Employment Standards Administration, Office of Workers' Compensation Programs, Labor.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Department of Labor's Office of Worker' Compensation Programs (OWCP), is proposing to revise the regulations regulating the release, use, and disclosure of documents relating to claims filed under the Federal Employees' Compensation Act (FECA). More specifically, the Department is also revising its regulation to reserve to the OWCP the exclusive authority for ruling on requests submitted by the subject of the FECA file for the correction or amendment of any record contained in such file.

DATES: Written comments must be submitted on or before September 26, 1997.

ADDRESSES: Send written comments to Thomas M. Markey, Director for Federal Employees' Compensation, Employment Standard Administration, U.S. Department of Labor, Room S–3229, 200 Constitution Avenue, NW., Washington, DC 20210–0002. Telephone: (202) 219–7552.

FOR FURTHER INFORMATION CONTACT: Thomas M. Markey at the address and telephone number listed above.

SUPPLEMENTARY INFORMATION: All claim forms, medical and other reports, witness statements, and any other documents relating to claims filed by injured workers or their survivors under the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*, including copies of any such documents retained by the employing agencies, are official records of the OWCP. Further, all FECA-related documents, whether they are contained in claim files maintained by OWCP, or are copies

maintained by the injured worker's employing agency, are covered by the Privacy Act of 1974 and the government-wide Privacy Act system of records entitled DOL/GOVT–1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File). DOL/GOVT–1 was last published in the **Federal Register** at 58 FR 49556 (September 23, 1993). That system is maintained by, and is under the full control of OWCP, even though custody of copies of such records may be at the employing agency.

The Department is proposing to revise § 10.12 part 10 to clarify the provisions relating to the processing and handling of requests for copies of documents covered by DOL/GOVT–1. Although employing agencies continue to be authorized to respond to requests for copies of FECA-related documents in their custody, the proposed regulations would reserve to OWCP the exclusive authority for ruling on requests for the correction of, or amendment to document covered by DOL/GOVT–1. Further, all appeals from the denial of access to records, as well as denials of requests for the correction or amendment of documents, shall be filed with the Solicitor of Labor.

Procedural Matters

The proposed rule does not constitute a significant regulatory action within the meaning of Executive Order 12866 of September 30, 1993 (58 FR 51735). Further, this proposed rule will have no significant impact or other substantial effect on small entities. Accordingly, the requirements of the Regulatory Flexibility Act (5 U.S.C. 605(b)) do not apply. The Assistant Secretary has so certified to the Chief Counsel for Advocacy for the Small Business Administration.

Paperwork Reduction Act

The proposed rule is not subject to the Paperwork Reduction Act since it does not contain a collection of information requirement.

List of Subjects in 20 CFR Part 10

Claims, Government employees, Labor, Workers' Compensation.

For the reasons set forth in the preamble, it is proposed that part 10 of Chapter 1 of title 20 of the Code of Federal Regulations be amended as follows:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

1. The authority citation for part 10 is revised to read as follows:

Authority: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174,64 Stat. 1263; 5 U.S.C. 8149; Secretary's Order 5–96, 62 FR 107.

2. Section 10.12 is revised to read as follows:

§ 10.12 Protection, release, inspection and copying of records.

(a) All records relating to claims for benefits filed under the Act, including any copies of such records maintained by an employing agency, are covered by the government-wide Privacy Act system of records entitled DOL/GOVT–1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File). This system of records is maintained by and under the control of the Office, and, as such, all records covered by DOL/GOVT–1 are official records of the Office. The protection, release, inspection and copying of records covered by DOL/GOVT–1 shall be accomplished in accordance with the rules, guidelines and provisions of this part, as well as those contained in 29 CFR parts 70 and 71, and with the notice of the system of records and routine uses published in the **Federal Register.** All questions relating to access/disclosure, and/or amendment of FECA records maintained by the Office or the employing agency, are to be resolved in accordance with this section.

(b)(1) While an employing agency may establish procedures that an injured employee or beneficiary should follow in requesting access to documents it maintains, any decision issued in response to such a request must comply with the rules and regulations of the Department of Labor which govern all other aspects of safeguarding these records.

(2) No employing agency has the authority to issue determinations with respect to requests for the correction or amendment of records contain in or covered by DOL/GOVT–1. That authority is within the exclusive control of the Office. Thus, any request for correction or amendment received by an employing agency must be referred to the Office of review and decision.

(3) Any administrative appeal taken from a denial issued by the employing agency or the Office shall be filed with the Solicitor of Labor in accordance with 29 CFR 71.7 and 71.9.

Signed at Washington, DC, this 17th day of July, 1997.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

Shelby Hallmark,

Acting Director, Office of Workers' Compensation Programs.

[FR Doc. 97–19475 Filed 7–25–97; 8:45 am]

BILLING CODE 4510–27–M

federal register

Monday
July 28, 1997

Part III

Department of Education

34 CFR Part 75

Direct Grant Programs; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 75

RIN: 1880–AA76

Direct Grant Programs

AGENCY: Department of Education.

ACTION: Final rule.

SUMMARY: The Secretary amends Part 75, Education Department General Administrative Regulations (EDGAR), which governs the administration of the Department's discretionary grant programs. These amendments revise certain sections of Part 75 to remove conflicts with Part 74, which was revised in July 1994. These amendments provide virtually all discretionary grantees the greater administrative flexibility to take certain actions without the prior approval of the Department that is permitted under the revised Part 74 for grantees subject to that part. Special Projects and Centers funded by the National Institute on Disability and Rehabilitation Research will continue to need prior approval to extend their projects due to unique circumstances associated with those programs. The Secretary retains discretion under these amendments to require prior approval for any of the actions permitted under the revised regulations if needed in appropriate circumstances.

EFFECTIVE DATES: These regulations take effect on August 27, 1997. These regulations apply to direct grants outstanding on the effective date of the regulations and to all grants made on or after the effective date of the regulations. With respect to the following NIDRR programs, these regulations become applicable on October 1, 1997:

The Knowledge Dissemination and Utilization Centers and Disability and Technical Assistance Centers programs under 34 CFR Part 350, Subpart B, §§ 350.17–350.19;

The Rehabilitation Research and Training Centers program under 34 CFR Part 350, Subpart C;

The Rehabilitation Engineering Research Centers program under 34 CFR Part 350, Subpart D;

The Special Projects and Demonstrations for Spinal Cord Injuries programs under 34 CFR Part 359.

ADDRESSES: While the Secretary is publishing these procedural rules as final regulations, the Secretary is interested in comments on the effect of these changes and ways to improve the discretionary grant administration process of the Department. Written comments should be sent to: Greg Vick, U.S. Department of Education, Grants Policy and Oversight Staff, Mail Stop 4248, Washington, DC 20202. Copies of comments submitted to the Department will be available for public inspection, until the regulations become effective, in Room 3652, GSA National Capital Region Building, 7th and D Streets, SW., Washington, DC between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Greg Vick, (202) 708–8199. 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 5 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

On November 29, 1993 (58 FR 62992), the Office of Management and Budget (OMB) published a revised version of OMB Circular A–110, which establishes uniform administrative requirements for Federal grants and cooperative agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. On July 6, 1994 (59 FR 34722), the Secretary revised Part 74 (Administration of Grants) of EDGAR to apply the provisions of the revised circular to Department of Education grantees that are members of the covered groups.

The revised Part 74 gave the Secretary discretion to dispense with certain prior approval procedures in Part 74 and various OMB circulars, in order to permit a grantee: (1) To extend its grant automatically at the end of a project period for a period of up to one year without prior approval if the Department obligated no additional funds; (2) to carry funds over from one budget period to the next without limitation; (3) to obligate funds up to 90 days before the effective date of the grant award without prior approval; and (4) to make transfers of funds between direct cost budget categories for certain kinds of grants. However, because regulations in Part 80, which applies to governments, and Part 75, which applies to direct grants to any kind of organization, conflict with the new rules in Part 74, these amendments are needed to remove the barriers to use of the discretion authorized in Part 74. Under the amendments, virtually all direct grantees of the Department can benefit from the reduced burden in Part 74.

Extending a Project Period

As currently written, § 75.261, binding on all classes of grantees, requires them to take certain steps before the Department will consider extending the end date of a project period. This regulation conflicts with the Secretary's discretion under § 74.25(e). The new language for § 75.261 provides that grantees of the Department may extend their grants as provided in Part 74 unless a statute, certain regulations or a grant condition prohibits that discretion.

There are situations in which the Secretary might prohibit a grantee from exercising the no-prior-approval discretion otherwise available under the revised § 75.261 by including conditions in the notification of grant award. For example, some grants that support programs for training teachers include funds for both salaries for professors and scholarships for students. If a grantee does not receive new funding for its program, the grantee may try to extend the project period of the award and use any remaining funds to pay salaries for professors without paying stipends to students so they could benefit from the program. To avoid such a result, the Secretary might require prior approval for an extension.

The Secretary also would refuse to permit a grantee to extend its project period if, pursuant to statute, the funds would not be available for expenditure (liquidation of obligations) during the extended period. Under the account closing provisions of Public Law 101–510, funds must be obligated and expended within five years after their availability for obligation by ED expired. If funds are not obligated and expended by a grantee within this period, they revert automatically to the U.S. Treasury. If a grantee were to unilaterally extend its project period so that the funds were no longer available for expenditure, the grantee would suffer from the automatic withdrawal of its authority to liquidate obligations at the start of or in the middle of a budget period.

The Secretary does not expect this unanticipated consequence in the future because the Department is in the process of converting to a new financial management system that will track all funds by the fiscal year they were made available for obligation by the Department. Under this new financial management system, grantees would be required to expend funds from earlier budget periods of their grants before drawing on funds from later budget periods. Budget periods for discretionary grants are not exactly

synchronous with the period funds are available for obligation by ED. However, requiring grantees to obligate funds from earlier budget periods will ensure that, when a grantee gets to its last budget period, the funds obligated during that last period will not have been available to the grantee more than five years after the end of the availability for obligation by the Department. During the period of transition to the new financial system, ED will monitor expenditures closely and might include conditions in some grants that would require prior approval for extensions. Thus, ED could check its records to be sure that the grantee would have funds available for expenditure under the account-closing provisions of Public Law 101–510 before permitting any extension.

Certain programs of NIDRR require special treatment regarding the authority of grantees to extend their grants. As a result, the regulations require grantees to request prior approval to extend their projects under the Knowledge Dissemination and Utilization Centers and Disability and Technical Assistance Centers programs, Rehabilitation Research and Training Centers program, the Rehabilitation Engineering Research Centers program, and the Special Projects and Demonstrations for Spinal Cord Injuries programs. The special regulation for these NIDRR programs is necessary to prevent confusion among constituents that could result if there were more than one center or special project in a given topical or geographical area. Also, if some of the grantees under these programs lost competitions for the next centers or special projects grants and extended their projects, the Assistant Secretary might be unable to ensure that each of these grantees would have access to the required ED information and expertise or to the multi-center databases required for many rehabilitation research grantees.

The Secretary has established a delayed effective date for the regulations as applied to these programs because their regulations were recently amended, changing many of the citations to the relevant subparts and sections. The program amendments become effective on October 1, 1997. Thus, to avoid the confusion of multiple citations in the regulations, these amendments are made effective for these programs on the same date as the program regulations become effective. The end result of the delayed effective date is that the current regulation, requiring prior approval for extension of grants past the end of the project period, will be continued under the new program and EDGAR regulations that become effective on October 1, 1997.

Carrying Funds Forward

Section 75.253(c) provides that the Secretary considers funds remaining unused by the grantee at the end of a budget period in deciding how much new money to make available to a project for the next budget period. Under the current regulation, if the unused funds are needed to complete activities from the prior budget period, the Secretary adds those unused funds to the funds to be granted for the next budget period, with the result that the grantee gets funds sufficient to complete the unfinished activities and to carry out all new activities as well.

However, if the funds are not needed to complete unfinished activities, the Secretary reduces the amount of new funds made available to the grant by the amount of remaining funds that are carried into the next budget period. Thus the Department's current regulation—in the same manner as the new Part 74—has traditionally provided for carrying over unused funds from a previous budget period but requires the Secretary to consider those funds in deciding how much new money to make available to a grantee.

The Secretary sees the value in many or most cases of letting grantees carry all of their unused funds forward automatically and making all of the remaining funds from the previous budget period available for obligation during the next budget period, especially since doing so will eliminate a significant paperwork burden for the many grantees who otherwise would have to write to the Department to request specific authorization for carrying over unused funds to the following budget period.

Therefore, the Secretary amends § 75.253(c) so that it clearly provides that grantees may carry over unused funds from the previous budget period into a new budget period and gives the Secretary discretion to consider those funds in determining whether to reduce the amount of new funds made available to the grant for the next budget period. Examples of cases where the Secretary might use this discretion include grants to ''high-risk'' grantees, grants that do not show a sufficient rate of expenditure to indicate substantial progress had been made by the grantee, as required by § 75.253(a)(2)(i), or awards where the grantee has completed the activities of the budget period and does not need extra funds to cover the activities planned for the next budget period. The conditions of a continuation award will alert the grantee in those specific instances where the Department has either reduced the amount of new funds made available for a new budget period or might reduce the amount of new funds, depending on what information the Department gets from regular grantee reports or, in limited circumstances, from information provided under § 75.253(c)(2)(i).

Spending Grant Funds Before Getting an Award

Both Part 74 and Part 80 incorporate by reference OMB circulars A–21, A–87, and A–122, which govern allowable expenditures under most grant awards, thus giving them the force of law. The relevant circulars allow grantees to expend funds before the effective date of the award only with the prior approval of the awarding agency (so-called ''pre-agreement'' or ''pre-award'' costs). Section 74.25(e)(1) now allows a grantee to incur certain pre-award costs under the conditions specified in that section. However, no similar authority exists in Part 80 for grantees subject to that Part. The Secretary adds a new § 75.263, which permits all types of grantees to expend funds before the effective date of the grant as permitted in § 74.25, unless a statute, regulations other than Part 80 regulations, or, in rare circumstances, grant conditions prohibit those expenditures.

Cumulative Transfers Among Budget Categories

Under Part 80 recipients of grants in excess of $100,000 are required to obtain the approval of the Department before making cumulative cost transfers among categories in a project budget that would exceed ten percent of the current total approved budget (§ 80.30(c)(1)(ii)). By contrast, the revised Part 74 authorizes grantees to make these transfers unless the Secretary imposes a limitation on transfers in a particular case. Thus, Part 80 grantees and those subject to Part 74 are subject to inconsistent treatment in regard to this matter. To resolve this discrepancy, the Secretary adds a new § 75.264, which has the effect of applying the rule in Part 74 to all grantees, including those covered by Part 80.

Conclusion

These amendments reduce regulatory and administrative burden on discretionary grantees and give them more flexibility in planning and implementing their program activities. These regulations also reduce paperwork burden.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), proposed rulemaking is not required.

Regulatory Flexibility Act Certification

These regulations would not have a significant economic impact on a substantial number of small entities.

These regulations could affect State agencies, nonprofit organizations, institutions of higher education and individuals. State agencies, and individuals, however, are not defined as ''small entities'' in the Regulatory Flexibility Act.

The small entities that could be affected by these regulations are institutions of higher education, local educational agencies, community-based organizations, hospitals, and nonprofit organizations receiving Federal funds under a direct grant program. The final regulations, however, would not have a significant economic impact on these entities because the amendments relieve regulatory burden.

Paperwork Reduction Act of 1995

The amendments have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements. These regulations reduce paperwork burden.

Intergovernmental Review

Some of the programs that would be affected by these regulations are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by States and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

Assessment of Education Impact

Based on its own review, the Department has determined that the regulations in this document would not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 75

Administrative practice and procedure, Continuation funding, Education, Grant programs—education, Grants administration, Incorporation by reference, Performance reports, Reporting and record keeping requirements, Unobligated funds.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: July 21, 1997.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 75 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

2. Section 75.253(c) is revised to read as follows:

§ 75.253 Continuation of a multi-year project after the first budget period.

* * * * *

(c)(1) Notwithstanding any regulatory requirements in 34 CFR part 80, a grantee may expend funds that have not been obligated at the end of a budget period for obligations of the subsequent budget period if—

(i) The obligation is for an allowable cost that falls within the scope and objectives of the project; and

(ii) ED regulations other than 34 CFR part 80, statutes, or the conditions of the grant do not prohibit the obligation.

Note: See 34 CFR 74.25(e)(2).

(2) The Secretary may—

(i) Require the grantee to send a written statement describing how the funds made available under this section will be used; and

(ii) Determine the amount of new funds that the Department will make available for the subsequent budget period after considering the statement the grantee provides under paragraph (c)(2)(i) of this section or any other information available to the Secretary about the use of funds under the grant.

(3) In determining the amount of new funds to make available to a grantee under this section, the Secretary considers whether the unobligated funds made available are needed to complete activities that were planned for completion in the prior budget period.

* * * * *

3. Section 75.261 is amended by redesignating the current paragraphs (a) and (b) as paragraphs (c) and (d); adding new paragraphs (a) and (b); revising the introductory text of the newly designated paragraph (c); amending newly designated paragraph (c)(4)(ii)(C) by removing ''(a)(4)(ii)(A)'' and adding, in its place, ''(c)(4)(ii)(A)''; and adding ''*Waiver.*'' at the beginning of newly designated paragraph (d) to read as follows:

§ 75.261 Extension of a project period.

(a) *General rule.* A grantee may, notwithstanding any regulatory requirement in 34 CFR part 80, extend the project period of an award one time for a period up to twelve months without the prior approval of the Secretary, if—

(1) The grantee meets the requirements for extension of 34 CFR 74.25(e)(2); and

(2) ED regulations other than the regulations in 34 CFR part 80, statutes or the conditions of an award do not prohibit the extension.

(b) *Specific rule for certain programs of the National Institute on Disability and Rehabilitation Research.* Notwithstanding paragraph (a) of this section, grantees under the following programs of NIDRR must request prior approval to extend their grants under paragraph (c) of this section:

(1) The Knowledge Dissemination and Utilization Centers and Disability and Technical Assistance Centers authorized under 29 U.S.C. 761a(b)(2), (4), (5), (6), and (11) and implemented at 34 CFR part 350, subpart B, §§ 350.17–350.19.

(2) The Rehabilitation Research and Training Centers program authorized under 29 U.S.C. 762(b) and implemented at 34 CFR part 350, subpart C.

(3) The Rehabilitation Engineering Research Centers authorized under 29 U.S.C. 762(b)(3) and implemented at 34 CFR part 350, subpart D.

(4) The Special Projects and Demonstrations for Spinal Cord Injuries authorized under 29 U.S.C. 762(b)(4) and implemented at 34 CFR part 359.

(c) *Other regulations.* If ED regulations, other than the regulations in 34 CFR part 80, or the conditions of the award require the grantee to get prior approval to extend the project period, the Secretary may permit the grantee to extend the project period if—

* * * * *

4. A new § 75.263 is added to subpart D to read as follows:

§ 75.263 Pre-award costs; waiver of approval.

A grantee may, notwithstanding any requirement in 34 CFR part 80, incur pre-award costs as specified in 34 CFR 74.25(e)(1) unless—

(a) ED regulations other than 34 CFR part 80 or a statute prohibit these costs; or

(b) The conditions of the award prohibit these costs.

(Authority: 20 U.S.C. 1221e–3 and 3474; OMB Circulars A–21, A–87, and A–122)

5. A new § 75.264 is added to subpart D to read as follows:

§ 75.264 Transfers among budget categories.

A grantee may, notwithstanding any requirement in 34 CFR part 80, make transfers as specified in 34 CFR 74.25 unless—

(a) ED regulations other than 34 CFR part 80 or a statute prohibit these transfers; or

(b) The conditions of the grant prohibit these transfers.

(Authority: 20 U.S.C. 1221e–3 and 3474)

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101	(869–028–00160–2)	36.00	July 1, 1996
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42 Parts:			
●1–399	(869–028–00163–7)	32.00	Oct. 1, 1996
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●430–End	(869–028–00165–3)	44.00	Oct. 1, 1996
43 Parts:			
●1–999	(869–028–00166–1)	30.00	Oct. 1, 1996
●1000–end	(869–028–00167–0)	45.00	Oct. 1, 1996
●44	(869–028–00168–8)	31.00	Oct. 1, 1996
45 Parts:			
●1–199	(869–028–00169–6)	28.00	Oct. 1, 1996
●200–499	(869–028–00170–0)	14.00	[6] Oct. 1, 1995
●500–1199	(869–028–00171–8)	30.00	Oct. 1, 1996
●1200–End	(869–028–00172–6)	36.00	Oct. 1, 1996
46 Parts:			
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●500–End	(869–028–00181–5)	17.00	Oct. 1, 1996
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1997. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1996. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments were promulgated during the period October 1, 1995 to September 30, 1996. The CFR volume issued October 1, 1995 should be retained.