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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 62, No. 165
Tuesday, August 26, 1997

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97–073–1]

Oriental Fruit Fly; Designation of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by quarantining a portion of Los Angeles County, CA, and restricting the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: Interim rule effective August 20, 1997. Consideration will be given only to comments received on or before October 27, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–073–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–073–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247; or e-mail: mstefan@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of citrus and other types of fruit, nuts, and vegetables. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks and can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93–10 (referred to below as the regulations), were established to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. Section 301.93–3(a) provides that the Administrator will list as a quarantined area each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. The regulations impose restrictions on the interstate movement of regulated articles from the quarantined areas. Quarantined areas are listed in § 301.93–3(c).

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles, and the designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) reveal that a portion of Los Angeles County, CA, is infested with the Oriental fruit fly. The Oriental fruit fly is not known to exist anywhere else in the continental United States.

Officials of State agencies of California have begun an intensive Oriental fruit fly eradication program in the quarantined area in California. Also, California has taken action to restrict the intrastate movement of certain articles from the quarantined area.

Accordingly, to prevent the spread of the Oriental fruit fly to other States, we are amending the regulations in § 301.93–3 by designating as a quarantined area a portion of Los Angeles County, CA. The resulting quarantined area is described in the rule portion of this document.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the Oriental fruit fly regulations by adding a portion of Los Angeles County, CA, to the list of quarantined areas. The regulations restrict the interstate movement of regulated articles from the quarantined areas.

Within the quarantined portion of Los Angeles County, there are approximately 143 entities that will be affected by this rule. All would be considered small entities. These include 2 farmers' markets, 1 community garden, 4 distributors, 93 fruit sellers, 7 vendors, 2 growers, 2 haulers, 27 nurseries, 2 packers, 2 processors, and 1 swap meet. These small entities

comprise less than 1 percent of the total number of similar small entities operating in the State of California. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments, that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for the Oriental fruit fly regulatory program. The site specific environmental assessment provides a basis for the conclusion that implementation of integrated pest management to achieve eradication of the Oriental fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantining, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas:

California

Los Angeles County. That portion of Los Angeles County beginning at the intersection of Arrow Highway and Interstate Highway 605; then west along Arrow Highway to Buena Vista Street; then north along Buena Vista Street to Huntington Drive; then east along Huntington Drive to Foothill Boulevard; then east along Foothill Boulevard to the shoreline of the San Gabriel River; then northeast along the shoreline of the San Gabriel River to State Highway 39 (San Gabriel Canyon Road); then southeast along an imaginary line to the intersection of Sierra Madre Avenue and Glendora Avenue; then south along Glendora Avenue to Alosta Avenue; then east along Alosta Avenue to Lone Hill Avenue; then south along Lone Hill Avenue to Cypress Street; then west along Cypress Street to Badillo Street; then southwest along Badillo Street to Reeder Avenue; then south along Reeder Avenue to Puente Street; then southeast along Puente Street to Via Verde; then southwest along Via Verde to The Mall; then south along The Mall to Interstate Highway 10; then west along Interstate Highway 10 to Grand Avenue; then southeast along Grand Avenue to Amar Road; then west and northwest along Amar Road to Baldwin Park Boulevard; then northeast along Baldwin Park Boulevard to Francisquito Avenue; then northwest along Francisquito Avenue to Ramona Boulevard; then west along Ramona Boulevard to Interstate Highway 605; then northeast along Interstate Highway 605 to the point of beginning.

Done in Washington, DC, this 20th day of August 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–22645 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 911 and 944

[Docket No. FV97–911–1A FIR]

Limes Grown in Florida and Imported Limes; Change in Regulatory Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, an interim final rule which changed the regulatory period currently prescribed under the lime marketing order and the lime import regulations. The marketing order regulates the handling of limes grown in Florida and is administered locally by the Florida Lime Administrative Committee (committee). This rule revokes the temporary suspension of grade and size requirements and maintains continuous, year round, implementation of regulations. This rule will maintain quality standards ensuring continued customer satisfaction with fresh limes. The change in import requirements is necessary under section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: Effective September 25, 1997.

FOR FURTHER INFORMATION CONTACT: Aleck Jonas, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299–4770, Fax: (941) 299–5169; or Anne Dec, Marketing Order Administration Branch, F&V,

AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 126 and Marketing Order No. 911 (7 CFR part 911), both as amended, regulating the handling of limes grown in Florida, 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.''

This rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including limes, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

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

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. 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.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This rule revokes the temporary suspension of regulations currently prescribed under the lime marketing order and the lime import regulations. The temporary suspension was published in the **Federal Register** on August 21, 1996 (61 FR 43141) and suspended both the domestic and import regulations for the period June 1, 1997, through December 31, 1997. The interim final rule published in the **Federal Register** on June 4, 1997 (62 FR 30429) revised both the domestic and import regulations by removing a temporary suspension of regulations and thereby maintaining handling regulations for the remainder of 1997, and thereafter. This rule adopts as a final rule, without change, the provisions of the interim final rule and keeps the regulations in effect.

Section 911.48 of the lime marketing order provides authority to issue regulations establishing specific pack, container, grade and size requirements. These requirements are specified under Sections 911.311, 911.329, and 911.344. Prior to this rule, the requirements specified under Sections 911.311, 911.329, and 911.344 were temporarily suspended from June 1, 1997, through December 31, 1997.

The committee met on February 5, 1997, and, on a unanimous vote, recommended terminating the scheduled suspension.

The suspension of regulations was first published, as a proposed rule, in the May 8, 1996, **Federal Register** (60 FR 20754). A notice, published in the June 26, 1996, **Federal Register** (61 FR 33047), extended the comment period of the proposed rule from June 7, 1996, to July 8, 1996. The final rule was published in the August 21, 1996, **Federal Register** (61 FR 43141).

In its deliberations, the committee noted that this issue has been argued and debated by the committee since its original proposal to suspend regulations. The committee was divided, passing the measure on a split vote of six in favor and four opposed, January 10, 1996. Comments from growers and grower/handlers concerning the changes in the proposed rule expressed concern that the loss of regulation and the associated quality standards would result in poor quality limes on the market and consumer dissatisfaction.

The committee, upon further discussion, shared these concerns. In fact, the committee revisited the issue on April 17, 1996. After deliberations on the possibilities of what could occur without regulations, the committee recommended, on a vote of seven in support, none against, and one abstention, that the original proposal be modified from a permanent change to a one year experiment. This action was taken to provide the committee with an opportunity to study the effects the suspension of the handling regulations would have on the industry and market versus the cost savings derived from it.

The change was originally to have begun on June 1, 1996. However, an extended comment period, and the requested modifications to the proposal itself, resulted in the start date being delayed to June 1, 1997. This one year delay in implementation has allowed the committee time to reevaluate the need to suspend regulations.

The original rule suspending regulations was issued in response to changes in the market, rising costs of production, and the cost of replanting in the aftermath of Hurricane Andrew. The committee commented that when the change was originally recommended on January 10, 1996, the industry's position and future prospects appeared quite different from today. At that time, many of the lime trees were less than 3 years old and too young to bear fruit. These lime trees had been replanted after Hurricane Andrew. Money was being expended on replanting and no revenue was coming in from these young non-bearing trees. Further, last year citrus leaf minor was a new threat to the lime trees and at that time predictions called for expensive control methods that may or may not have worked. Throughout the industry, the concern to save money was great, and the suspension of regulations was thought to be a money saving avenue. By reducing the regulatory period and its associated costs, the committee hoped to provide a decrease in industry expenses. The committee hoped the reduced costs of no regulations, no inspection fees, and reduced committee expenses, resulting from fewer meetings and less compliance monitoring, would benefit the industry and foster growth.

The industry's present situation is much improved over what it was when the changes to the regulation were proposed and made final. The young lime trees are now 3 and 4 years old and bearing fruit, resulting in a larger crop and more revenue. Citrus leaf minor is far less a threat than originally presumed, due, in part, to native insect predation against it. This has resulted in less funds being required to combat this pest.

Also, the lime committee operated off reserves last season with a zero assessment, and it has budgeted to work off reserves with a zero assessment for the current season. This will result in industry savings of approximately $75,000 each season. The committee believes that all of these factors have eliminated the critical need for the further cost savings which prompted the original request for the change.

Reviewing the past year, committee members stated that fresh limes sold were generally plentiful and of good quality. However, they also noted that even with quality regulations in effect, some poor quality limes do reach the retail market. The committee is now concerned that removing quality regulations, even for an experimental period, may result in even larger quantities of poor quality fruit reaching the retail market, resulting in consumer dissatisfaction and product substitution. Committee members commented that past experience has indicated the difficulty of enticing customers to return to a product once substitution has taken place.

Committee members maintain that although some poor quality limes still appear on the market, the regulations have done much to reduce the number and help provide uniform quality. This, in turn, has ensured customer satisfaction with fresh limes which is a primary concern to the industry. Thus, the committee believes the benefits of the quality regulations outweigh the now diminished need to take action that would result in cost savings.

Section 8e of the Act provides that when certain domestically produced commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule changes the regulatory period under the domestic handling regulations, a corresponding change to the import regulations must also be made.

Minimum grade and size requirements for limes imported into the United States are currently in effect under Section 944.209 (7 CFR 944.209). This rule revokes the temporary suspension period for both the domestic and import regulations. This rule leaves the lime regulations in effect throughout the remainder of 1997. This reflects the same changes being made under the order for Florida limes. The minimum size and grade requirements for Florida limes are specified in section 911.344 under marketing order 911. The minimum size and grade requirements are not specifically stated in the lime import regulation. Therefore, no change is needed in the text of Section 944.209.

Mexico is the largest exporter of limes to the United States. During the 1995–96 season, Mexico exported 5,591,451 bushels to the United States, while all other import sources shipped a combined total of 167,832 bushels during the same time period. From June 1, 1996, through December 31, 1996, Mexico exported 4,151,867 bushels of limes to the United States, approximately 67 percent of the total, 6,190,321 bushels, shipped during the 1996–97 season that ended in March. Mexico exported 559,525 bushels of limes to the United States for the month of June 1996, approximately 9 percent of the total, 6,190,321 bushels, shipped in the 1996–97 season.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and 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. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are approximately 10 handlers subject to regulation under the order and about 50 producers of Florida limes. There are approximately 35 importers of limes. Small agricultural service firms, which include lime handlers and importers, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000.

Based on the Florida Agricultural Statistics Service and committee data for the 1995–96 season, the average annual f.o.b. price for fresh Florida limes during the 1995–96 season was $16.50 per 55 pound bushel box equivalent for all domestic shipments, and the total shipments for the 1995–96 season were 371,413. Approximately 20 percent of all handlers handled 86 percent of Florida lime shipments. In addition, many of these handlers ship other tropical fruit and vegetable products which are not included in committee data but would contribute further to handler receipts. Using the average f.o.b. price, about 80 percent of lime handlers could be considered small businesses under SBA's definition and about 20 percent of the handlers could be considered large businesses. The majority of lime handlers, producers, and importers may be classified as small entities.

Section 911.48 of the lime marketing order provides authority to issue regulations establishing specific grade and size requirements, and section 8e of the Act requires that when such regulations are in effect for limes, the same or comparable requirements be applied to imports.

The interim final rule changed the regulatory period currently prescribed under the lime marketing order and the lime import regulations. Beginning June 9, 1997, that rule revised both the domestic and import regulations by removing a temporary suspension of regulations and thereby maintaining handling regulations for the remainder of 1997. The regulations are specified in sections 911.311, 911.329 and 911.344 and establish pack, container, grade and size requirements. The committee recommended this change to maintain the quality of limes in the marketplace. Additionally, the need to suspend regulations to reduce handling costs has diminished.

This rule will have a positive impact on growers, handlers and importers, as fruit and vegetable prices are quite responsive to quality differentials. This action is intended to maintain quality. At the meeting, the committee discussed the impact of this change on handlers and producers in terms of cost. Any costs to handlers and importers caused by this action will be the loss of projected savings from the suspension. The majority of possible cost savings would have resulted from eliminating inspection fees during the suspension.

The scheduled suspension period would have only been effective for one year, resulting in limited cost savings. The industry is already used to budgeting for inspection and associated regulation costs. The Federal/State Inspection Service assesses fees to provide its service. The cost for inspection is equitable. Small and large handlers are charged the same base rate, with the overall cost determined by a handler's volume.

During this season, and the season prior, the committee voted to operate on reserves rather than assessing the industry. This will result in an industry cost savings of approximately $75,000, the approximate cost of operating the committee for a year, during each of

these two years. This will do much to offset any costs that result from the revocation of the suspension period. Assessments, when they are applied, are based on the amount of fruit handled, therefore, the costs are borne proportionally by small and large operations. Consequently, the benefits of no assessments are received equally. Importers do not have to pay assessments to maintain the marketing order.

Since the recommendation to establish the suspension period was made, industry needs for cost savings have diminished. The focus has shifted to the need for stable markets and returns. Customers are willing to pay for quality, and complementary studies show that customers return purchase rate declines considerably if they are disappointed by the quality of the original purchase. The current cost of inspection is $.14 per 55 pound equivalent. However, a drop in quality could result in a price reduction measured in dollars rather than cents on the same equivalent. Thus, the benefits of a quality standard outweigh the minimal cost savings that may have resulted from the suspension. Maintaining quality to the consumer will result in a strong and stable market, benefiting growers, handlers and importers.

Shipments of Florida limes for the 1994–95 season were 289,213 bushels, for the 1995–96 season they were 371,413 bushels, and for the current 1996–97 season shipments were 398,279 bushels. A steady increase in production is indicated. Mexican exports have also increased from 2,626,707 bushels in the 1990–91 season to 6,190,321 bushels in the 1996–97 season.

Committee members have considered alternatives to rescinding the suspension period. The committee considered a continuous period of no regulations for the months of June through December. They reconsidered the merits of such an action, determining that removing regulations to save money may have costs, such as lost market share, which would overshadow any potential savings. The committee determined that in the time that had passed since the original consideration of a suspension period, the need for cost savings measures had passed, and that the benefits of the quality standards outweighed the cost savings that may have been realized. The committee was unanimous in its belief that the need for the suspension has passed. Accordingly, the committee unanimously recommended this change as outlined.

This action will not impose any additional reporting or recordkeeping requirements on either small or large lime 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. However, limes must meet the requirements as specified in the U.S. Standards for Grades of Persian Limes (7 CFR 51.1000 through 51.1016) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

The committee's meeting was widely publicized throughout the lime industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the February 5, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on these issues. The committee itself is composed of ten members, of which four are handlers, five are producers and one is a public member. The majority of committee members represent small entities.

A proposed rule concerning this action was issued by the Department on April 25, 1997, and published in the **Federal Register** on Tuesday, April 29, 1997 (62 FR 23185). That rule also proposed an increase in the minimum size for the month of June. Copies of the rule were mailed or sent via facsimile to all Committee members and lime handlers and producers. The rule was also made available through the Internet by the Office of the Federal Register.

A 30-day comment period, ending May 29, 1997, was provided to allow interested persons to respond to the proposal. Two comments were received. The commenters, one representing a Mexican exporter and the other a Mexican exporters' and packers' union, requested that the comment period for the rule be extended to allow for additional time, 30 days and 90 days, respectively, to analyze the proposal. One commenter concluded the proposal would have a negative affect on its business and the other noted that the proposal would have a direct effect on its business.

The Department reviewed the requests, and determined that an extended period with no minimum quality or size standards in place would be detrimental to the industry. As previously discussed, the suspension was originally recommended at a time when cost savings were of utmost concern to the Florida lime industry. Now, however, the benefits of maintaining quality and ensuring customer satisfaction and repeat purchases outweigh the diminished need to take action that would result in cost savings.

Therefore, the Department instituted the revocation of the suspension through the interim final rule which allowed 30 additional days to comment.

However, with regard to increasing the minimum size requirement, the Department issued in a separate **Federal Register** publication an extension of the proposed comment period concerning implementing the increase in minimum size from 1⅞ to 2 inches in diameter for the month of June.

This rule also modifies language in the regulations to return the minimum size requirement of 1⅞ inches from June 1 through December 31. The 1⅞ inch minimum size requirement was inadvertently removed when the temporary suspension was issued on August 14, 1996 (61 FR 43141).

An interim final rule concerning this action was issued by the Department on May 30, 1997, and published in the **Federal Register** on June 4, 1997 (62 FR 30429). Copies of the rule were mailed or sent via facsimile to all committee members and lime handlers and producers. Finally, the rule was made available through the Internet by the Office of the Federal Register. The rule provided for a 30-day comment period which ended July 7, 1997. No comments were received.

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

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this rule, as it pertains to limes imported into the United States.

List of Subjects

7 CFR Part 911

Limes, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

PART 911—LIMES GROWN IN FLORIDA

PART 944—FRUITS, IMPORT REGULATIONS

Accordingly, the interim final rule amending 7 CFR parts 911 and 944 which was published at 62 FR 30429 on June 4, 1997, is adopted as a final rule without change.

Dated: August 18, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–22580 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV97–920–3 IFR]

Kiwifruit Grown in California; Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule increases the assessment rate established for the Kiwifruit Administrative Committee (Committee) under Marketing Order No. 920 for the 1997–98 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of kiwifruit grown in California. Authorization to assess kiwifruit handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: August 27, 1997. Comments received by September 25, 1997, will be considered prior to issuance of a final rule.

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

FOR FURTHER INFORMATION CONTACT: Rose Aguayo, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax: (209) 487–5906, or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 690–3919, Fax: (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

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

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

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

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

This rule increases the assessment rate for the Committee for the 1997–98 and subsequent fiscal periods from $0.0175 to $0.0225 per tray or tray equivalent.

The kiwifruit marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. Section 920.41 also authorizes the Committee to borrow funds. The members of the Committee consist of producers of California kiwifruit and one non-industry member. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For 1996–1997 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from season to season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information available to the Secretary.

The Committee met on June 25, 1997, and unanimously recommended 1997–98 expenditures of $161,286 and an assessment rate of $0.0225 per tray or tray equivalent of kiwifruit. In comparison, last year's budgeted expenditures were $178,598. The assessment rate of $0.0225 cents per tray or tray equivalent is $0.0050 cents higher than the rate currently in effect. The 1996–97 kiwifruit crop was short 3.3 million trays or tray equivalents of the projected crop estimate. The Committee met in February, 1997, and approved the borrowing of funds to cover expenses for the remainder of the 1996–97 season. The Committee has borrowed $11,052 as of May 31, 1997, and estimates that an additional $22,401 may be needed to cover expenses through the end of the fiscal period. As the Committee's reserve is depleted, the Committee voted to increase its assessment rate to cover the budgeted expenses, to reimburse the borrowed funds, and to begin to establish an adequate reserve. The order provides for a maximum reserve equal to

approximately one fiscal period's expenses.

The Committee discussed alternatives to this rule, including alternative expenditure levels and alternative assessment rates. An assessment rate of $0.0200 was considered but not recommended because it would not generate the income necessary to administer the program with an adequate reserve. The Committee recommended that the major expenditures for the 1997–98 year should include $102,200 for administrative staff and field salaries, $13,825 for travel, food, and lodging; and $12,200 for accident and health insurance. Budgeted expenses for these items in 1996–97 were $108,500, $20,398, and $13,000, respectively.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments of California kiwifruit, and additional pertinent factors. Kiwifruit shipments for the year are estimated at 10 million trays or tray equivalents of kiwifruit which should provide $225,000 in assessment income. Income derived from handler assessments, along with interest income will be adequate to cover budgeted expenses, reimbursement of borrowed funds, and to fund an adequate reserve. Future reserve funds will be kept within the maximum permitted by the order.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1997–98 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

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

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

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

This rule increases the assessment rate established for the Committee and collected from handlers for the 1997–98 and subsequent fiscal periods from $0.0175 to $0.0225 per tray or tray equivalent. The Committee unanimously recommended 1997–98 expenditures of $161,286 and an assessment rate of $0.0225 per tray or tray equivalent of kiwifruit. The assessment rate of $0.0225 is $0.0050 more than the rate currently in effect. The 1996–97 kiwifruit crop was short 3.3 million trays or tray equivalents of the estimated crop. The Committee met in February, 1997, and approved borrowing funds to cover expenses for the remainder of the 1996–97 season. The Committee has borrowed $11,052 as of May 31, 1997, and estimates that an additional $22,401 may be needed to cover expenses through the end of the fiscal period. As the Committee's reserve is depleted and funds have been borrowed to meet the remaining 1996–97 expenses, the Committee voted to increase its assessment rate to cover the budgeted expenses, to reimburse the borrowed funds, and to establish an adequate reserve.

The Committee discussed alternatives to this rule, including alternative expenditure levels and alternative assessment rates. An assessment rate of $0.0200 was considered but not recommended because it would not generate the income necessary to administer the program with an adequate reserve. The Committee also considered reducing the compliance staff by two personnel, but determined that one part-time position would be eliminated. The Committee recommended that the major expenditures for the 1997–98 fiscal period should include $102,200 for administrative staff and field salaries, $13,825 for travel, food, and lodging; and $12,200 for accident and health insurance. Budgeted expenses for these items in 1996–97 were $108,500, $20,398, and $13,000, respectively.

Kiwifruit shipments for the year are estimated at 10 million trays or tray equivalents which should provide $225,000 in assessment income. Income derived from handler assessments, along with interest income, will be adequate to cover budgeted expenses and the shortage of funds resulting from the 1996–97 crop shortage. As the Committee's reserve is depleted, the Committee voted to increase its assessment rate to cover the budgeted expenses, to reimburse the borrowed funds, and to establish an adequate reserve. Funds in the reserve will be kept within the maximum permitted by the order.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 1997–98 season is estimated to be approximately $1.62 per tray or tray equivalent of kiwifruit. Therefore, the estimated assessment revenue for the 1997–98 crop year period as a percentage of total grower revenue would be approximately 1.4 percent.

This action will increase the assessment obligation imposed on handlers. While this rule will impose some additional costs on handlers, the costs are minimal and in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout California and the kiwifruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all

Committee meetings, the June 25, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1997–98 fiscal period begins on August 1, 1997, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable kiwifruit handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

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

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

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

Authority: 7 U.S.C. 601–674.

§ 920.213 [Amended]

2. Section 920.213 is amended by removing ''August 1, 1996,'' and adding in its place ''August 1, 1997,'' and by removing ''$0.0175 and adding in its place ''$0.0225.''

Dated: August 18, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–22579 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 3, 103, and 240

[EOIR No. 114F; A.G. Order No. 2106–97]

RIN 1125–AA15

Fees for Motions to Reopen or Reconsider

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule clarifies when and how fees must be paid when a motion to reopen or reconsider is filed concurrently with any application for relief under the immigration laws for which a fee is chargeable. This final rule applies to motions to reopen or reconsider that are filed in all types of immigration proceedings, including those over which the Immigration and Naturalization Service (the ''Service'') and the Board of Immigration Appeals (the ''Board'') have appellate jurisdiction, respectively.

DATES: This final rule is effective September 25, 1997.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 305–0470, or Ernest B. Duarte, Branch Chief, Immigration and Naturalization Service, Office of Examinations, Benefits Division, 425 I Street NW., Suite 3214, Washington, DC 20536, telephone (202) 307–3587.

SUPPLEMENTARY INFORMATION: On September 3, 1996, the Executive Office for Immigration Review (EOIR) and the Immigration and Naturalization Service (the Service) published an interim rule with request for comments in the **Federal Register** (61 FR 46373) amending 8 CFR parts 3, 103, and 242. The amendments clarified when the required fees must be paid when a motion to reopen or reconsider is filed concurrently with any application for relief under the immigration laws for which a fee is chargeable. This final rule applies to motions to reopen or reconsider that are filed in all types of immigration proceedings, including those over which the Service and the Board of Immigration Appeals have appellate jurisdiction. This rule is necessary to eliminate questions that have arisen regarding the payment of fees for applications for relief that require their own separate fees when filed concurrently with motions to reopen or reconsider.

Neither the Service nor EOIR received any public comments to the September 3, 1996 interim rule. However, upon further review by both agencies, the following changes have been made to the interim rule.

In § 103.7(b)(1), language has been added to reflect two additional situations in which an individual filing a motion to reopen or reconsider need not pay the required fee for the motion. The first situation involves an individual who is filing a motion to reopen or reconsider concurrently with an *initial* application for relief under the immigration laws for which no fee is chargeable. Without this change, the language in the interim rule only covers a situation in which an individual is filing a motion to reopen or reconsider a decision on a previous application for relief for which no fee is chargeable. The second situation involves an individual who is filing a motion to reopen pursuant to 8 U.S.C. 1252b(c)(3)(B) as it existed prior to April 1, 1997, or section 240b(5)(C)(ii) of the Immigration and Nationality Act, as amended. These sections pertain to aliens who demonstrate that they did not receive notice of their immigration proceedings, or aliens who demonstrate that they were in Federal or State custody and did not appear through no fault of their own. This second situation is limited to motions to reopen or reconsider immigration proceedings over which the Immigration Court has jurisdiction.

EOIR and the Service have concluded that individuals in these situations should not be required to pay a fee for the motion to reopen or reconsider. As an example in the first instance, an alien filing a motion to reopen to initially apply for asylum for which no fee is chargeable should not be in a different position than an alien who is filing a motion to reopen a previously adjudicated asylum application. As an example in the second instance, an alien should not be required to pay a fee to reopen a proceeding for which he or she never received notice.

This rule provides a fair and equitable fee structure for motions to reopen or

reconsider and their underlying applications by requiring payment of a fee for the underlying application only if the motion to reopen or reconsider is granted. This rule will prevent imposing undue financial burdens on those individuals filing such motions.

Since the publication of this interim rule on September 3, 1996, new regulations implementing the recently enacted Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been published (62 FR 10312). These regulations revised and redesignated many of the provisions previously found at 8 CFR. Whereas the interim rule amended 8 CFR part 242, this final rule now amends 8 CFR part 240.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Attorney General has reviewed this regulation and, by approving it, certifies that this rule does not have a significant economic impact on a substantial number of small entities because of the following factors: This rule adds two situations in which an individual filing a motion to reopen or reconsider need not pay the required fees for the motion. This rule will prevent imposing undue financial burdens on those individuals filing such motions.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $110 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This rule has no federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

Executive Order 12988

The rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

List of Subjects

8 CFR Part 3

Administrative practice and procedure, Immigration, Lawyers, Organizations and functions (Government agencies), Reporting and recordkeeping requirements.

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 240

Administrative practice and procedure, Aliens.

Accordingly, chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Subpart C—Rules of Procedure for Immigration Judge Proceedings

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

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. In § 3.31, paragraph (b) is amended by revising the first sentence to read as follows:

§ 3.31 Filing documents and applications

* * * * *

(b) Except as provided in 8 CFR 240.11(f), all documents or applications requiring the payment of a fee must be accompanied by a fee receipt from the Service or by an application for a waiver of fees pursuant to 8 CFR 3.24. * * *

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

3. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

4. In § 103.7, paragraph (b)(1) is amended by revising the two entries for ''Motion'', respectively, to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

* * * * *

Motion. For filing a motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals has appellate jurisdiction. No fee shall be charged for a motion to reopen or reconsider a decision on an application for relief for which no fee is chargeable, for any motion to reopen or reconsider made concurrently with any initial application for relief under the immigration laws for which no fee is chargeable, or for a motion to reopen a deportation or removal order entered in absentia if that motion is filed pursuant to 8 U.S.C. 1252b(c)(3)(B) as it existed prior to April 1, 1997, or section 240b(5)(C)(ii) of the Immigration and Nationality Act, as amended. (The fee of $110 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision. When a motion to reopen or reconsider is made concurrently with any application for relief under the immigration laws for which a fee is chargeable, the fee of $110 will be charged when the motion is filed and, if the motion is granted, the requisite fee for filing the application for relief will be charged and must be paid within the time specified in order to complete the application.)—$110.

Motion. For filing a motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. No fee shall be charged for a motion to reopen or reconsider a decision on an application for relief for which no fee is chargeable or for any motion to reopen or reconsider made concurrently with any initial application for relief under the immigration laws for which no fee is chargeable. (The fee of $110 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision. When a motion to reopen or reconsider is made concurrently with any application for relief under the immigration laws for which a fee is chargeable, the fee of $110 will be charged when the motion is filed and, if the motion is granted, the requisite fee for filing the application for relief will be charged and must be paid within the time specified in order to complete the application.)—$110.

* * * * *

PART 240—PROCEEDINGS TO DETERMINE REMOVABILITY OF ALIENS IN THE UNITED STATES

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

Authority: 8 U.S.C. 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1362; 8 CFR part 2.

6. In § 240.11, paragraph (f) is amended by adding two new sentences after the 1st sentence, to read as follows:

§ 240.11 Ancillary matters, applications.

* * * * *

(f) * * * When a motion to reopen or reconsider is made concurrently with an application for relief seeking one of the immigration benefits set forth in paragraphs (a) and (c) of this section, only the fee set forth in § 103.7(b)(1) of this chapter for the motion must accompany the motion and application for relief. If such a motion is granted, the appropriate fee for the application for relief, if any, set forth in 8 CFR 103.7(b)(1), must be paid within the time specified in order to complete the application.

Dated: August 18, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97–22598 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–30–M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R–0984]

Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its delegation rules to remove the delegation to the Board's General Counsel to approve provisions of Federal Reserve Bank operating circulars related to uniform services. Under a newly amended supervisory letter, other Board officials will review uniform Reserve Bank operating circulars, in consultation with the General Counsel.

EFFECTIVE DATE: August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Oliver Ireland, Associate General Counsel, (202/452–3625) or Stephanie Martin, Senior Attorney (202/452–3198), Legal Division. For the hearing impaired *only*, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board recently revised its supervisory letter containing policies and guidelines concerning Federal Reserve Bank operations. One of the provisions of the amended supervisory letter requires the Reserve Banks to submit proposed operating circulars or amendments to circulars to the Director of the Division of Reserve Bank Operations and Payment Systems (or to the Director of the Division of Monetary Affairs, in the case of the lending circular). The Reserve Bank may issue or amend the circular if the appropriate Director, in consultation with the General Counsel, does not object within ten business days of receiving the proposed circular or amendment. In accordance with this new review procedure, the Board is amending its Rules Regarding Delegation of Authority (12 CFR part 265) to remove the delegation to the Board's General Counsel to approve provisions of Federal Reserve Bank operating circulars related to uniform services.

Administrative Procedure Act

The Administrative Procedure Act (5 U.S.C. 553(a)(2)) exempts ''matters relating to agency management or personnel'' from the requirements regarding notice of proposed rulemaking, public comment, and 30-day advance publication. Because the Board's delegation rules fall under this exemption, the Board is adopting this amendment without notice-and-comment or advance publication procedures.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Banks, banking, Federal Reserve System.

For the reasons set forth in the preamble, the Board is amending 12 CFR Part 265 as set forth below:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation for Part 265 continues to read as follows:

Authority: 12 U.S.C. 248(i) and (k).

§ 265.6 [Amended]

2. In § 265.6, paragraph (a)(5) is removed.

By order of the Board of Governors of the Federal Reserve System, August 21, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–22685 Filed 8–25–97; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–75–AD; Amendment 39–10113; AD 97–18–03]

RIN 2120–AA64

Airworthiness Directives; Puritan-Bennett Aero Systems Co., Cone and Seal Assemblies, Part Numbers 210543 and 210543–01

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Puritan-Bennett Aero Systems Co. (Puritan-Bennett) cone and seal assemblies, part numbers 210543 and 210543–01, that were manufactured or repaired from August 1996 through July 1997. This AD applies to cone and seal assemblies regardless of whether or not they are attached to certain Puritan-Bennett sweep-on crew masks. The AD requires replacing any cone and seal assembly manufactured or repaired during the above time frame. This AD results from quality control tests that show that these cone and seal assemblies could have faulty ultrasonic welds. The actions specified by this AD are intended to prevent failure of the ultrasonic weld on the cone and seal assembly of the oxygen mask with consequent reduced oxygen flow through the mask, which could result in the crew not being able to obtain oxygen in an emergency situation.

DATES: Effective September 22, 1997.

Comments for inclusion in the Rules Docket must be received on or before October 31, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE–75-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Puritan-Bennett Aero Systems Co., 10800 Pflumm Road, Lenexa, Kansas 66215; telephone (913) 338–9800; facsimile (913) 338–7353. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE–75-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Michael D. Imbler, Aerospace Engineer,

FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4147; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

Puritan-Bennett recently notified the FAA of a quality control problem on cone and seal assemblies, part numbers 210543 and 210543–01, that were manufactured or repaired from August 1996 through July 1997. Quality control sampling indicates that approximately 10-percent of the cone and seal assemblies manufactured or repaired during this time have ultrasonic welds that could fail. The FAA has no way of determining which particular cone and seal assemblies may have ultrasonic welds that could fail.

These Puritan-Bennett cone and seal assemblies, part numbers 210543 and 210543–01, may be attached to the following part number Puritan-Bennett sweep-on crew oxygen masks:

114321–01, 114321–15, 114321–16, 114322–01, 114322–02, 114322–03, 114322–05, 114323–01, 114622–01, 114622–02, 114623–01, 114623–02

If the affected cone and seal assemblies that have ultrasonic welds that could fail are not identified and replaced, then the oxygen flow through the crew masks could be reduced, which could result in the crew not being able to obtain oxygen in an emergency situation.

Relevant Service Information

Puritan-Bennett has issued Service Bulletin No. 3500–97–14, dated August 7, 1997. This service bulletin specifies identification and replacement of these part numbers 210543 and 210543–01 cone and seal assemblies that were manufactured or repaired from August 1996 through July 1997.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that AD action should be taken to prevent reduced oxygen flow through the crew mask, which could result in the crew not being able to obtain oxygen in an emergency situation.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in aircraft that have these part numbers 210543 and 210543–01 Puritan-Bennett cone and seal assemblies installed, the FAA is issuing an AD. This AD requires replacing any of these cone and seal assemblies that were manufactured or repaired from August 1996 through July 1997.

Compliance Time of This AD

The condition specified by this AD is not caused by actual hours time-in-service (TIS) of the aircraft where the affected Puritan-Bennett cone and seal assemblies are installed. The need for the replacement has no correlation to the number of times the equipment is utilized or the age of the equipment. For this reason, the compliance time of this AD is presented in calendar time instead of hours TIS.

Determination of the Effective Date of the AD

Since a situation exists (reduced oxygen flow to the crew in an emergency situation) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior 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 immediate flight safety and, thus, was not preceded by notice and opportunity to 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 above. 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 No. 97–CE–75–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 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 (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

97–18–03 Puritan-Bennett Aero Systems Co.: Amendment 39–10113; Docket No. 97–CE–75–AD.

Applicability: Cone and Seal assemblies, part numbers 210543 and 210543–01, that

were manufactured or repaired from August 1996 through July 1997; utilized in aircraft that are certificated in any category.

Note 1: These Puritan-Bennett cone and seal assemblies, part numbers 210543 and 210543–01, may be attached to the following part number Puritan-Bennett sweep-on crew oxygen masks:

114321–01, 114321–15, 114321–16, 114322–01, 114322–02, 114322–03, 114322–05, 114323–01, 114622–01, 114622–02, 114623–01, 114623–02

Note 2: This AD applies to each aircraft equipped with a cone and seal assembly that is identified in the preceding applicability provision, regardless of whether the aircraft has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 7 days after the effective date of this AD, unless already accomplished.

To prevent failure of the ultrasonic weld on the cone and seal assembly of the oxygen mask with consequent reduced oxygen flow through the mask, which could result in the crew not being able to obtain oxygen in an emergency situation, accomplish the following:

(a) Replace any cone and seal assembly referenced in the Applicability section of this AD with an FAA-approved assembly not covered by this AD.

(b) As of the effective date of this AD, no person may equip an aircraft with any Puritan-Bennett cone and seal assembly, part numbers 210543 and 210543–01, that were manufactured or repaired between August 1996 and July 1997.

Note 3: Puritan-Bennett Service Bulletin No. 3500–97–14, dated August 7, 1997, specifies identification and replacement of the part numbers 210543 and 210543–01 cone and seal assemblies.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Puritan-Bennett Aero Systems Co., 10800 Pflumm Road, Lenexa, Kansas 66215; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39–10113) becomes effective on September 22, 1997.

Issued in Kansas City, Missouri, on August 19, 1997.

Terry L. Chasteen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–22638 Filed 8–25–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–08; Amendment 39–10106; AD 97–17–04]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney JT8D–200 series turbofan engines, that currently requires cleaning of front compressor front hubs (fan hubs); initial and repetitive eddy current (ECI) and fluorescent penetrant inspections (FPI) of tierod and counterweight holes for cracks; removal of bushings; the cleaning and ECI and FPI of bushed holes for cracks; and, if necessary, replacement with serviceable parts. In addition, the current AD requires reporting the findings of cracked fan hubs. This amendment does not change the current AD's inspection procedures, or the effectivity date that starts the cycle count for the initial inspection schedules. This AD does, however, add an additional inspection schedule that requires the initial inspection of certain fan hubs with standard drilled holes and coolant channel drilled (CCD) holes to occur earlier than the existing AD requires. Also, this AD requires reporting the results of the initial fan hub inspections. This amendment is prompted by additional investigation since publication of the current AD that reveals that certain fan hubs with standard drilled holes and CCD holes may be more susceptible to cracking. The actions specified by this AD are intended to prevent fan hub failure due to tierod, counterweight, or bushed hole cracking, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective September 30, 1997.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of March 5, 1997 62 FR 4902, February 3, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565-4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7175, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–02–11, Amendment 39–9896 (62 FR 4902, February 3, 1997), applicable to Pratt & Whitney (PW) JT8D–200 series turbofan engines, was published in the **Federal Register** on February 24, 1997 (62 FR 8198), and a correction to a printing error in a table was published on March 31, 1997 (62 FR 15225). That action proposed to require cleaning, initial and repetitive eddy current inspections (ECI) and fluorescent penetrant inspections (FPI) for cracks of tierod and counterweight holes; removal of bushings; the cleaning and initial and repetitive ECI and FPI of bushed holes for cracks; and, if necessary, replacing with serviceable parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Three commenters state that the March 5, 1997, date to begin counting cycles is objectionable, as a retroactive date is unenforceable. The FAA concurs in part. The March 5, 1997, date is supported by a safety risk analysis, but basing the cyclic count on this date

would require immediate removal of parts not in compliance at the effective date of this AD. However, the FAA has reviewed a new risk analysis that uses the effective date of this AD to begin the cyclic count for fan hubs added to Table 2 of this AD. This final rule has been revised by changing the compliance time to ''315 cycles from the effective date of this AD''. This new date should prevent any fan hubs from being out of compliance at the date of final rule publication. It does not, however, extend the compliance time for those fan hubs that were previously included in AD 97–02–11 and are now listed in Table 2 of this AD. Fan hubs previously included in AD 97–02–11 must perform initial inspections to the more conservative compliance times.

One group of commenters object to the monthly reporting requirements required in the proposed rule, as these requirements are burdensome and do not contribute to safety. The FAA does not concur. The reports received from these inspections are used to validate the assumptions used in the safety risk analysis and are critical to the safety assessment of the inspection program.

One commenter states that alternative methods of compliance (AMOCs) approved in the current AD should be included in this superseded AD. The FAA concurs and has added a statement to this final rule that approves AMOCs from AD 97–02–11 as acceptable for this AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 2,624 engines of the affected design in the worldwide fleet. The FAA estimates that 1,279 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take 20 work hours per engine for 360 engines to disassemble, remove, inspect, and reassemble engines, and 4 work hours per engine for 919 engines to inspect at piece-part exposure, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $862,560.

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 removing amendment 39–9896 (62 FR 4902, February 3, 1997) and by adding a new airworthiness directive to read as follows:

97–17–04 Pratt & Whitney: Amendment 39–10106. Docket 97–ANE–08. Supersedes AD 97–02–11, Amendment 39–9896.

Applicability: Pratt & Whitney JT8D–209, –217, –217C, and –219 series turbofan engines with front compressor front hub (fan hub), Part Number (P/N) 5000501–01, installed. These engines are installed on but not limited to McDonnell Douglas MD–80 series aircraft.

Note 1: 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 (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 fan hub failure due to tierod, counterweight, or bushed hole cracking, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) Inspect fan hubs for cracks in accordance with the Accomplishment Instructions, Paragraph A, Part 1, and, if applicable, Paragraph B, of PW ASB No. A6272, dated September 24, 1996, as follows:

(1) For fan hubs identified by Serial Numbers (S/Ns) in Table 2 of this AD, after the fan hub has accumulated more than 4,000 cycles since new (CSN), as follows:

(i) Initially inspect within 315 cycles in service (CIS) from the effective date of this AD, or 4,315 CSN, whichever occurs later.

(ii) Thereafter, reinspect after accumulating 2,500 CIS since last inspection, but not to exceed 10,000 CIS since last inspection.

(2) For fan hubs identified by S/Ns in Appendix A of PW ASB No. A6272, dated September 24, 1996, after the fan hub has accumulated more than 4,000 CSN, as follows:

(i) Select an initial inspection interval from Table 1 of this AD, and inspect accordingly.

TABLE 1

Initial inspection	Reinspection
1. Within 1,050 cycles in service (CIS) after the effective date of AD 97–02–11, March 5, 1997, or prior to accumulating 5,050 CSN, whichever occurs later;	After accumulating 2,500 CIS since last inspection, but not to exceed 6,000 CIS since last inspection.
OR	
2. Within 990 CIS after the effective date of AD 97–02–11, March 5, 1997, or prior to accumulating 4,990 CSN, whichever occurs later;	After accumulating 2,500 CIS since last inspection, but not to exceed 8,000 CIS since last inspection.

TABLE 1—Continued

Initial inspection	Reinspection
OR	
3. Within 965 CIS after the effective date of AD 97–02–11, March 5, 1997, or prior to accumulating 4,965 CSN, whichever occurs later.	After accumulating 2,500 CIS since last inspection, but not to exceed 10,000 CIS since last inspection.

TABLE 2.—HUBS WITH TRAVELER NOTATIONS

Non CCD	Non CCD	Non CCD	Non CCD	CCD Hub	CCD Hub	CCD Hub
M67663	M67802	P66880	S25545	P66747	R33099	S25292
M67671	M67812	P66885	S25558	P66756	R33107	S25299
M67675	M67826	R32732	S25564	P66800	R33113	S25301
M67681	M67829	R32733	S25598	P66814	R33124	S25302
M67685	M67830	R32735	S25618	P66819	R33131	S25308
M67686	M67831	R32740	S25621	P66831	R33132	S25312
M67687	M67832	R32741	S25637	R32767	R33133	S25316
M67697	M67834	R32810	S25640	R32787	R33136	S25323
M67700	M67843	R32849	T50693	R32792	R33152	S25334
M67706	M67849	R32850	T50752	R32795	R33157	S25335
M67710	M67858	S25222	T50785	R32796	R33163	S25337
M67712	M67866	S25464	T50791	R32800	R33165	S25344
M67713	M67868	S25481	T50792	R32807	R33168	S25369
M67714	M67869	S25483	T50819	R32856	R33171	S25377
M67715	M67872	S25484	T50823	R32860	R33173	S25378
M67716	M67888	S25486	T50827	R32870	R33180	S25381
M67717	N71771	S25488	T50874	R32883	R33181	S25394
M67722	N71804	S25489	T50875	R32905	R33189	S25399
M67723	N71806	S25490	T51058	R32926	R33194	S25402
M67725	N71810	S25491	T51104	R32930	R33198	S25406
M67726	N71811	S25492		R32952	R33201	S25411
M67730	N71875	S25494		R32964	R33202	S25413
M67731	N71876	S25495		R32966	R33207	S25414
M67746	N71921	S25497		R32971	S25193	S25415
M67751	N71965	S25498		R32976	S25195	S25418
M67753	N72062	S25499		R32981	S25207	S25419
M67764	N72126	S25500		R32990	S25208	S25421
M67765	N72152	S25501		R32994	S25221	S25422
M67784	N72162	S25502		R33000	S25229	S25430
M67791	N72207	S25505		R33004	S25238	S25437
M67792	N72216	S25506		R33040	S25246	S25439
M67793	N72219	S25507		R33055	S25248	S25449
M67794	N72242	S25508		R33059	S25250	R33186
M67795	P66693	S25509		R33077	S25256	S25528
M67796	P66695	S25514		R33080	S25262	
M67797	P66696	S25529		R33082	S25268	
M67798	P66698	S25532		R33086	S25278	
M67799	P66699	S25541		R33087	S25287	
M67800	P66737	S25543		R33089	S25288	
M67801	P66753	S25544		R33090		

(ii) Thereafter, reinspect at intervals that correspond to the selected inspection interval.

(3) If a fan hub is identified in both Table 2 of this AD and Appendix A of PW ASB No. A6272, dated September 24, 1996, inspect in accordance with paragraph (a)(1) or (a)(2) of this AD, whichever occurs first.

(4) For fan hubs with S/Ns not listed in Table 2 of this AD or in Appendix A of PW ASB No. A6272, dated September 24, 1996, after the fan hub has accumulated more than 4,000 CSN, inspect the next time the fan hub is in the shop at piece-part level, but not to exceed 10,000 CIS after March 5, 1997.

(5) Prior to further flight, remove from service fan hubs found cracked or that exceed the bushed hole acceptance criteria described in PW ASB No. A6272, dated September 24, 1996.

(b) Report the number of completed inspections on a monthly basis and report findings of cracked fan hubs in accordance with Accomplishment Instructions, Paragraph F, of Attachment 1 to PW ASB No. A6272, dated September 24, 1996, within 48 hours after inspection to Robert Guyotte, Manager, Engine Certification Branch, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7142, fax (617) 238–7199; Internet: Robert.Guyotte@faa.dot.gov. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120–0056.

(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, Engine Certification Office. Operators shall forward their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office. Alternative methods of compliance approved for AD 97–02–11 are also considered approved for this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Engine Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

(e) The actions required by this AD shall be done in accordance with the following PW ASB:

Document No.	Pages	Date
A6272	1–21 Original.	September 24, 1996.
NDIP–892	1–30 A	September 15, 1996.
Attachment I	AI–1–AI–4 A	September 15, 1996.

Total Pages: 55.

This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 5, 1997 (62 FR 4902, February 3, 1997). Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. 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.

(f) This amendment becomes effective on September 30, 1997.

Issued in Burlington, Massachusetts, on August 12, 1997.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 97–22307 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–03]

Revision of Class E Airspace; Carlisle, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule which revises the Class E airspace at Carlisle, AR. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 09 at Carlisle Municipal Airport and a Nondirectional Radio Beacon (NDB) SIAP to RWY 18 at Stuttgart Municipal Airport has made this rule necessary. The direct final rule is intended to provide adequate Class E airspace for aircraft operating under Instrument Flight Rules (IFR) and executing the GPS SIAP at Carlisle Municipal Airport and the NDB SIAP at Stuttgart Municipal Airport, and both airports are identified within Carlisle, AR, Class E airspace.

EFFECTIVE DATE: The direct final rule published at 62 FR 28339 is effective 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 23, 1997 (62 FR 28339). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 11, 1997. No adverse comments were received, and thus this action confirms that the direct final rule will be effective on that date.

Issued in Fort Worth, TX, on August 5, 1997.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 97–22503 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–05]

Revision of Class E Airspace; Alice, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule which revokes the Class E surface airspace at Alice, TX. Communication capability with aircraft operating within the surface area no longer exists; therefore, Class E surface airspace designated to provide controlled airspace for terminal instrument operations is no longer required. The direct final rule is intended to revoke Class E surface airspace for aircraft operating under Instrument Flight Rules (IFR) for terminal operations at Alice International Airport, Alice, TX.

EFFECTIVE DATE: The direct final rule published at 62 FR 28340 is effective 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 23, 1997 (62 FR 28340). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 11, 1997. No adverse comments were received, and thus this action confirms that the direct final rule will be effective on that date.

Issued in Fort Worth, TX, on August 5, 1997.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 97–22504 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–19–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–06]

Revision of Class E Airspace; Ponca City, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule which revises the Class E surface airspace at Ponca City, OK. Communication capability and weather observations exist continuously for terminal instrument operations at Ponca City Municipal Airport. Therefore, Class E surface airspace should be continuous rather than designated as part-time Class E surface airspace. The direct final rule is intended to revise Class E surface airspace to provide controlled airspace for continuous terminal instrument operations at Ponca City Municipal Airport, Ponca City, OK.

EFFECTIVE DATE: The direct final rule published at 62 FR 28331 is effective 0901 UTC, September 11, 1997 .

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 23, 1997 (62 FR 28331). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 11, 1997. No adverse comments were received, and thus this action confirms that the direct final rule will be effective on that date.

Issued in Fort Worth, TX, on August 5, 1997.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 97–22505 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–07]

Revision of Class E Airspace; Athens, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule which revises the Class E airspace at Athens, TX. The development of a Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 17 at Lochridge Ranch Airport has made this rule necessary. The direct final rule is intended to provide adequate Class E airspace for aircraft operating under Instrument Flight Rules (IFR) and executing the NDB SIAP at Lochridge Ranch Airport, Athens, TX.

EFFECTIVE DATE: The direct final rule published at 62 FR 28341 is effective 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 23, 1997 (62 FR 28341). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 11, 1997. No adverse comments were received, and thus this action confirms that the direct final rule will be effective on that date.

Issued in Fort Worth, TX, on August 5, 1997.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 97–22506 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–09]

Revision of Class E Airspace; Altus, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule which revises the Class E airspace extending upward from 700 feet above the surface at Altus, OK. The development of a Instrument Landing System (ILS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 17R at Altus Air Force Base (AFB) has made this rule necessary. The direct final rule is intended to provide adequate Class E airspace for aircraft operating under Instrument Flight Rules (IFR) and executing the ILS SIAP to RWY 17R at Altus AFB, Altus, OK.

EFFECTIVE DATE: The direct final rule published at 62 FR 28337 is effective 0901 UTC, September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Forth Worth, TX 76193–0520, telephone: 817–222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 23, 1997 (62 FR 28337). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 11, 1997. No adverse comments were received, and thus this action confirms that the direct final rule will be effective on that date.

Issued in Fort Worth, TX, on August 5, 1997.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 97–22507 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

U.S. Customs Service

19 CFR Part 24

[T.D. 97–45]

RIN 1515–AA57

Update of Ports Subject to the Harbor Maintenance Fee; Corrections

AGENCY: Customs Service, Treasury.

ACTION: Interim regulations; corrections.

SUMMARY: This document corrects certain typographical errors that were made in the interim regulations document published in the **Federal Register** on June 4, 1997, which updated the list of ports that process commercial vessels that transport cargo that are subject to the Water Resources Development Act of 1986.

DATES: These corrections are effective August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Patricia Barbare, Office of Finance, (202) 927–0034.

SUPPLEMENTARY INFORMATION:

Background

On June 4, 1997, Customs published in the **Federal Register** (62 FR 30448) interim regulations (T.D. 97–45) which amended § 24.24 of the Customs Regulations (19 CFR 24.24) to update the list of ports that process commercial vessels that transport cargo that are subject to the Water Resources Development Act of 1986. That document contained several typographical errors in the columns headed ''Port code, port name and state'' and ''Port descriptions and notations'', both of which may be relied on by importers in the preparation of necessary entry documentation. The errors identified are under the headings for Delaware, the District of Columbia, Illinois, Massachusetts, and Michigan, and consist of incomplete State abbreviations (for Maryland and Illinois), incorrect port codes (for East Chicago and Escanaba), and incomplete port descriptions (for Delaware and Massachusetts). Accordingly, this document corrects those typographical errors.

Corrections to Publication

The document (FR Doc. 97–14409) published in the **Federal Register** (62 FR 30448) on June 4, 1997, is corrected as follows:

1. On page 30450, under the heading for ''Delaware'', in the column headed ''Port descriptions and notations'', in the second line the word ''lower'' is added after the words ''all points on the'';

2. Also on page 30450, under the heading for ''District of Columbia'', in the column headed ''Port code, port name and state'', in the first line the capital letter ''D'' is removed and the designation ''MD'' is added in its place;

3. On page 30451, under the heading for ''Illinois'', in the column headed ''Port code, port name and state'', in the third line the numbers ''3902'' are removed and the numbers ''3904'' are added in their place; and in the column headed ''Port descriptions and notations'', in the first line the designation ''II.'' is removed and the designation ''IL'' is added in its place;

4. Also on page 30451, under the heading for ''Massachusetts'', in the column headed ''Port descriptions and notations'', in the second line the word ''River'' is removed and the word ''Rivers'' is added in its place; and

5. On page 30452, under the heading for ''Michigan'', in the column headed ''Port code, port name and state'', in the fifth line the number ''3803'' is removed and the number ''3808'' is added in their place.

Dated: August 21, 1997.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 97–22639 Filed 8–25–97; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Gentamicin Injection; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations for gentamicin injection. A document which published in the **Federal Register** of May 15, 1996 (61 FR 24440), inadvertently resulted in the 1997 edition of the Code of Federal Regulations not containing reference to two gentamicin injection approvals. This document amends the gentamicin injection regulations to reflect the approvals.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1739.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 15, 1996 (61 FR 24440), FDA published a document to reflect approval of Schering-Plough's supplemental NADA 101–862. In amending the regulations to reflect the supplemental approval, FDA provided amendatory instructions which resulted in two paragraphs inadvertently being removed. This document reestablishes those paragraphs in 21 CFR 522.1044(b)(3) and (b)(4).

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

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

2. Section 522.1044 is amended by adding paragraphs (b)(3) and (b)(4) to read as follows:

§ 522.1044 Gentamicin sulfate injection.

* * * * *

(b) * * *

(3) See No. 054273 for use of 50 milligrams-per-milliliter solution in dogs as in paragraph (d)(5) of this section.

(4) See No. 050604 for use of 100 milligrams-per-milliliter solution in chickens as in paragraph (d)(3) of this section.

* * * * *

Dated: August 18, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97–22622 Filed 8–25–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Polysulfated Glycosaminoglycan

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Luitpold Pharmaceuticals, Inc. The NADA provides for intramuscular injection of polysulfated glycosaminoglycan for dogs for control of signs associated with noninfectious degenerative and/or traumatic arthritis of canine synovial joints.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Ellen M. Buck, Center For Veterinary Medicine (HFV–114), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1617.

SUPPLEMENTARY INFORMATION: Luitpold Pharmaceuticals, Inc., Animal Health Division, 1 Luitpold Dr., Shirley, NY 11967, filed NADA 141–038 that

provides for intramuscular use of Adequan® Canine (polysulfated glycosaminoglycan) for dogs for control of signs associated with noninfectious degenerative and/or traumatic arthritis of canine synovial joints. The drug is limited to use by or on the order of a licensed veterinarian. The NADA is approved as of July 15, 1997, and the regulations are amended in 21 CFR 522.1850 by adding new paragraph (d) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act, this approval qualifies for 3 years of marketing exclusivity beginning July 15, 1997, because the application contains substantial evidence of the effectiveness of the drug involved, studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the application and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

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

2. Section 522.1850 is amended by adding new paragraph (d) to read as follows:

§ 522.1850 Polysulfated gylcosaminoglycan.

* * * * *

(d) *Conditions of use—dogs*—(1) *Indications for use.* For control of signs associated with noninfectious degenerative and/or traumatic arthritis of canine synovial joints.

(2) *Dosage.* 2 milligrams per pound of body weight by intramuscular injection.

(3) *Limitations.* Administer intramuscularly twice weekly for up to 4 weeks (maximum of 8 injections). Do not exceed recommended dose or regimen. Do not mix with other drugs or solvents. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: August 6, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97–22623 Filed 8–25–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11–97–006]

RIN 2115–AE46

Special Local Regulations; Thunderboat Regatta

AGENCY: Coast Guard, DOT.

ACTION: Implementation of rule.

SUMMARY: This document implements 33 CFR 100.1101, ''Southern California annual marine events, for the ''World Series of Powerboat Racing'' listed as ''Thunderboat Regatta.''

This event consists of circle races by various classes of Hydroplane racing boats and a separate but adjacent venue for dragboat racing. These regulations will be effective in an area of San Diego's Mission Bay known as Fiesta Bay, as described in Table 1 of 33 CFR 100.1101. Implementation of 33 CFR 100.1101 is necessary to control vessel traffic in the regulated areas during the event to ensure the safety of participants and spectators.

Pursuant to 33 CFR 100.1101(b)(3), Commander, Coast Guard Activities San Diego, is designated Patrol Commander for this event; he has the authority to delegate this responsibility to any commissioned, warrant, or petty officer of the Coast Guard.

EFFECTIVE DATE: This section becomes effective at 8 a.m. PDT on September 12, 1997 and terminates at 5 p.m. PDT on September 14, 1997 unless canceled earlier by Commander, Coast Guard Activities San Diego.

FOR FURTHER INFORMATION CONTACT: QMC Michael C. Claeys, U.S. Coast Guard Activities San Diego, California; Tel: (619) 683–6309.

Discussion of Implementation. The World Series of Powerboat Racing is scheduled to occur on September 12, 13, and 14, 1997. These Special Local Regulations permit Coast Guard control of vessel traffic in order to ensure the safety of spectators and participant vessels. In accordance with the regulations in 33 CFR 100.1101, no persons or vessels shall block, anchor, or loiter in the regulated area; nor shall any person or vessel transit through the regulated area, or otherwise impede the transit of participant or official patrol vessels in the regulated area, unless authorized by the Patrol Commander.

Dated: August 8, 1997.

J.M. MacDonald,

Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District Acting.

[FR Doc. 97–22671 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–97–083]

RIN 2115–AE46

Special Local Regulation: Fireworks Displays Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Implementation of rule.

SUMMARY: This document provides notice of the dates and times of the special local regulations contained in 33 CFR 100.114, Fireworks Displays within the First Coast Guard District. All vessels will be restricted from entering the area of navigable water within a 500 yard radius of the fireworks launch platform for each event listed in the table below. Implementation of these regulations is necessary to control vessel traffic within the regulated area to ensure the safety of spectators.

EFFECTIVE DATE: The regulations in 33 CFR 100.114 are effective from one hour before the scheduled start of the event until thirty minutes after the last

firework is exploded for each event listed in the table below. The events are listed in the table below. The events are listed chronologically by month with their corresponding number listed in the special local regulation, 33 CFR 100.114.

ADDRESSES: Comments should be mailed to Commander (osr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110–3350, or may be hand delivered to Room 734 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander William H. Rypka, Office of Search and Rescue branch, First Coast Guard District at (617) 223–8460.

SUPPLEMENTARY INFORMATION: This document implements the special local regulations in 33 CFR 100.114 (62 FR 30988; June 6, 1997). All vessels are prohibited from entering a 500 yard radius of navigable water surrounding the launch platform used in each fireworks displayed listed below.

Table 1—Fireworks Displays

August

2. Summer Music Fireworks
   Date: August 23, 1997
   Time: 9:00 p.m. to 10:30 p.m.
   Location: Niantic River, Harkness Park, Waterford, CT
   Lat: 41 18.2N, Long: 072 06.5W (NAD 1983)
4. Fall River Celebrates America Fireworks
   Date: August 9, 1997
   Time: 9:00 p.m. to 10:00 p.m.
   Location: Taunton River, Vicinity of buoy #17, Fall River, MA
   Lat: 41–33N Long: 071–10W (NAD 1983)
6. Oaks Bluff Fireworks
   Date: August 22, 1997
   Time: 4:00 p.m. to 10:00 p.m.
   Location: Oaks Bluff Beach, Oaks Bluff, MA
   Lat: 41–27N Long: 070–33W (NAD 1983)
8. Gloucester Fireworks
   Date: August 30, 1997
   Rain Date: August 30, 1997
   Time: 8:00 p.m. to 11:00 p.m.
   Location: Gloucester Harbor, Gloucester, MA
   Lat: 42 36″18″N Long: 070 40″34″W (NAD 1983)
   Including the Northwest Shoreline of Ten Pound Island.
9. Salute to Summer
   Date: August 29, 1997
   Time: 9:00 p.m. to 10:00 p.m.
   Location: Narragansett Bay, East Passage, off Coasters Harbor Island, Newport, RI
   Lat: 41–30N Long: 071–20W (NAD 1983)
10. Norwich Harbor Day Fireworks
   Date: August 31, 1997
   Time: 8:45 p.m. to 11:00 p.m.
   Location: Norwich Harbor, off American Wharf Marina, Norwich, CT
   Lat: 41–31.22N Long: 72–04.50W (NAD 1983)

Dated: August 8, 1997.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 97–22672 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–97–002]

RIN 2115–AE47

Drawbridge Operation Regulations; Ship Channel, Great Egg Harbor Bay, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the New Jersey Department of Transportation (NJDOT), the Coast Guard is changing the regulations governing operation of the Route 52 (Ship Channel) Bridge across Great Egg Harbor Bay, mile 0.5, between Somers Point and Ocean City, New Jersey.

This rule will require the Route 52 (Ship Channel) Bridge to open on signal except that, between Memorial Day and Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour. During the summer tourist season, this rule will curtail delays to vehicular traffic while still providing for the reasonable needs of navigation.

DATES: This final rule is effective on September 25, 1997.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Commander (Aowb), USCG Atlantic Area, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6222.

FOR FURTHER INFORMATION CONTACT:

Ann Deaton, Bridge Administrator, USCG Atlantic Area, (757) 398–6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 21, 1997, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled ''Drawbridge Operation Regulations; Ship Channel, Great Egg Harbor Bay, New Jersey'' in the **Federal Register** (62 FR 19243). The Coast Guard received one letter commenting on the proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The current regulations found at 33 CFR 117.753 require the Route 52 (Ship Channel) bridge to open on signal except that from 11 p.m. to 7 a.m., year-round a 24 hour advance notice is required; and from Memorial Day through Labor Day from 10 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the bridge opens only on the hour and half hour for recreational vessels.

The New Jersey Department of Transportation (NJDOT) requested that 33 CFR 117.753 be amended to extend the periods during the summer months in which the bridge must open only on the hour and half hour. In support of its request NJDOT contended that its records show that requests for openings from Memorial Day through Labor Day are minimal in number, such that the requested amendment would not significantly affect vessel traffic.

The Coast Guard reviewed NJDOT's bridge logs for 1993 through 1995, copies of which are included in the docket of this rulemaking. According to the logs, for the years 1993 through 1995, from May through September between 8 a.m. and 8 p.m. Monday through Friday, the Route 52 (Ship Channel) bridge opened 250, 248, and 287 times, respectively, for recreational and commercial vessels, an average of 12 openings per week. The Coast Guard believes that this rule will balance the needs of vehicular and vessel traffic without unduly restricting vessel navigation.

NJDOT also requested a change to the operating regulations for the Route 52 (Beach Thorofare) Bridge. Due to the close proximity of the Route 52 bridges over Beach Thorofare and Ship Channel, which are located approximately two miles apart, synchronized openings will augment the effectiveness of the recommended change to the regulations for the Route 52 (Ship Channel) Bridge.

Therefore, the Coast Guard is amending Section 117.753 by revising

paragraph (b) to require the Route 52 (Ship Channel) Bridge, mile 0.5, Great Egg Harbor Bay, to open on signal except that openings will be limited to on the hour and half hour from Memorial Day to Labor Day from 8 a.m. to 8 p.m.

The Coast Guard is also amending Section 117.753 by deleting subparagraphs (a)(1) and (b)(1) to remove the requirement to open for public vessels of the United States, state and local vessels used for public safety, a vessel in distress, or a vessel with a tow. The regulatory requirements for opening in these and emergency situations are provided in 33 CFR 117.31.

Discussion of Comments and Changes

The Coast Guard received one comment on the NRPM. The comment stated that the proposed rule is unfair since the majority of vessels requiring bridge openings for the Route 52 (Ship Channel) Bridge do not use the Route 52 (Beach Thorofare) Bridge, and the tidal currents are extremely fast at the Route 52 (Ship Channel) Bridge which could cause problems for vessels awaiting a bridge opening. The Coast Guard considered the comment received, but has not changed the final rule. The Coast Guard believes that synchronizing the opening schedules of the Beach Thorofare and Ship Channel bridges will enhance the flow of vehicular traffic along Route 52 without unnecessarily impeding vessel traffic, particularly if, as the comment suggests, vessels transiting under one bridge do not usually transit under the other. Further, the Coast Guard believes that limiting openings to twice per hour during summer months will not cause an unsafe accumulation of vessels waiting for openings, as demonstrated by the limited number of openings required from 1993 to 1995. A predictable schedule of openings on the hour and half hour will only require vessel operators to plan their transits in order to minimize delays while waiting for a bridge opening.

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 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 final rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

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.

This final rule does not restrict vessel navigation, but merely limits the bridge openings to on the hour and half hour, from 8 a.m. to 8 p.m., from Memorial Day through Labor Day. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this final 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 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.753 is revised to read as follows:

§ 117.753 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 (Ship Channel) bridge, mile 0.5 between Somers Point and Ocean City, shall open:

(a) From 11 p.m. to 7 a.m., on signal, if at least 24 hours advance notice is given.

(b) From Memorial Day through Labor Day from 8 a.m. to 8 p.m., on the hour and half hour.

(c) At all other times, on signal, for any vessel.

Dated: August 8, 1997.

Roger T. Rufe, Jr.,

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

[FR Doc. 97–22674 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–14–P/M

POSTAL SERVICE

39 CFR Part 20

Implementation of Global Package Link Service

AGENCY: Postal Service.

ACTION: Interim rule with request for comments.

SUMMARY: Global Package Link Service is an international mail service designed for companies sending merchandise to other countries. To implement agreements previously entered into with the postal administrations of Mexico and Singapore, those two countries are now being added as destination countries. This action is consistent with the Postal Service's original plan to add destination countries as customer needs dictate (59 FR 65961; December 22, 1994). Global Package Link Service has previously been made available to Brazil, Canada, Chile, China, Germany, Japan, and the United Kingdom (U.K.). To use Global Package Link (GPL) Service, a customer must mail at least 10,000 GPL packages a year and agree to link its information systems with the Postal Service's so that the Postal Service can extract certain information about the contents of the customer's packages for customs clearance and other purposes. Initially two levels of service to Mexico and Singapore will be offered to customers. Interim regulations have been developed and are set forth below for comment and suggested revision prior to adoption in final form.

DATES: The interim regulations take effect August 26, 1997. Comments must be received on or before September 25, 1997.

ADDRESSES: Written comments should be mailed or delivered to Global Package Link Service, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 370 IBU, Washington, DC 20260–6500. Copies of all written comments will be available for public inspection and photocopying at the above address between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert Michelson at the above address. Telephone: (202) 268–5731.

SUPPLEMENTARY INFORMATION:

I. Introduction

One of the most important goals of the Postal Service's international mission is the development of services that enhance the ability of U.S. companies to do business in other countries. This responsibility was delineated in 39 U.S.C. 403(b)(2) which makes it the obligation of the Postal Service ''to provide types of mail service to meet the needs of different categories of mail and mail users.'' Global Package Link is designed to more closely meet the needs of customers who send merchandise packages from the United States to multiple international addressees by simplifying the process companies use to prepare their packages for mailing and by reducing the costs those companies incur in mailing merchandise to other countries.

GPL benefits all Postal Service customers because revenues collected contribute to fixed costs, thereby decreasing the total revenue that the Postal Service needs to generate from other services. At the same time, GPL makes it easier and more economical for businesses in the United States to export their products to international markets.

In late 1994, with implementation of International Package Consignment Service, later renamed Global Package Link, to Japan (59 FR 65961; December 22, 1994), the Postal Service announced that, when feasible, it would expand the service to other destination countries based on customer requests. Consistent with this policy, the Postal Service later expanded GPL by adding Canada and the United Kingdom as destination countries for qualifying customers (61 FR 13765; March 28, 1996), subsequently expanded GPL further by announcing Brazil, Chile, and Germany as GPL destinations (62 FR 17072; April 9, 1997), and added the People's Republic of China as a GPL destination (62 FR 25515; May 9, 1997). The USPS is hereby further expanding GPL by adding Mexico and Singapore as destination countries for qualifying customers. This action implements agreements previously entered into with the postal administrations of those countries on September 26, 1996, and May 22, 1997, respectively.

II. GPL to Mexico and Singapore

A. Qualifying Criteria

A customer who wants to use GPL to Mexico or Singapore will be required to enter into a service agreement with the Postal Service providing for the following. First, the customer must commit to mail at least 10,000 GPL packages per year (volumes to any GPL country may be counted toward this minimum). Second, the customer must designate the Postal Service as its carrier of choice to Mexico or Singapore. Third, the customer must agree to link its information systems with the Postal Service's so that the Postal Service and the customer can exchange data on the customer's packages, and the Postal Service can extract, on an as-needed basis, certain information about the package by scanning the customer-provided barcode on each package.

In general, the information that must be made available to the Postal Service includes: the order number; the package identification number; the buyer's name and address; the recipient's name and address; the total weight of the package; the total value of the package contents; the number of items in the package; and, for each item in the package, its SKU number, its value, and its country of origin. In practice, this requirement means that the customer will have to begin the necessary systems work by the time it begins using GPL, and then will have to assist the Postal Service in completing and maintaining the information systems linkages. The Postal Service will use the extracted information to prepare the necessary customs forms and package labels and to provide user-friendly tracking and tracing.

In addition to these required commitments, which must appear in all GPL service agreements, arrangements between the Postal Service and the customer that are technical in nature also may appear in the GPL service agreement. For instance, the service agreement may describe the electronic data interface (EDI) or proprietary file format that will be used to transmit data between the customer and the Postal Service, as well as the frequency and schedule of transmissions. Similarly, the service agreement may describe the formats and frequencies for any exception and performance reports that the Postal Service will provide to the customer.

B. Processing and Acceptance

If the plant at which the customer's Global Package Link packages originate is located within 500 miles of a Global Package Link processing facility, the Postal Service will verify and accept the packages at the customer's plant and transport them to the Global Package Link processing facility according to a schedule agreed upon by the Postal Service and the mailer.

If the customer's plant from which the Global Package Link packages will originate is located more than 500 miles from a Global Package Link processing facility, the customer may choose one of two processing options:

Option One: The customer will be required to present the packages to the Postal Service for verification at the customer's plant and transport them as a drop shipment to a Global Package Link processing facility according to a schedule agreed upon by the Postal Service and the customer.

Option Two: The customer will process the packages using Postal Service-provided computer system workstations and sort and prepare the packages as required by the Postal Service. Then, the Postal Service will verify and accept the packages at the customer's plant according to a schedule agreed upon by the Postal Service and the mailer and will transport the packages to a designated Global Package Link processing facility for dispatch.

C. Customs Forms

Normally, all customs forms will be automatically generated by the Postal Service computer workstations. Packages mailed to Mexico and or Singapore through a GPL facility are not required to bear customs forms when they are tendered to the Postal Service. After scanning the customer-printed barcode on each package and correlating it with the package-specific information transmitted by the customer, the Postal Service will print the necessary customs forms and then affix them to the customer's packages as part of the processing operation at the GPL processing facility. If the customer is more than 500 miles from a designated GPL facility and chooses option two, then the customs/GPL label will be affixed by the customer using Postal Service-provided workstations.

D. Customs Clearance

The Postal Service has developed the Customs Pre-Advisory System (CPAS)

as part of GPL processing. This electronic system collects package-specific data to satisfy customs requirements as packages are processed using the USPS computer workstations located at a GPL facility. The system electronically advises the USPS delivery agent and customs of the contents of each package mailed.

Since this advisory information arrives before the mail, CPAS facilitates and simplifies customs clearance. Electronic pre-notification of the package contents and automatic preparation of required customs declarations assures the fastest clearance through customers in Mexico and Singapore and reduces costs for the customer and the Postal Service. To use CPAS, recipients of merchandise must designate the Postal Service and its customs broker as their agents for customs clearance.

Initially, customs duties and taxes for Singapore will be collected from the package recipient upon delivery in Singapore.

E. Delivery Options

Mexico

The Postal Service will offer two delivery options in Mexico, but both options will initially be limited to the Metropolitan Mexico City Area. Premium Service will include secure, expedited home delivery by courier service, and Standard Service will require customer pickup at selected, secure customer service centers strategically located throughout Mexico City. Both options include insurance, as provided under DMM S500, at no additional cost.

The Postal Service will transport Premium Service packages from the customer's plant or from the designated GPL processing facility to Mexico City overnight where they will receive expeditious customs clearance and be released to the delivery agent. From there, the packages will receive courier service and be delivered overnight. Premium Service includes individual package track and trace from origin to home delivery. Normal delivery times will be 2 to 3 business days from dispatch in the U.S. to final delivery.

The Postal Service will transport Standard Service packages from the customer's plant or from the designated GPL processing facility to Mexico City overnight, where they will receive expeditious customs clearance. From there, they will be securely transferred to designated customer service centers for customer pickup. Standard Service includes individual package track and trace from origin to final customer pickup. Normal delivery times will be 2 to 3 business days from dispatch in the U.S. to availability for customer pickup in Mexico City.

Singapore

The Postal Service will offer two delivery options to Singapore. Premium Service shall receive a level of service comparable to Express Mail International Service (EMS) service in Singapore. It will include track and trace for individual packages and delivery throughout Singapore within 1 to 2 business days after clearing customs.

Standard Service shall receive normal postal handling and delivery throughout Singapore within 3 business days after clearing customs, and shall include electronic proof of delivery for individual packages.

The Postal Service will transport Premium Service and Standard Service packages from the customer's plant or designated GPL processing facility to Singapore via airlift. Packages will be dispatched to flights either the evening that processing is complete or the next morning. Arrival in Singapore is expected within 36 hours after dispatch.

F. Rates

Mexico

The base rates for GPL service to Mexico are set forth below. The Postal Service will charge the base rates, in 1-pound increments, for the first 100,000 packages mailed in a 12-month period. Once the customer has mailed 100,000 packages, postage for the next packages mailed by the customer in the same 12-month period will be reduced by 3% from the base rates.

GLOBAL PACKAGE LINK SERVICE TO MEXICO

Weight not over (pounds)	Annual volume—first 100,000 packages—no discount	
	Premium	Standard
1	$7.50	$5.00
2	9.00	6.00
3	10.50	7.00
4	12.00	8.00
5	13.50	9.00
6	15.00	10.50
7	16.00	11.50
8	17.50	12.50
9	19.00	13.50
10	20.50	14.50
11	22.00	15.50
12	23.00	16.50
13	24.50	17.50
14	26.00	18.50
15	27.00	19.50
16	28.50	20.50
17	30.00	21.50

GLOBAL PACKAGE LINK SERVICE TO MEXICO—Continued

Weight not over (pounds)	Annual volume—first 100,000 packages—no discount	
	Premium	Standard
18	31.00	22.50
19	32.50	23.50
20	33.50	24.50
21	35.00	25.00
22	36.00	26.00
23	37.50	27.00
24	38.50	28.00
25	40.00	29.00
26	41.00	30.00
27	42.50	31.00
28	43.50	32.00
29	44.50	32.50
30	46.00	33.50
31	47.00	34.50
32	48.00	35.50
33	49.00	36.50
34	50.50	37.00
35	51.50	38.00
36	52.50	39.00
37	53.50	40.00
38	54.50	40.50
39	55.50	41.50
40	56.50	42.50
41	58.00	43.50
42	59.00	44.00
43	60.00	45.00
44	61.00	46.00
45	62.00	46.50
46	62.50	47.50
47	63.50	48.50
48	64.50	49.00
49	65.50	50.00
50	66.50	50.50
51	67.50	51.50
52	68.50	52.50
53	69.00	53.00
54	70.00	54.00
55	71.00	54.50
56	72.00	55.50
57	72.50	56.00
58	73.50	57.00
59	74.50	57.50
60	75.00	58.50
61	76.00	59.00
62	76.50	60.00
63	77.50	60.50
64	78.50	61.50

Number of pieces in contract year	Discount
1–100,000	None.
100,001+	3% of base rate.

Singapore

The base rates for GPL service to Singapore are set forth below. The Postal Service will charge the base rates, in 1-pound increments, for the first 100,000 packages mailed in a 12-month period. Once the customer has mailed 100,000 packages, postage for the next packages mailed by the customer in the same 12-month period will be reduced by 3% from the base rates.

Global Package Link to Singapore

Weight not over (pounds)	Annual volume—first 100,000 packages—no discount	
	Premium	Standard
1	$13.50	$10.50
2	17.00	14.00
3	20.50	17.00
4	24.00	20.50
5	28.50	24.50
6	32.00	28.00
7	36.00	31.50
8	39.50	35.00
9	44.00	38.50
10	47.50	42.00
11	51.00	45.50
12	55.00	49.00
13	59.00	52.50
14	63.00	56.50
15	66.50	60.00
16	70.50	63.50
17	74.50	67.00
18	78.50	70.50
19	82.00	74.00
20	86.00	78.00
21	90.00	81.00
22	93.50	84.50
23	101.50	90.50
24	105.50	94.00
25	109.00	97.00
26	112.50	100.50
27	116.50	104.00
28	120.00	107.50
29	123.50	110.50
30	127.00	114.00
31	131.00	117.50
32	134.50	121.00
33	138.00	124.00
34	146.50	130.00
35	150.00	133.50
36	153.50	137.00
37	157.50	140.00
38	161.00	143.50
39	164.50	147.00
40	168.50	150.50
41	172.00	153.50
42	175.50	157.00
43	179.00	160.50
44	183.00	163.50
45	191.00	169.50
46	194.50	173.00
47	198.50	176.50
48	202.00	179.50
49	205.50	183.00
50	209.50	186.50
51	213.00	190.00
52	216.50	193.00
53	220.00	196.50
54	224.00	200.00
55	227.50	203.50
56	235.50	209.00
57	239.50	212.50
58	243.00	216.00
59	246.50	219.50
60	250.50	222.50
61	254.00	226.00
62	257.50	229.50
63	261.00	233.00
64	265.00	236.00
65	268.50	239.50
66	272.00	243.00

Number of pieces in contract year	Discount
1–100,000	None
100,001+	3% of base rate.

III. Conclusion

Accordingly, the Postal Service hereby adopts GPL service to Mexico and Singapore, on an interim basis, at the rates set forth in the schedules above. Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning this interim rule.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Effective August 26, 1997, subchapter 620 and the Individual Country Listing pages for Mexico and Singapore in the International Mail Manual are amended as follows:

6 Special Programs

* * * * *

621.3 Availability

Global Package Link service is available only to Brazil, Canada, Chile, China, People's Republic of, Germany, Japan, Mexico, the United Kingdom, and Singapore.

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622 Qualifying Mailers

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622.2 Linking Information Systems

[Add item n. to list of package specific information.]

n. Postage and handling charge per order.

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623 General

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623.3 Size and Weight Limits

[Replace first sentence in paragraph with: ''The weight limits for Global Package Link service are 70 pounds for Chile, China, and Germany; 66 pounds for Brazil, Canada, Singapore, and the United Kingdom; 64 pounds for Mexico; and 44 pounds for Japan.'']

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626 Services Available

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626.12 Standard Service

Standard service is available to Japan, Canada (Ground Courier for Canada), Singapore, and the United Kingdom. Packages sent through standard service are transported to the destination country by air (or a combination of air/ground to Canada) for delivery. The mailer can track standard service packages through dispatch from the Global Package Link processing facility for Japan and through delivery for Canada and the United Kingdom. In Mexico, standard service provides for customer pickup of parcels at selected, secured, customer service centers with tracking to pickup.

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Insurance and Indemnity

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626.322 Mexico and the United Kingdom

Packages sent through Standard service to the Mexico and United Kingdom are insured against loss, damage, or rifling at no additional cost. Indemnity payments are subject to the provisions of DMM S500. Standard service packages are not insured against delay in delivery. Neither indemnity payments nor postage refunds will be made in the event of delay.

626.323 Singapore

Packages sent through Standard service to Singapore may be insured at an additional cost (see 320). Standard service packages to Singapore are not insured against delay in delivery. Neither indemnity payments nor postage refunds will be made in the event of delay.

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626.4 Customs

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Payment of Customs Duty

626.431 All Countries Except Japan, the People's Republic of China, and Singapore

For all countries except Japan, the People's Republic of China, and

Singapore, the Postal Service will arrange payment of customs duty on behalf of the recipient at the time the merchandise enters the country of destination. Any banking costs or foreign exchange fees applicable to the customs payments will be charged back to the mailer. The Postal Service will notify the mailer electronically of the amount of duty and fees paid and the mailer will reimburse the Postal Service in a manner and within a time frame agreed to by the mailer and the Postal Service. Because of the need to have funds available for customs at the time of clearance in Brazil, Chile, and Mexico, mailers must make an advance deposit prior to first mailing to cover anticipated duties and taxes in addition to postage. For subsequent mailings, this account must be replenished by the mailer after the actual amount of duties and taxes are assessed. The mailer is responsible for collecting duties and taxes from the recipient (this can be done when payment for the order is made). For Mexico, GPL mailers will pay customs the day after the shipments arrive in customs, through a pre-authorized Automated Clearing House debit program (ACH). GPL mailers must agree to allow the USPS to debit their designated bank account through the ACH debit program to pay these charges.

626.432 Japan, the People's Republic of China, and Singapore In Japan, the People's Republic of China, and Singapore, any customs duties and fees will be collected from the recipient at the time of delivery.

* * * * *

Individual Country Listing for Mexico: [Add the rate chart below.]

Global Package Link Service to Mexico

Weight not over (pounds)	Annual volume—first 100,000 packages—no discount	
	Premium	Standard
1	$7.50	$5.00
2	9.00	6.00
3	10.50	7.00
4	12.00	8.00
5	13.50	9.00
6	15.00	10.50
7	16.00	11.50
8	17.50	12.50
9	19.00	13.50
10	20.50	14.50
11	22.00	15.50
12	23.00	16.50
13	24.50	17.50
14	26.00	18.50
15	27.00	19.50
16	28.50	20.50
17	30.00	21.50
18	31.00	22.50
19	32.50	23.50
20	33.50	24.50
21	35.00	25.00
22	36.00	26.00
23	37.50	27.00
24	38.50	28.00
25	40.00	29.00
26	41.00	30.00
27	42.50	31.00
28	43.50	32.00
29	44.50	32.50
30	46.00	33.50
31	47.00	34.50
32	48.00	35.50
33	49.00	36.50
34	50.50	37.00
35	51.50	38.00
36	52.50	39.00
37	53.50	40.00
38	54.50	40.50
39	55.50	41.50
40	56.50	42.50
41	58.00	43.50
42	59.00	44.00
43	60.00	45.00
44	61.00	46.00
45	62.00	46.50
46	62.50	47.50
47	63.50	48.50
48	64.50	49.00
49	65.50	50.00
50	66.50	50.50
51	67.50	51.50
52	68.50	52.50
53	69.00	53.00
54	70.00	54.00
55	71.00	54.50
56	72.00	55.50
57	72.50	56.00
58	73.50	57.00
59	74.50	57.50
60	75.00	58.50
61	76.00	59.00
62	76.50	60.00
63	77.50	60.50
64	78.50	61.50

Number of pieces in contract year	Discount
1–100,000	None.
100,001+	3% of base rate.

GPL Service to Mexico is limited to metropolitan Mexico City.

* * * * *

Individual Country Listing for Singapore

[Add the rate chart below]

GLOBAL PACKAGE LINK TO SINGAPORE

Weight not over (pounds)	Annual volume—first 100,000 packages—no discount	
	Premium	Standard
1	$13.50	$10.50

GLOBAL PACKAGE LINK TO SINGAPORE—Continued

Weight not over (pounds)	Annual volume—first 100,000 packages—no discount	
	Premium	Standard
2	17.00	14.00
3	20.50	17.00
4	24.00	20.50
5	28.50	24.50
6	32.00	28.00
7	36.00	31.50
8	39.50	35.00
9	44.00	38.50
10	47.50	42.00
11	51.00	45.50
12	55.00	49.00
13	59.00	52.50
14	63.00	56.50
15	66.50	60.00
16	70.50	63.50
17	74.50	67.00
18	78.50	70.50
19	82.00	74.00
20	86.00	78.00
21	90.00	81.00
22	93.50	84.50
23	101.50	90.50
24	105.50	94.00
25	109.00	97.00
26	112.50	100.50
27	116.50	104.00
28	120.00	107.50
29	123.50	110.50
30	127.00	114.00
31	131.00	117.50
32	134.50	121.00
33	138.00	124.00
34	146.50	130.00
35	150.00	133.50
36	153.50	137.00
37	157.50	140.00
38	161.00	143.50
39	164.50	147.00
40	168.50	150.50
41	172.00	153.50
42	175.50	157.00
43	179.00	160.50
44	183.00	163.50
45	191.00	169.50
46	194.50	173.00
47	198.50	176.50
48	202.00	179.50
49	205.50	183.00
50	209.50	186.50
51	213.00	190.00
52	216.50	193.00
53	220.00	196.50
54	224.00	200.00
55	227.50	203.50
56	235.50	209.00
57	239.50	212.50
58	243.00	216.00
59	246.50	219.50
60	250.50	222.50
61	254.00	226.00
62	257.50	229.50
63	261.00	233.00
64	265.00	236.00
65	268.50	239.50
66	272.00	243.00

Number of pieces in contract year	Discount
1–100,000	None.
100,001+	3% of base rate.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–22696 Filed 8–25–97; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 032–1032; FRL–5877–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving revisions to Missouri's federally enforceable operating permit (FESOP) program contained in Missouri rule 10 CSR 10–6.065. These revisions are designed to ease the administrative burden on the state and on affected sources without relaxing environmental requirements.

DATES: This rule is effective on September 25, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Joshua A. Tapp at (913) 551–7606.

SUPPLEMENTARY INFORMATION: On March 13, 1996, Missouri submitted a request to amend the State Implementation Plan (SIP) to incorporate revisions to the FESOP program which generally affect intermediate sources. These revisions include a provision which delays the permit application deadlines by ten months for smaller intermediate sources, and a provision which allows qualifying intermediate sources to apply for general permits. Both of these revisions are designed to ease the administrative burden on the state and on intermediate sources without relaxing environmental requirements.

Additional revisions were made to clarify the meaning of the rule and improve its enforceability. Specifically, these revisions clarify: (1) That public participation requirements are applicable; and (2) that sources are subject to enforcement action if they inappropriately apply for and obtain a general intermediate permit and it is later determined that they do not qualify. The revisions also clarify the meaning of the term ''threshold level'' by referencing a definition contained in a separate Missouri regulation.

Other revisions were contemporaneously made to rule 10 CSR 10–6.065. Most of these revisions affect Missouri's basic operating permit program for small sources. This program is not a federally approved program; therefore, the EPA is not acting on the revisions to the basic program.

Additional revisions affect Missouri's Title V operating permit program. These revisions were addressed in a separate action.

The EPA received no comments on its proposed approval of these revisions. For more information, the reader may refer to the EPA's proposed approval published in the **Federal Register** on August 21, 1996 at 61 FR 43202.

I. Final Action

The EPA is approving revisions to Missouri rule 10 CSR 10–6.065. Specifically, the EPA is approving sections (1), (2), (3), (5), and (7), and subsections (4)(C)-(4)(G) and (4)(I)-(4)(Q) which pertain to the intermediate permit program. The EPA is taking no action on subsections (4)(A), (4)(B), and (4)(H) of Missouri rule 10 CSR 10–6.065 which pertain to Missouri's basic operating permit program. The EPA has taken separate action on revisions to sections of rule 10 CSR 10–6.065 which pertain to Missouri's Title V operating permit program including sections (1), (2), (3), (6), and (7).

Subsequent to the revision approved here, Missouri has revised rule 10 CSR 10–6.065 to update references to its ''Definitions'' rule, and to modify insignificant activity provisions in its intermediate operating permit program which is contained in rule 10 CSR 10–6.065. The EPA approved these revisions and incorporated them by reference into the SIP in a **Federal Register** document dated May 14, 1997 (see 62 FR 26405). This action is now codified in 40 CFR 52.1320(c)(96).

Rather than incorporate by reference into the SIP this earlier version of the Missouri Code of State Regulations which also contains the revisions approved today, the EPA is amending 40 CFR 52.1320(c)(96) to clarify that the state rules incorporated by reference at 40 CFR 52.1320(c)(96) include the revisions approved today.

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

II. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

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

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal

governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 27, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: August 6, 1997.

Martha R. Steincamp,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart AA—Missouri

2. Section 52.1320 is amended by revising paragraph (c)(96) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(96) Revisions to the Missouri SIP submitted by the Missouri Department of Natural Resources on March 13, 1996, and August 6, 1996, pertaining to its intermediate operating permit program. The EPA is not approving provisions of the rules which pertain to the basic operating permit program.

(i) Incorporation by reference.

(A) Regulations 10 C.S.R. 10–6.020, Definitions and Common Reference Tables, effective June 30, 1996; and 10 C.S.R. 10–6.065, Operating Permits, effective June 30, 1996, except sections (4)(A), (4)(B), and (4)(H).

* * * * *

[FR Doc. 97–22664 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[MO 030–1030; FRL–5877–2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: EPA.

ACTION: Final rule.

SUMMARY: The EPA is taking final action to approve revisions to Missouri's State Implementation Plan (SIP) concerning Missouri's rule 10 CSR 10–6.110, ''Submission of Emission Data, Emission Fees, and Process Information''. This rule also clarifies the requirements for the payment of emission fees to support Missouri's Title V Operating Permit Program and was submitted as part of the state's plan to comply with Title V of the Clean Air Act (CAA).

DATES: This rule is effective on September 25, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: On March 5, 1997 at 62 FR 1000, the EPA proposed to approve amendments to Missouri rule 10 CSR 10–6.110, ''Emission Data, Emission Fees, and Process Information.'' These revisions clarify the requirements for the payment of emission fees to support Missouri's Title V Operating Permit Program and were submitted as part of the state's plan to comply with Title V of the CAA. Region VII received no comment on the proposed rulemaking.

I. Approval of Revisions to Missouri's SIP

Revisions to the rule include modifications to procedures for collecting, recording, and submitting emission data and process information on state-supplied Emission Inventory Questionnaires (EIQ) and Emission Statement forms, or in a format satisfactory to the Director. This is necessary so the state can calculate emissions for state air resource planning.

An amendment to the rule also establishes approved methods that can be used to calculate emission factors and establishes procedures for adjusting emission fees. Also, the amendment revises the terms ''contaminant'' and ''pollution'' to provide consistency with the definitions in 10 CSR 10–6.020.

II. Revisions to Missouri's Part 70 Operating Permits Program

One amendment to Missouri rule 10 CSR 10–6.110 changes section (1), ''Applicability,'' to include a provision that all installations required to obtain permits under 10 CSR 10–6.060 or 10 CSR 10–6.065 (Missouri's construction and operating permit program) file an EIQ as outlined in the reporting frequency table in subsection (2)(E). The purpose of the change is to remove exemptions that were not intended by the Missouri legislature. This rule requires subject facilities to submit emission information and emission fees, and makes emission data available to the public.

The revision to Section (5) of Missouri rule 10 CSR 10–6.110 clarifies language related to payment of fees by charcoal kilns to reflect provisions concerning charcoal kiln fees in the Missouri statute. For additional information, please refer to the Technical Support Document for this rulemaking.

III. Final Action

The EPA is taking final action to approve revisions to Missouri's SIP concerning Missouri's rule 10 CSR 10–6.110, ''Submission of Emission Data, Emission Fees, and Process Information,'' and to approve revisions to Missouri's Title V program.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific

technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Docket

Copies of the Missouri submittal and other information relied upon for the final approval are contained in the docket maintained at the EPA Region VII office. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this final approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

C. Regulatory Flexibility Act

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Similarly, approval of Title V Operation Permit Program revision creates no new requirements. Therefore, because the Federal approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

D. Unfunded Mandates

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

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

E. Submission to Congress and the General Accounting Office

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

F. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 27, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 6, 1997.

Martha R. Steincamp,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(100) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(100) A revision to the Missouri SIP was submitted by the Missouri Department of Natural Resources on February 1, 1996, pertaining to Emission Data, Emission Fees, and Process Information.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–6.110, ''Emission Data, Emission Fees, and Process Information,'' effective December 30, 1995.

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding paragraph (c) to the entry for Missouri to read as follows.

Appendix A to Part 70—Approval Status of State and Local Operating Permits Program

* * * * *

Missouri

* * * * *

(c) The Missouri Department of Natural Resources submitted Missouri rule 10 CSR 10–6.110, ''Submission of Emission Data, Emission Fees, and Process Information,'' on February 1, 1996, approval effective September 25, 1997.

* * * * *

[FR Doc. 97–22663 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IN83–1a; FRL–5882–6]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, EPA is approving a redesignation request submitted by the State of Indiana on April 8, 1993. Supplemental information was provided on June 17, 1997. In this submittal, Indiana requested that a portion of Vermillion County be redesignated to attainment of the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerometric mean diameter less than 10 micrometers (PM–10). Subsequent to this approval, the portion of Clinton Township, Vermillion County which includes sections 15, 16, 21, 22, 27, 28, 33 and 34 will be designated attainment for the PM–10 NAAQS.

DATES: The ''direct final'' is effective on October 27, 1997, unless EPA receives written adverse or critical comments by September 25, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr, Environmental Engineer, at (312) 353–4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ryan Bahr, Environmental Engineer, at (312) 353–4366.

SUPPLEMENTARY INFORMATION:

I. Background

Each NAAQS consists of two standards: a primary standard for the protection of public health and a secondary standard for the protection of public welfare. The PM–10 NAAQS primary and secondary standard are set at the same level. To reflect the scientifically demonstrated relationship to health effects, this NAAQS level is composed of two averaging times; a 24-hour concentration set at a level of 150 micrograms per cubic meter ($\mu g/m^3$) and an annual average based on a 50 $\mu g/m^3$ annual arithmetic mean (See 40 CFR 50.6).

In 1988, several exceedances of the PM–10 NAAQS were recorded in Vermillion County at monitoring sites located downwind of Peabody Coal Company's Universal Mine, Blanford East Area. As a result of these exceedances, and pursuant to section 107(d)(A)(B) of the Clean Air Act (Act), a portion of Clinton Township in Vermillion County was designated moderate nonattainment for PM–10 on November 6, 1991 (56 FR 56694).

In order to satisfy the requirements of part D and section 110 of the Act for the nonattainment area, Indiana submitted a PM State Implementation Plan (SIP) revision request to EPA on April 8, 1993. Along with the PM SIP revision request for Vermillion County, Indiana submitted a request for redesignation to attainment of the PM–10 NAAQS for a portion of the county. EPA found the request complete and issued a completeness letter on April 30, 1993. The EPA approved Indiana's PM SIP submission for Vermillion County on February 15, 1994 (59 FR 7223). Indiana supplemented the redesignation request submittal with updated monitoring data on June 17, 1997. There have been no monitored violations of the PM–10 standard in Vermillion County since the original violations recorded in 1988.

On July 18, 1997, EPA promulgated new NAAQS for particulate matter. This revision to the NAAQS added standards for particulate matter with aerometric mean diameter less than 10 micrometers and changed the form of the 24 hour PM–10 standard.

II. Evaluation Criteria

Section 107(d)(3)(D) of the Act, as amended in 1990, authorizes the Governor of a State to request the redesignation of an area from nonattainment to attainment. The criteria used to review redesignation requests are derived from the Act. An area can be redesignated to attainment if the following conditions are met:

(1) The area has attained the applicable NAAQS;

(2) The area has a fully approved SIP under section 110(k) of the Act;

(3) The EPA has determined that the improvement in air quality in the area is due to permanent and enforceable emission reductions;

(4) EPA has determined that the maintenance plan for the area has met all of the requirements of section 175A of the Act; and,

(5) The State has met all requirements applicable to the area under section 110 and part D of the Act.

III. Summary of State Submittal

The following paragraphs discuss how the State's redesignation request for Vermillion County addresses the Act's requirements.

A. Demonstrated Attainment of the NAAQS

As explained in a September 4, 1992, memorandum ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' from the Director of the Air Quality Management Division to the Regional Air Directors, three complete consecutive years of data showing PM–10 NAAQS attainment are required for redesignation. A violation of the NAAQS occurs when the number of exceedances per year, according to 40 CFR 50.6, is greater than 1.0. The July 18, 1997, promulgation retained the exceedance form for the annual standard but revised the 24 hour standard form. The 24 hour standard form was revised such that a violation occurs when the 98th percentile concentration is greater than the concentration limit of 150 $\mu g/m^3$. Indiana's April 8, 1993, submittal and June 17, 1997, supplement cite ambient monitoring data showing that Vermillion County has met the NAAQS for the years 1994–1996, which were the three most recent consecutive years with quality-assured monitoring data. Previous monitoring data for the period of 1989 through 1993 indicates that the NAAQS has been met continuously since the exceedances which occurred in 1988.

As shown in the table below, there have been no exceedances of the PM–10 NAAQS at any monitor in Vermillion County since 1988. It can be seen that the annual average PM–10 concentration has decreased significantly from 45 micrograms per cubic meter ($\mu g/m^3$) in 1988 to 19 $\mu g/m^3$ in 1996 (the NAAQS is 50 $\mu g/m^3$).

The table presented below summarizes the Vermillion County monitoring data submitted by Indiana in support of its redesignation request. The NAAQS for PM–10 is based on an annual average of 50 $\mu g/m^3$ and a 24 hour concentration (1st High) of 150 $\mu g/m^3$.

Year	Vermillion county monitor readings (μg/m 3)				
	Annual average	1st high	2nd high	3rd high	4th high
1988	45	202	180	120	119
1989	37	136	115	95	90
1990	36	110	108	103	103
1991	33	132	100	97	95
1992	29	84	81	66	66
1993*	22	67	57	50	46
1994	23	61	57	46	45
1995	24	64	63	58	55
1996	19	57	44	43	42

*1993 data was not submitted from the State but was obtained from AIRS to complete the chart.

The monitored 24 hour PM–10 concentrations have also decreased greatly in the last 5 years. The highest monitored concentration in 1988 was 202 μg/m^3 compared to 57 in 1996 (the NAAQS is 150 μg/m^3). The most significant improvement is seen between the years 1991 and 1992 when mining operations in the nonattainment area ceased. No additional PM–10 exceedances have been recorded since 1988 in the Aerometric Information and Retrieval System (AIRS) database through 1996.

According to the PM–10 standard promulgated July 18, 1997, in order to redesignate for PM–10, the 98th percentile of monitored readings needs to fall below the 24 hour concentration of 150 μg/m^3. As the maximum concentrations are below this level, it is evident that the 98th percentile concentration is below the limit and the air quality data meets this test and shows that Vermillion County meets the PM–10 NAAQS.

Dispersion modeling is commonly used to demonstrate attainment of the PM–10 NAAQS. The SIP was fully implemented and approved on February 15, 1994 (59 FR 7223). In the SIP, Indiana demonstrated that the one PM–10 source had closed and the operating permit had been withdrawn. Due to the absence of sources, EPA did not require Indiana to submit dispersion modeling with its redesignation request for Vermillion County. The State has continued to operate a PM–10 monitor in Vermillion County and there have been no NAAQS exceedances since 1988.

B. Fully Approved SIP

The SIP for the area must be fully approved under section 110(k) of the Act and must satisfy all requirements that apply to the area. EPA's guidance for implementing section 110 of the Act is discussed in the *General Preamble to Title I* (57 FR 13498, April 16, 1992). The PM–10 SIP for Vermillion County met the requirements of section 110 of the Act and was approved by EPA on February 15, 1994 (59 FR 7223). The SIP recognizes that the operating permit for the only source of PM–10 expired April 1, 1992, and commits to not renewing that permit. With the closure of this source, there are no permitted or registered sources in Vermillion County. The SIP also committed to maintaining a monitor in Vermillion County until the area was redesignated.

C. Permanent and Enforceable Reductions in Emissions

Vermillion County's attainment of the PM–10 standards can be attributed to the closure of the Blanford Mining Area in early 1992. As specified in the SIP, the operation permit issued to Peabody Coal Company for the Blanford Mining Area expired April 1, 1992, and will not be renewed, making the closure a permanent and enforceable emission reduction. Following land reclamation which was completed by November 1, 1993, the entire area has been returned to being used exclusively for agricultural purposes. The Peabody Coal Company and any potential new industry that would like to operate in Vermillion County may not commence operating without the issuance of a new air permit by the State under the federally delegated Prevention of Significant Deterioration program. On February 15, 1994 (59 FR 7223), EPA approved the control strategies in Indiana's PM–10 SIP for this county, rendering them federally enforceable (56 FR 56694). The regulations are permanent, and any future revisions to the rules must be submitted to and approved by the EPA.

D. Fully Approved Maintenance Plan

Under section 107(d)(3)(E) and section 175A of the Act, the State must submit a maintenance plan in order for an area to be redesignated to attainment. The maintenance plan is intended to ensure that the area will maintain the attainment status it has achieved, and that if there is a violation, the plan will serve to bring the area back into attainment with prescribed measures. Indiana has committed to not reissue the permit for the Branford coal mining operation in Vermillion County, and the area has been reclaimed for use as farmland. The facility has been deleted from the State's emissions inventory, and there are no other permitted or registered PM–10 sources located in the Vermillion County nonattainment area. Subject new sources are required to meet Prevention of Significant Deterioration requirements which have been established to protect future air quality and ensure that a violation will not occur in the future.

The monitoring since the original exceedances has shown that from 1989 to 1996, there have been no exceedances in the area. The readings have shown, as expected, that the ambient levels of PM–10 in the area are at levels which are only an insignificant fraction of the NAAQS. Based on these facts, EPA has determined that Indiana's maintenance plan for Vermillion County satisfies the provisions of the Act.

E. Part D and Other Section 110 Requirements

EPA approved the PM–10 SIP for Vermillion County on February 15, 1994 (59 FR 7223), after having concluded that the plan satisfied the requirements of part D and section 110 of the Act. Several of the section 110 requirements were revised in the 1990 amendments to the Act. However, the existing SIP also conforms with the 1990 provisions of the Act. As required by part D of the Act, Indiana has a fully approved and implemented New Source Review Program. The existing Prevention of Significant Deterioration program, which was federally delegated for all attainment areas, will apply in all of Vermillion County subsequent to this approval.

Section 176 Conformity Requirements

Section 176 of the Act requires States to revise their SIPs to establish criteria

and procedures to ensure that individual Federal actions will conform to the overall air quality planning goals in the applicable State SIP. Section 176 further provides that the State's conformity revisions must be consistent with the Federal conformity regulations promulgated by EPA under the Act. The requirement used by Federal agencies to determine conformity is defined in 40 CFR part 93, subpart B (''general conformity'').

Indiana has adopted general and transportation conformity rules for PM–10 to satisfy provisions of part D. The State submitted a request for a SIP amendment regarding conformity on January 23, 1997.

The EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating redesignation requests under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment. Second, EPA's Federal conformity rules require a conformity analysis in the absence of federally approved State rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment, and must implement conformity under Federal rules if State rules are not yet approved, the EPA believes it is reasonable to view these requirements as not being applicable requirements when evaluating a redesignation request. Consequently, the PM–10 redesignation request for Vermillion County may be approved notwithstanding the lack of fully approved conformity rules. Refer to EPA's action in the Tampa, Florida ozone redesignation finalized on December 7, 1995 (60 FR 62748).

IV. Final Rulemaking Action

EPA is approving the redesignation request and maintenance plan submitted by Indiana on April 8, 1993, and supplemented on June 17, 1997. EPA, therefore, is redesignating the portion of Clinton Township, Vermillion County which includes sections 15, 16, 21, 22, 27, 28, 33 and 34 to attainment for the PM–10 NAAQS. The remainder of Vermillion County will remain designated unclassifiable for the PM–10 NAAQS. The EPA has completed its analysis of this SIP revision request based on a review of the materials presented, and has determined that they are approvable.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should written adverse or critical comments be filed. This action will be effective October 27, 1997 unless, by September 25, 1997, written adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective October 27, 1997.

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

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

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

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

Redesignation of an area to attainment under section 107(d)(3)(E) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 27, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not

be challenged later in proceedings to enforce its requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Particulate matter.

Dated: August 14, 1997.

David A. Ullrich,

Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.776 is amended by adding paragraph (q) to read as follows:

§ 52.776 Control strategy: Particulate matter.

* * * * *

(q) Approval—On April 8, 1993, and supplemented on June 17, 1997, the State of Indiana submitted a maintenance plan and a request that sections 15, 16, 21, 22, 27, 28, 33 and 34 of Clinton Township in Vermillion County be redesignated to attainment of the National Ambient Air Quality Standard for particulate matter. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In section 81.315, in the table entitled ''Indiana—PM–10,'' the entry for Vermillion County is amended to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* *	*	* *	*	*
Vermillion County Part of Clinton Township, including sections 15, 16, 21, 22, 27, 28, 33 and 34.	Oct. 27, 1997	Attainment.		
* *	*	* *	*	*

* * * * *

[FR Doc. 97–22667 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 97–266]

Compensation of Costs of Mitigating Cuban Interference

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order removes the Commission's rules implementing Section 7 of the Radio Broadcasting to Cuba Act: Compensation of Costs of Mitigating Cuban Interference because the funding for this activity was only authorized for a four year period from the date of the first Radio Marti program broadcast, May 20, 1985. Congress has made no further appropriations for this activity.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Ana Janckson-Curtis, Compliance and Information Bureau, (202) 418–1160.

SUPPLEMENTARY INFORMATION: Adopted: July 28, 1997. Released: August 4, 1997.

1. This Order removes the provisions listed in Subpart M of Part 1 of the Commission's Rules, implementing section 7 of the Radio Broadcasting to Cuba Act, Pub. L. 98–111, 97 Stat. 749 (1983). This subpart includes Sections 1.1701 through 1.1712 of the Commission's Rules 47 CFR 1.1701–1.1712.

2. The Radio Broadcasting to Cuba Act established a domestic radio broadcast service to Cuba. Because Congress expected the government of Cuba to retaliate for these broadcasts by interfering with or jamming U.S. broadcast stations, Congress also adopted Section 7 of the Radio Broadcasting to Cuba Act. This provision authorized the Federal Communications Commission (FCC) to determine levels of jamming and interference to U.S. radio broadcasting stations by Cuba through regular monitoring of the 1180 AM frequency. Under Section 7, the Commission became responsible for establishing interference measurement criteria to assist in settling compensation claims brought by U.S. radio broadcasting station licensees for costs incurred in mitigating the effects of jamming activities by the Government of Cuba.

3. To implement Section 7, the Commission adopted regulations setting forth the technical standards, requirements and procedures for affected broadcast stations to file a claim, and the standards and procedures to be used by the FCC staff to verify the level of interference received by the stations. Congress specifically stated in section 7(e), however, that ''[f]unds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of the program described in this Act.'' [1]

4. The first Radio Marti broadcast occurred on May 20, 1985. Since then, Congress has made no further authorization or appropriation of funds for the Radio Marti compensation program. [2] In the circumstances, we

[1] The amount actually appropriated for ''facilities compensation'' was $3,500,000 in 1984, see S. Rep. 98–514, to accompany H.R. Bill 5712, 98th Cong. 2nd Sess. The Committee on Appropriations noted that it expected to be informed of the need for additional funds up to the $5,000,000 authorized.

[2] Indeed, in 1990, when Congress authorized the TV Marti station, Congress debated whether to fund a compensation program for broadcasters, and chose not to do so. Instead, Congress specified alternative means for resolving any interference problems that would result from the establishment of the TV Marti program. For example, a task force was established for dealing with interference complaints and the FCC was instructed to monitor and report objectionable interference to appropriate Congressional committees. See Conf. Rep. Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, 101 Cong. 1st Sess., Rep. 101–343. Congress also authorized the FCC to make technical changes

Continued

conclude that the compensation program set forth in Section 7 of the Radio Broadcasting to Cuba Act has elapsed and, therefore, removal of the rules implementing Section 7 of the Radio Broadcasting to Cuba Act is warranted. For the same reason, we have removed Section 0.61(g), 47 CFR 0.61(g), which gave the Mass Media Bureau responsibility for processing compensation claims resulting from the Radio Marti operations. Similarly, we have deleted OMB control numbers 3060–0344 and 3060–0345 from the list of OMB control numbers assigned pursuant to the Paperwork Reduction Act, Public Law 104–13, and set forth in Section 0.408, 47 CFR 0.408. These control numbers identified the Commission's forms used to file compensation claims at issue.

5. Because this order will remove rules which are no longer authorized by a statute, this change constitutes a minor amendment to our rules. The expiration of Congress' authorization to carry out the compensation program makes the removal of the rules implementing the compensation program a ministerial function. Therefore, we find for good cause that compliance with the notice and comment procedure of the Administrative Procedure Act is unnecessary and that this action is not subject to the thirty day effective period required by section 553(d) of the Administrative Procedure Act, 5 U.S.C. § 553(d). Accordingly, this Order is effective immediately upon publication in the **Federal Register**. (*See* 5 U.S.C. § 553(b)(B)).

6. Accordingly, it is ordered, that pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 303(r), 47 CFR part 1, is amended to remove Subpart M, which consists of Sections 1.1701 through 1.1712.

7. It is further ordered that this Order will be effective on August 26, 1997.

8. Further information on this proceeding may be obtained by contacting Ana Janckson-Curtis, Compliance and Information Bureau, at (202) 418–1160.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 0 and 1 of Title 47 of the Code of Federal Regulations are amended as follows:

to resolve interference to affected stations. See S. Rep. No. 46, 101st Cong., 1st Sess., 41 (1989).

PART 0—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.

§ 0.61 Functions of the Bureau.

2. Section 0.61 is amended by removing and reserving paragraph (g).

§ 0.408 OMB control number and expiration dates assigned pursuant to the Paperwork Reduction Act.

3. Section 0.408 is amended by removing the entries for OMB Control Nos. 3060–0344 and 3060–0345.

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 207, 303, and 309(j), unless otherwise noted.

5. Subpart M of part 1, consisting of §§ 1.1701 through 1.1712, is removed and reserved.

[FR Doc. 97–22117 Filed 8–25–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 121]

RIN 2127—AG94

Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Occupant Protection in Interior Impact

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: In March 1997, NHTSA temporarily amended the agency's occupant crash protection standard to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively. More specifically, the agency adopted an unbelted sled test protocol as a temporary alternative to the standard's full scale unbelted barrier crash test. NHTSA took this action to provide an immediate, but interim, solution to the problem of the fatalities and injuries that current air bags are causing in relatively low speed crashes to small, but growing numbers of children, and occasionally to adult occupants.

This document makes a further amendment to the agency's occupant crash protection standard, so that a special, less stringent test requirement in a related standard that applies to vehicles certified to the unbelted barrier test will also apply to vehicles certified to the alternative sled test. This action is necessary to prevent a delay in depowering. NHTSA also solicits comments on this amendment.

DATES: *Effective date:* The amendments made by this interim final rule are effective August 26, 1997.

Comments: Comments must be received on or before October 27, 1997.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.–4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT:

For information about air bags and related rulemakings: Visit the NHTSA web site at http://www.nhtsa.dot.gov and select ''AIR BAGS: Information about air bags.''

For non-legal issues: Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS–11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2264. Fax: (202) 366–4329.

For legal issues: J. Edward Glancy, Office of Chief Counsel, NCC–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2992. Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION: On March 19, 1997, NHTSA published in the **Federal Register** (62 FR 12960) a final rule temporarily amending Standard No. 208, *Occupant Crash Protection,* to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively. More specifically, the agency adopted an unbelted sled test protocol, recommended by the American Automobile Manufacturers Association (AAMA), as a temporary alternative to Standard No. 208's full scale unbelted barrier crash test. The agency did not change the standard's full scale belted barrier crash test.

NHTSA took this action to provide an immediate, but interim, solution to the problem of the fatalities and injuries that current air bags are causing in relatively low speed crashes to small, but growing numbers of children, and occasionally to adult occupants. The

sled test alternative will be available for vehicles manufactured before September 1, 2001. That date was selected because the agency expected that the vehicle manufacturers will be able by then to provide more advanced air bags that will address these problems.

In early April 1997, AAMA advised the agency that its member companies had discovered that certain provisions in Standard No. 203, *Impact protection for the driver from the steering control system,* and Standard No. 209, *Seat belt assemblies,* could prevent or substantially delay depowering. Each of those other standards specified an exclusion from certain requirements for vehicles certified to meet Standard No. 208's barrier crash test requirements. Thus, neither exclusion would be available for a vehicle which was certified to Standard No. 208's alternative sled test requirement.

In an interim final rule published in the **Federal Register** (62 FR 26425) on May 14, 1997, the agency amended Standard No. 208, so that the exclusions in these two other standards would also be available for vehicles certified to the sled test. NHTSA explained that this action was necessary to prevent a delay in depowering, and also solicited comments on the amendment. The agency noted that because there had not been a prior opportunity for comment, it was limiting application of the interim final rule to vehicles manufactured before September 1, 1998. However, NHTSA explained that it contemplated making the amendment apply for the same duration as the depowering amendment, i.e., for vehicles manufactured before September 1, 2001.

In the May 1997 notice, NHTSA noted that neither it nor the commenters on the depowering proposal had identified the issue of whether the exclusions in Standards No. 203 and 209 should be available for vehicles certified to the alternative sled test requirement. The agency had, however, made it clear in the depowering rulemaking that it believes it is critical to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively.

In the May 1997 notice, NHTSA stated that it does not want the vehicle manufacturers to face any unnecessary impediments to depowering and, in that context, considered whether the exclusions in Standards No. 203 and 209 should be made available for vehicles certified to the alternative sled test requirement. The agency provided analysis in that notice for each of the two standards, as part of its decision to extend the availability of the exclusions.

In July 1997, AAMA advised the agency that its member companies had discovered that a similar provision in Standard No. 201, *Occupant protection in interior impact,* could also prevent or substantially delay depowering. That provision specifies a special, less stringent test requirement for vehicles which meet Standard No. 208's barrier crash test requirements by means of an air bag. The special requirement would thus not apply to a vehicle which was certified to Standard No. 208's alternative sled test requirement.

Just as NHTSA decided to issue an interim final rule amending Standard No. 208 so that the exclusions in Standard Nos. 203 and 209 would also be available for vehicles certified to the sled test, it is taking similar action with respect to the special, less stringent test requirement set forth in Standard No. 201. The agency believes that the Standard No. 201 situation mirrors those involving the other two standards. NHTSA's analysis for Standard No. 201 is set forth below.

Standard No. 201 specifies a number of requirements to provide impact protection for occupants. One of the requirements concerns instrument panels. The standard generally requires that when specified portions of the instrument panel are impacted by a head form at 15 mph, the deceleration of the head form must not exceed 80 g continuously for more than 3 milliseconds. To comply with this requirement, vehicle manufacturers install energy absorbing materials. The use of these materials can prevent or reduce the severity of chest and head injuries resulting from contacts with the instrument panel.

In June 1991, NHTSA published a final rule amending Standard No. 201 to specify a special, less stringent test requirement for vehicles equipped with passenger air bags. 56 FR 26036; June 6, 1991. The final rule reduced the velocity specified in the head form test for these vehicles from 15 mph to 12 mph.

The purpose of the June 1991 final rule was to facilitate the introduction of more effective air bag designs, and provide an incentive for the increased use of passenger-side air bags. (This final rule was issued before Congress enacted the Intermodal Surface Transportation Efficiency Act of 1991, which directed NHTSA to amend Standard No. 208 to require air bags.) Vehicle manufacturers had provided information showing that Standard No. 201's existing 15 mph head form requirement created problems in designing top-mounted, upward-deploying passenger air bags. Manufacturers had also identified a number of benefits from installation of this type of air bag, including reduced risk of injury to out-of-position occupants or standing children. However, the final rule was not limited to passenger air bags with upward-deploying systems, as the agency wanted to allow manufacturers wide latitude in innovation for all passenger air bags.

NHTSA believes that the rationale for Standard No. 201's special, less stringent test requirement for vehicles equipped with passenger air bags and certified to Standard No. 208's barrier test is equally applicable to vehicles certified to the alternative sled test. The concern about the need to meet Standard No. 201's 15 mph head form test interfering with the design of passenger air bags, especially top-mounted, upward-deploying systems, would not differ depending on whether an air bag is depowered or not. Moreover, the need to meet the 15 mph requirement would interfere with depowering.

Vehicle manufacturers presumably test their air-bag-equipped vehicles to Standard No. 201's 12 mph head form requirement, rather than the 15 mph requirement, based on the current special requirement. Thus, the manufacturers do not know whether their vehicles would pass the more stringent requirement.

If the special requirement were not extended to vehicles certified to the alternative sled test, the vehicle manufacturers would need to conduct significant testing to determine whether those vehicles could comply with the 15 mph requirement. To the extent that a vehicle could not comply, the manufacturer would then need to determine whether it was possible to make design changes to achieve compliance. All of this would result in significant delays to depowering.

The agency also notes that the purposes of the depowering amendment and the special requirement in Standard No. 201 are complementary. While the depowering amendment was intended to facilitate quick action to address the problem of deaths and injuries to out-of-position occupants, the special requirement in Standard No. 201 was intended, in part, to facilitate the use of passenger air bag designs that reduce the risk of injury to out-of-position occupants or standing children. A failure to extend the special requirement in No. 201 to vehicles certified to the alternative sled test could result in the perverse effect of discouraging air bag

designs that reduce the risk of injury to out-of-position occupants or standing children.

NHTSA finds that the issuance of this interim final rule without prior opportunity for comment is necessary in view of the fact that depowering would be significantly delayed if the standard were not amended. For the same reason, the agency finds for good cause that it is in the public interest to establish an immediate effective date for this amendment. The amendment imposes no new requirements but instead provides additional flexibility to manufacturers by removing a design restriction.

NHTSA is requesting comments on this amendment. Because there has not been a prior opportunity for comment, the agency is limiting application of this interim final rule to vehicles manufactured before September 1, 1998. However, NHTSA contemplates making the amendment apply for the same duration as the depowering amendment, i.e., for vehicles manufactured before September 1, 2001. The agency will announce a final decision as soon as possible after the comment closing date.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be ''nonsignificant'' under the Department of Transportation's regulatory policies and procedures. The amendment does not impose any new requirements but simply ensures that the vehicle manufacturers do not face previously unidentified impediments in depowering air bags. The agency concludes that the impacts of the amendment are so minimal that a full regulatory evaluation is not required. Readers who are interested in the costs and benefits of depowering are referred to the agency's regulatory evaluation for that rulemaking action, which remains valid.

B. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) I hereby certify that the interim final rule will not have a significant economic impact on a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The interim final rule would primarily affect passenger car and light truck manufacturers and manufacturers of air bags. The Small Business Administration's regulations at 13 CFR Part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)).

SBA's size standards are organized according to Standard Industrial Classification Codes (SIC). SIC Code 3711 ''Motor Vehicles and Passenger Car Bodies'' has a small business size standard of 1,000 employees or fewer. SIC Code 3714 ''Motor Vehicle Parts and Accessories'' has a small business size standard of 750 employees or fewer. NHTSA believes air bag manufacturers would fall under SIC Code 3714.

For passenger car and light truck manufacturers, NHTSA estimates there are at most five small manufacturers of passenger cars in the U.S. Because each manufacturer serves a niche market, often specializing in replicas of ''classic'' cars, production for each manufacturer is fewer than 100 cars per year. Thus, there are at most five hundred cars manufactured per year by U.S. small businesses.

In contrast, in 1996, there are approximately nine large manufacturers manufacturing passenger cars and light trucks in the U.S. Total U.S. manufacturing production per year is approximately 15 to 15 and a half million passenger cars and light trucks per year. NHTSA does not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production per year.

For air bag manufacturers, NHTSA does not believe that there are any small manufacturers of air bags. A separate subsidiary (of a large business) set up to manufacture air bags would not be considered a small business because of SBA's affiliation rule under 13 CFR 121.103.

The amendment does not impose any new requirements but simply ensures that the vehicle manufacturers do not face previously unidentified impediments in depowering air bags. NHTSA also notes that the cost of new passenger cars or light trucks would not be affected by the interim final rule.

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), there are no requirements for information collection associated with this rule.

D. National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

E. Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

F. Civil Justice Reform

This rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Comments

Interested persons are invited to submit comments on this document. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the NHTSA Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received by NHTSA before the close of business on the

comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to this rulemaking action will be considered as suggestions for further rulemaking action. Comments on the document will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and recommends that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.208 is amended by revising S3 to read as follows:

§ 571.208 Standard No. 208, Occupant crash protection.

* * * * *

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses. In addition, S9, *Pressure vessels and explosive devices,* applies to vessels designed to contain a pressurized fluid or gas, and to explosive devices, for use in the above types of motor vehicles as part of a system designed to provide protection to occupants in the event of a crash. Notwithstanding any language to the contrary, any vehicle manufactured after March 19, 1997 and before September 1, 2001 that is subject to a dynamic crash test requirement conducted with unbelted dummies may meet the requirements specified in S13 instead of the applicable unbelted requirement. For vehicles manufactured before September 1, 1998, compliance with S13 shall, for purposes of Standards No. 201, 203 and 209, be deemed as compliance with the unbelted frontal barrier requirements of S5.1 of this section.

* * * * *

Issued on: August 20, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97–22573 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 62, No. 165
Tuesday, August 26, 1997

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1728

Electric Overhead Distribution Lines; Specifications and Drawings for 24.9/14.4 kV Line Construction

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) proposes to revise its bulletin of specifications and drawings for 24.9/14.4 kV overhead distribution line construction. RUS proposes to separate the bulletin into 19 sections. Each section would contain an index, construction specifications and a group of similar drawings of construction assemblies which perform a common function. RUS proposes to change the drawing number on each drawing to conform to a new, functional format. RUS also proposes certain additional technical changes to the 154 drawings so that construction assemblies would conform to current RUS construction requirements and specifications which would make the drawings more readable. Where applicable, the drawings would show allowable loading limits and reference to new tables which would show maximum line angles. Existing specifications, such as pole setting depths, would not be modified, however, they would be moved to the section that contains wood poles. RUS proposes to renumber and reformat this bulletin in accordance with its new publications and directives system.

DATES: Written comments must be received by RUS by October 27, 1997.

ADDRESSES: Submit written comments to Mr. George J. Bagnall, Director, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1569, Washington, DC 20250–1569. RUS requires a signed original and three copies of all comments (7 CFR 1700.30(e)). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Mr. James L. Bohlk, Electrical Engineer, Distribution Branch, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1569, Washington, DC 20250–1569. Telephone: (202) 720–1967. Fax: (202) 720–7491.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule was waived from Office of Management and Budget (OMB) review.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final Rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS loans and loan guarantees from coverage under this order.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in Sec. 3. of the Executive Order.

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that a rule relating to the RUS electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and therefore, the Regulatory Flexibility Act does not apply to this proposed rule.

Information Collection and Recordkeeping Requirements

This proposed rule contains no reporting or recordkeeping provisions requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

National Environmental Policy Act Certification

The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

This program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325.

Background

Pursuant to the Rural Electrification Act of 1936 as amended (7 U.S.C. 901 *et seq.*), the Rural Utilities Service (RUS) proposes to amend 7 CFR Chapter XVII, Part 1728, Electric Standards and Specification for Materials and Construction, by revising RUS Bulletin 50–5 (D–803), Specification and Drawings for 14.4/24.9 kV Line Construction, and renumbering it as RUS Bulletin 1728F–803. RUS maintains a system of bulletins that contains construction standards and specifications for materials and equipment. These standards and specifications apply to system facilities constructed by RUS electric and telecommunications borrowers in accordance with the RUS loan contract, and contain standard construction units, material and equipment units commonly used in RUS electric and telecommunication borrowers' systems.

RUS Bulletin 50–5 provides dimensioned drawings of standard assembly units and specifications for the construction of 24.9/14.4 kV overhead electric distribution lines. RUS proposes to change the bulletin number from RUS Bulletin 50–5 to RUS Bulletin 1728F–803. The change in the bulletin number and reformatting is necessary to conform to RUS' new publications and directives system. This bulletin will be incorporated by reference in 7 CFR part 1728.97. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325.

The major proposed changes are described below.

The proposed bulletin has been separated into 19 different sections or categories. Each section generally contains construction specifications

related to the category, an index of drawings in the section and several similar construction drawings of assemblies which are designed to perform a similar function. The proposed bulletin also contains an overall index and general construction specifications. Also added to the proposed bulletin are additional new tables displaying maximum line angles and soil classifications.

The drawing numbers on all the proposed modified drawings have been slightly changed. The drawing number on each new and modified drawing is in a new, uniform format based on the original RUS numbering scheme and format in which each character in the number has a functional meaning related to the contents of the drawings.

Approximately 63 construction drawings in previous bulletin 50–5 have been deleted in the proposed bulletin. Each drawing was eliminated for one or more of the following reasons:

(a) There is a conflict in the permissible line angles between the primary conductor supports and the neutral conductor supports;

(b) The assembly contains material no longer listed in Information Publication 202–1, ''List of Materials Acceptable for Use on Systems of RUS Electrification Borrowers'';

(c) The assembly or assemblies have been renumbered and reorganized and included in the proposed bulletin as a new drawing;

(d) The assembly design is no longer acceptable as a RUS construction standard for mechanical strength or clearance reasons;

(e) The drawing is redundant of another similar drawing and thus not needed or useful;

(f) The assembly design is no longer preferred or commonly used; or,

(g) The drawing contains construction instructions or details which are no longer applicable to RUS construction standards.

Corrections or modifications are being proposed to approximately 89 drawings of the bulletin. Each revised drawing contains one or more of the following changes:

(a) Each drawing was given a new, shorter, simpler and more uniform drawing title or name;

(b) The primary system voltage of ''24.9/14.4 kV'' and the number of primary phases were drawn in a uniform place in the title block on each drawing where this information is relevant;

(c) The number (quantity) of locknuts is shown in the material list of all the drawings that have these items;

(d) The revised drawings specify that crossarms be generally installed one foot, six inches from the top of the pole to utilize the new predrilled hole arrangement in the new RUS standard pole drilling guide;

(e) The new drawings depict the use of three, more modern, 4¼ inch primary suspension insulators for primary conductors instead of 2–6 inch insulators as shown on the previous drawings;

(f) New technical information, defined as ''design parameters'' would be added to the title blocks on most of the drawings. These design parameters include maximum line angels (referenced to the new tables), maximum longitudinal, transverse or unbalanced loads, maximum working load or maximum holding power. This new technical information defines and usually limits the physical applications of the assembly units shown on the drawings; and,

(g) Several of the revised drawings contain new advisory notes, technical information and references to other drawings.

Approximately 87 new drawings are being proposed. Many of these proposed new drawings are of construction assemblies from the previous bulletin that have been modified as appropriate, renumbered and reorganized. Other new drawings were added to exhibit one or more of the following:

(a) The application of post-type insulators;

(b) Construction guides and design details;

(c) New equipment and new design; and

(d) Details of subassembly units.

A few new drawings would be added to replace, with modifications as required, needed drawings or assemblies which were deleted from the previous bulletin for the reasons previously given.

List of Subjects in 7 CFR Part 1728

Electric power, Incorporation by reference, Loan programs—energy, Rural areas.

For reasons set out in the preamble, RUS proposes to amend 7 CFR part 1728 as follows:

PART 1728—ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

1. The authority citation for part 1728 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; Pub L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

2. Section 1728.97(b) is amended by removing the entry for Bulletin 50–5 and adding to the list of bulletins, in numerical order, the entry for Bulletin 1728F–803, to read as follows:

§ 1728.97 Incorporation by reference of electric standards and specifications.

* * * * *

(b) *List of Bulletins.*

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Bulletin 1728F–803, Specifications and Drawings for 24.9/14.4 kV Line Construction ([Month and year of effective date of final rule])

* * * * *

Dated: August 18, 1997.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 97–22523 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–15–P

FEDERAL RESERVE SYSTEM

12 CFR Part 250

[Miscellaneous Interpretations; Docket R–0977]

Applicability of Sections 23A and 23B of the Federal Reserve Act to Transactions Between a Member Bank and its Subsidiaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: On July 3, 1997 (62 FR 37744, July 15, 1997), the Board requested comment on a proposal to apply sections 23A and 23B to transactions between a member bank and any subsidiary that engages in activities that are impermissible for the bank itself and that Congress has not previously exempted from coverage by section 23A. In response to requests for an extension of the comment period, the Secretary of the Board, acting pursuant to delegated authority, has extended the comment period from September 3, 1997 to October 3, 1997.

DATES: Comments must be submitted on or before October 3, 1997.

ADDRESSES: Comments, which refer to Docket No. R–0977, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments address to Mr. Wiles also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible

from the courtyard entrance on 20th Street between Constitution Avenue, and C Street, N.W. Comments may be inspected in Room MP–500 between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: Gregory Baer, Managing Senior Counsel (202/452–3236), Pamela G. Nardolilli, Senior Attorney (202/452–3289), or Deborah M. Awai, Senior Attorney (202/452–3594), Legal Division or Roger T. Cole, Deputy Associate Director (202/452–2618), Banking Supervision and Regulation or Molly S. Wassom, Assistant Director, Banking Supervision and Regulation (202/452–2305), Board of Governors of the Federal Reserve. For the hearing impaired *only*, Telecommunications Device of the Deaf (TDD), Diane Jenkins (202/452–3254).

SUPPLEMENTARY INFORMATION: The Board is extending the comment period on the proposed rule regarding the applicability of sections 23A and 23B to certain subsidiaries published on July 15, 1997 at 62 FR 37744 to give the public additional time to comment on the proposal.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, August 20, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–22680 Filed 8–25–97; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 271

[Docket No. R–0983]

Federal Open Market Committee; Rules Regarding Availability of Information

AGENCY: Federal Open Market Committee, Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Federal Open Market Committee (Committee) hereby proposes to amend its Rules Regarding Availability of Information (Rules) to reflect recent changes in the Freedom of Information Act (FOIA) as a result of the Electronic Freedom of Information Act Amendments (EFOIA).

DATES: Comments must be submitted on or before September 25, 1997.

ADDRESSES: Comments, which should refer to Docket No. R–0983, may be mailed to Mr. Donald Kohn, Secretary, Federal Open Market Committee, Mail Stop 55, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments addressed to Mr. Kohn also may be delivered to the mail room of the Board of Governors of the Federal Reserve System (Board) between 8:45 a.m. and 5:15 p.m. and to the Board's security control room outside of those hours. The mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments may be inspected in Room MP–500 between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Senior Counsel, (202/452–2418), or Stephen L. Siciliano, Special Assistant to the General Counsel for Administrative Law, (202/452–3920), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) (202/452–3544), Board of Governors of the Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Last year, Congress passed the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104–231, which amends the Freedom of Information Act, 5 U.S.C. 552. Among other things, EFOIA requires agencies to promulgate regulations that provide for expedited processing of requests for records. In addition to amendments intended to implement EFOIA, the Committee proposes to update the fee schedule and make other changes intended to streamline and clarify the Rules. The following is a section-by-section discussion of the proposed changes.

Section 271.1—Authority and Purpose

This section has been revised simply to state the statutory authority for promulgation of the Rules and the purpose of the Rules.

Section 271.2—Definitions

The definitions have been alphabetized and now include the definitions relating to the fee schedule that were previously in § 271.8.

Section 271.3—Published Information

No substantive changes are proposed for this section.

Section 271.4—Records Available for Public Inspection and Copying

This is a new section that describes the types of Committee records that are available in the reading room of the Board's Freedom of Information (FOI) Office. Pursuant to EFOIA, it also describes the Committee records available on the Board's website.

Section 271.5—Records Available to the Public on Request

This is a revision of existing § 271.4, which describes the types of records available upon request, and the procedures for making such a request.

Section 271.6—Processing Request

This is a new section that describes the Committee's procedures in processing requests for information and appeals of denials of such requests. Some of the procedures described in this proposed section were previously set forth in existing § 271.4. This section also contains the proposed procedures for expedited processing of requests, pursuant to EFOIA.

Section 271.7—Exemptions From Disclosure

This section combines the rules currently found in §§ 271.5 and 271.6, regarding deferred release of information and information that is exempt from release under FOIA.

Section 271.8—Subpoenas

There are no substantive changes to this section, except that it is renumbered from § 271.7 to § 271.8.

Section 271.9—Fee schedules; Waiver of Fees

This section is renumbered from § 271.8 to § 271.9. The Committee proposes to move the definitions that are currently included here to § 271.2, which contains the other definitions for this part. The fee schedule provisions have been revised to clarify that the processing time of a FOIA request does not begin in cases where advance payment is required until payment is received; or, where a person has requested a waiver of the fees, until the person agrees to pay the fees if the waiver request is denied. Additionally, the standards under which the Secretary may grant a request for waiver of fees have been modified to reflect the development of case law in this area. The rule provides for administrative appeal of a denial of a waiver request.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Committee certifies that the proposed amendments will not have a significant economic impact on a substantial number of small entities. These amendments simplify some of the procedures regarding release of information and require disclosure of information in certain instances in

accordance with law. The requirements to disclose apply to the Committee, therefore they should not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 271

Federal Open Market Committee, Freedom of information.

For the reasons set forth in the preamble, the Committee proposes to revise 12 CFR part 271 to read as follows:

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Sec.
271.1 Authority and purpose.
271.2 Definitions.
271.3 Published information.
271.4 Records available for public inspection and copying.
271.5 Records available to the public on request.
271.6 Processing requests.
271.7 Exemptions from disclosure.
271.8 Subpoenas.
271.9 Fee schedules; waiver of fees.

Authority: 5 U.S.C. 552; 12 U.S.C. 263.

§ 271.1 Authority and purpose.

(a) *Authority.* This part is issued by the Federal Open Market Committee (the Committee) pursuant to the Freedom of Information Act, 5 U.S.C. 552, and also pursuant to the Committee's authority under section 12A of the Federal Reserve Act, 12 U.S.C. 263, to issue regulations governing the conduct of its business.

(b) *Purpose.* This part sets forth the categories of information made available to the public and the procedures for obtaining documents and records.

§ 271.2 Definitions.

(a) *Board* means the Board of Governors of the Federal Reserve System established by the Federal Reserve Act of 1913 (38 Stat. 251).

(b) *Commercial use request* refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(c) *Direct costs* mean those expenditures that the Committee actually incurs in searching for, reviewing, and duplicating documents in response to a request made under § 271.5.

(d) *Duplication* refers to the process of making a copy of a document in response to a request for disclosure of records or for inspection of original records that contain exempt material or that otherwise cannot be inspected directly. Among others, such copies may take the form of paper, microform, audiovisual materials, or machine-readable documentation (*e.g.*, magnetic tape or disk).

(e) *Educational institution* refers to a preschool, a public or private elementary or secondary school, or an institution of undergraduate higher education, graduate higher education, professional education, or an institution of vocational education that operates a program of scholarly research.

(f) *Federal Reserve Bank* means one of the district Banks authorized by the Federal Reserve Act, 12 U.S.C. 222, including any branch of any such Bank.

(g) *Information of the Committee* means all information coming into the possession of the Committee or of any member thereof or of any officer, employee, or agent of the Committee, the Board, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee.

(h) *Noncommercial scientific institution* refers to an institution that is not operated on a ''commercial'' basis (as that term is used in this section) and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(i) *Records of the Committee* includes rules, statements, decisions, minutes, memoranda, letters, reports, transcripts, accounts, charts, and other written material, as well as any materials in machine readable form that constitute a part of the Committee's official files.

(j) *Representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(1) The term ''news'' means information about current events or that would be of current interest to the public.

(2) Examples of news media entities include, but are not limited to, television or radio stations broadcasting to the public at large, and publishers of newspapers and other periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public.

(3) ''Freelance'' journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

(k)(1) *Review* refers to the process of examining documents, located in response to a request for access, to determine whether any portion of a document is exempt information. It includes doing all that is necessary to excise the documents and otherwise to prepare them for release.

(2) *Review* does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(l)(1) *Search* means a reasonable search, by manual or automated means, of the Committee's official files and any other files containing records of the Committee as seem reasonably likely in the particular circumstances to contain documents of the kind requested. For purposes of computing fees under § 271.9, search time includes all time spent looking for material that is responsive to a request, including line-by-line identification of material within documents. Such activity is distinct from ''review'' of material to determine whether the material is exempt from disclosure.

(2) *Search* does not mean or include research, creation of any document, or extensive modification of an existing program or system that would significantly interfere with the operation of the Committee's automated information system.

§ 271.3 Published information.

(a) **Federal Register**. The Committee publishes in the **Federal Register**, in addition to this part:

(1) A description of its organization;

(2) Statements of the general course and method by which its functions are channeled and determined;

(3) Rules of procedure;

(4) Substantive rules of general applicability, and statements of general policy and interpretations of general applicability formulated and adopted by the Committee;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rulemaking.

(b) *Annual Report to Congress.* Each annual report made to Congress by the Board includes a complete record of the actions taken by the Committee during the preceding year upon all matters of policy relating to open market operations, showing the reasons underlying the actions, and the votes taken.

(c) *Other published information.* From time to time, other information relating to open market operations of the Federal Reserve Banks is published in the *Federal Reserve Bulletin*, issued monthly by the Board, in the Board's annual report to Congress, and in announcements and statements released to the press. Copies of issues of the

Bulletin and of annual reports of the Board may be obtained from the Publications Services of the Federal Reserve Board, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 (pedestrian entrance is on C Street, N.W.). Subscription or other charges may apply.

§ 271.4 Records available for public inspection and copying.

(a) *Types of records made available.* Unless they were published promptly and made available for sale or without charge, certain records shall be made available for inspection and copying at the Board's Freedom of Information Office pursuant to 5 U.S.C. 552(a)(2).

(b) *Reading room procedures.* (1) Information available under this section is available for inspection and copying, from 9:00 a.m. to 5:00 p.m. weekdays, at the Freedom of Information Office of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 (the pedestrian entrance is on C Street, N.W.).

(2) The Committee may determine that certain classes of publicly available filings shall be made available for inspection and copying only at the Federal Reserve Bank where those records are maintained.

(c) *Electronic records.* Information available under this section that was created on or after November 1, 1996, shall also be available on the Board's website, found at http://www.bog.frb.fed.us.

(d) *Privacy protection.* The Committee may delete identifying details from any record to prevent a clearly unwarranted invasion of personal privacy.

§ 271.5 Records available to the public on request.

(a) *Types of records made available.* All records of the Committee that are not available under §§ 271.3 and 271.4 shall be made available upon request, pursuant to the following procedures and the exceptions in § 271.7.

(b) *Procedures for requesting records.* (1) A request for identifiable records shall reasonably describe the records in a way that enables the Committee's staff to identify and produce the records with reasonable effort and without unduly burdening or significantly interfering with any of the Committee's operations.

(2) The request shall be submitted in writing to the Secretary of the Committee, Federal Open Market Committee, 20th & C Street, N.W., Washington, D.C. 20551; or sent by facsimile to the Secretary of the Committee, (202) 452–2921. The request shall be clearly marked *FREEDOM OF INFORMATION ACT REQUEST.*

(b) *Contents of request.* The request shall contain the following information:

(1) The name and address of the requester, and the telephone number at which the requester can be reached during normal business hours;

(2) Whether the requested information is intended for commercial use, and whether the requester represents an educational or noncommercial scientific institution, or news media;

(3) A statement agreeing to pay the applicable fees, or a statement identifying any fee limitation desired, or a request for a waiver or reduction of fees that satisfies § 271.9(f).

(c) *Defective requests.* The Committee need not accept or process a request that does not reasonably describe the records requested or that does not otherwise comply with the requirements of this section. The Committee may return a defective request, specifying the deficiency. The requester may submit a corrected request, which will be treated as a new request.

§ 271.6 Processing requests.

(a) *Receipt of requests.* The date of receipt for any request, including one that is addressed incorrectly or that is referred to the Committee by another agency or by a Federal Reserve Bank, is the date the Secretary of the Committee actually receives the request.

(b) *Priority of responses.* The Committee shall normally process requests in the order they are received. However, in the Secretary's discretion, or upon a court order in a matter to which the Committee is a party, a particular request may be processed out of turn.

(c) *Expedited processing.* Where a person requesting expedited access to records has demonstrated a compelling need for the records, or where the Committee has determined to expedite the response, the Committee shall process the request as soon as practicable.

(1) To demonstrate a compelling need for expedited processing, the requester shall provide a certified statement, a sample of which may be obtained from the Board's Freedom of Information Office. The statement, certified to be true and correct to the best of the requester's knowledge and belief, shall demonstrate that:

(i) The failure to obtain the 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) The requester is a representative of the news media, as defined in § 271.2, and there is urgency to inform the public concerning actual or alleged Committee activity.

(2) In response to a request for expedited processing, the Secretary of the Committee shall notify a requester of the determination within ten working days of receipt of the request. If the Secretary of the Committee denies a request for expedited processing, the requester may file an appeal pursuant to the procedures set forth in paragraph (i) of this section, and the Committee shall respond to the appeal within ten working days after the appeal was received by the Committee.

(d) *Time limits.* The time for response to requests shall be 20 working days, except:

(1) In the case of expedited treatment under paragraph (c) of this section;

(2) Where the running of such time is suspended for payment of fees pursuant to § 271.9(b)(2);

(3) In unusual circumstances, as defined in 5 U.S.C. 552(a)(6)(B). In such circumstances, the time limit may be extended for a period of time not to exceed:

(i) 10 working days as provided by written notice to the requester, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched; or

(ii) Such alternative time period as mutually agreed to by the Secretary of the Committee and the requester when the Secretary of the Committee notifies the requester that the request cannot be processed in the specified time limit.

(e) *Response to request.* In response to a request that satisfies § 271.5, an appropriate search shall be conducted of records of the Committee in existence on the date of receipt of the request, and a review made of any responsive information located. The Secretary shall notify the requester of:

(1) The Committee's determination of the request;

(2) The reasons for the determination;

(3) The amount of information withheld;

(4) The right of the requester to appeal to the Committee any denial or partial denial, as specified in paragraph (i) of this section; and

(5) In the case of a denial of a request, the name and title or position of the person responsible for the denial.

(f) *Referral to another agency.* To the extent a request covers documents that were created by, obtained from, or classified by another agency, the Committee may refer the request to that agency for a response and inform the requester promptly of the referral.

(g) *Providing responsive records.* (1) Copies of requested records shall be sent

to the requester by regular U.S. mail to the address indicated in the request, unless the requester elects to take delivery of the documents at the Board's Freedom of Information Office or makes other acceptable arrangements, or the Committee deems it appropriate to send the documents by another means.

(2) The Committee shall provide a copy of the record in any form or format requested if the record is readily reproducible by the Committee in that form or format, but the Committee need not provide more than one copy of any record to a requester.

(h) *Appeal of denial of request.* Any person denied access to Committee records requested under § 271.5 may file a written appeal with the Committee, as follows:

(1) The appeal shall prominently display the phrase *FREEDOM OF INFORMATION ACT APPEAL* on the first page, and shall be addressed to the Secretary of the Committee, Federal Open Market Committee, 20th & C Street, N.W., Washington, D.C. 20551; or sent by facsimile to the Secretary of the Committee, (202) 452–2921.

(2) An initial request for records may not be combined in the same letter with an appeal.

(3) The Committee, or such member of the Committee as is delegated the authority, shall make a determination regarding any appeal within 20 working days of actual receipt of the appeal by the Secretary, and the determination letter shall notify the appealing party of the right to seek judicial review of such denial.

§ 271.7 Exemptions from disclosure.

(a) *Types of records exempt from disclosure.* Pursuant to 5 U.S.C. 552(b), the following records of the Committee are exempt from disclosure under this part:

(1) *National defense.* Any information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is in fact properly classified pursuant to the Executive Order.

(2) *Internal personnel rules and practices.* Any information related solely to the internal personnel rules and practices of the Board.

(3) *Statutory exemption.* Any information specifically exempted from disclosure by statute (other than 5 U.S.C. 552b), if the statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(4) *Trade secrets; commercial or financial information.* Any matter that is a trade secret or that constitutes commercial or financial information obtained from a person and that is privileged or confidential.

(5) *Inter- or intra-agency memorandums.* Information contained in inter- or intra-agency memorandums or letters that would not be available by law to a party (other than an agency) in litigation with an agency, including, but not limited to:

(i) Memorandums;

(ii) Reports;

(iii) Other documents prepared by the staffs of the Committee, Board or Federal Reserve Banks; and

(iv) Records of deliberations of the Committee and of discussions at meetings of the Committee or its staff.

(6) *Personnel and medical files.* Any information contained in personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) *Information compiled for law enforcement purposes.* Any records or information compiled for law enforcement purposes, to the extent permitted under 5 U.S.C. 552(b)(7).

(8) *Examination, inspection, operating, or condition reports, and confidential supervisory information.* Any matter that is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, including a state financial institution supervisory agency.

(b) *Segregation of nonexempt information.* The Committee shall provide any reasonably segregable portion of a record that is requested after deleting those portions that are exempt under this section.

(c) *Discretionary release.* Except where disclosure is expressly prohibited by statute, regulation, or order, the Committee may authorize the release of records that are exempt from mandatory disclosure whenever the Committee or designated Committee members determines that such disclosure would be in the public interest.

(d) *Delayed release.* Publication in the **Federal Register** or availability to the public of certain information may be delayed if immediate disclosure would likely:

(1) Interfere with accomplishing the objectives of the Committee in the discharge of its statutory functions;

(2) Interfere with the orderly conduct of the foreign affairs of the United States;

(3) Permit speculators or others to gain unfair profits or other unfair advantages by speculative trading in securities or otherwise;

(4) Result in unnecessary or unwarranted disturbances in the securities markets;

(5) Interfere with the orderly execution of the objectives or policies of other government agencies; or

(6) Impair the ability to negotiate any contract or otherwise harm the commercial or financial interest of the United States, the Committee, the Board, any Federal Reserve Bank, or any department or agency of the United States.

(e) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Committee or any Federal Reserve Bank shall disclose or permit the disclosure of any unpublished information of the Committee to any person (other than Committee officers, employees, or agents properly entitled to such information for the performance of official duties).

§ 271.8 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Committee, of the Board of Governors of the Federal Reserve System, or of a Federal Reserve Bank, has information of the Committee that may not be disclosed by reason of § 271.7 and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding, he should promptly inform the Secretary of the Committee of such service and of all relevant facts, including the documents and information requested and any facts that may be of assistance in determining whether such documents or information should be made available; and he should take action at the appropriate time to inform the court or tribunal that issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this part.

(b) *Appearance by person served.* Except as disclosure of the relevant information is authorized pursuant to this part, any person who has information of the Committee and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and decline to disclose such information or give any testimony with respect thereto,

basing his refusal upon this part. If, notwithstanding, the court or other body orders the disclosure of such information, or the giving of such testimony, the person having such information of the Committee shall continue to decline to disclose such information and shall promptly report the facts to the Committee for such action as the Committee may deem appropriate.

§ 271.9 Fee schedules; waiver of fees.

(a) *Fee schedules.* The fees applicable to a request for records pursuant to §§ 271.4 and 271.5 are set forth in Appendix A to this section. These fees cover only the full allowable direct costs of search, duplication, and review. No fees will be charged where the average cost of collecting the fee (calculated at $5.00) exceeds the amount of the fee.

(b) *Payment procedures.* The Secretary may assume that a person requesting records pursuant to § 271.5 will pay the applicable fees, unless the request includes a limitation on fees to be paid or seeks a waiver or reduction of fees pursuant to paragraph (f) of this section.

(1) *Advance notification of fees.* If the estimated charges are likely to exceed $100, the Secretary of the Committee shall notify the requester of the estimated amount, unless the requester has indicated a willingness to pay fees as high as those anticipated. Upon receipt of such notice, the requester may confer with the Secretary to reformulate the request to lower the costs.

(2) *Advance payment.* The Secretary may require advance payment of any fee estimated to exceed $250. The Secretary may also require full payment in advance where a requester has previously failed to pay a fee in a timely fashion. The time period for responding to requests under § 271.6(d), and the processing of the request shall be suspended until the Secretary receives the required payment.

(3) *Late charges.* The Secretary may assess interest charges when fee payment is not made within 30 days of the date on which the billing was sent. Interest is at the rate prescribed in 31 U.S.C. 3717 and accrues from the date of the billing.

(c) *Categories of uses.* The fees assessed depend upon the intended use for the records requested. In determining which category is appropriate, the Secretary shall look to the intended use set forth in the request for records. Where a requester's description of the use is insufficient to make a determination, the Secretary may seek additional clarification before categorizing the request.

(1) *Commercial use.* The fees for search, duplication, and review apply when records are requested for commercial use.

(2) *Educational, research, or media use.* The fees for duplication apply when records are not sought for commercial use, and the requester is a representative of the news media or an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research. The first 100 pages of duplication, however, will be provided free.

(3) *All other uses.* For all other requests, the fees for document search and duplication apply. The first two hours of search time and the first 100 pages of duplication, however, will be provided free.

(d) *Nonproductive search.* Fees for search and review may be charged even if no responsive documents are located or if the request is denied.

(e) *Aggregated requests.* A requester may not file multiple requests at the same time, solely in order to avoid payment of fees. If the Secretary reasonably believes that a requester is separating a request into a series of requests for the purpose of evading the assessment of fees, the Secretary may aggregate any such requests and charge accordingly. It is considered reasonable for the Secretary to presume that multiple requests of this type made within a 30-day period have been made to avoid fees.

(f) *Waiver or reduction of fees.* A request for a waiver or reduction of the fees, and the justification for the waiver, shall be included with the request for records to which it pertains. If a waiver is requested and the requester has not indicated in writing an agreement to pay the applicable fees if the waiver request is denied, the time for response to the request for documents, as set forth in § 271.6(d), shall not begin until a determination has been made on the request for a waiver or reduction of fees.

(1) *Standards for determining waiver or reduction.* The Secretary shall grant a waiver or reduction of fees where it is determined both that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government, and that the disclosure of information is not primarily in the commercial interest of the requester. In making this determination, the following factors shall be considered:

(i) Whether the subject of the records concerns the operations or activities of the government;

(ii) Whether disclosure of the information is likely to contribute significantly to public understanding of government operations or activities;

(iii) Whether the requester has the intention and ability to disseminate the information to the public;

(iv) Whether the information is already in the public domain;

(v) Whether the requester has a commercial interest that would be furthered by the disclosure; and, if so,

(vi) Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(2) *Contents of request for waiver.* A request for a waiver or reduction of fees shall include:

(i) A clear statement of the requester's interest in the documents;

(ii) The use proposed for the documents and whether the requester will derive income or other benefit for such use;

(iii) A statement of how the public will benefit from such use and from the Committee's release of the documents;

(iv) A description of the method by which the information will be disseminated to the public; and

(v) If specialized use of the information is contemplated, a statement of the requester's qualifications that are relevant to that use.

(3) *Burden of proof.* The burden shall be on the requester to present evidence or information in support of a request for a waiver or reduction of fees.

(4) *Determination by Secretary.* The Secretary shall make a determination on the request for a waiver or reduction of fees and shall notify the requester accordingly. A denial may be appealed to the Committee in accordance with § 271.6(h).

(g) *Employee requests.* In connection with any request by an employee, former employee, or applicant for employment, for records for use in prosecuting a grievance or complaint of discrimination against the Committee, fees shall be waived where the total charges (including charges for information provided under the Privacy Act of 1974 (5 U.S.C. 552a) are $50 or less; but the Secretary may waive fees in excess of that amount.

(h) *Special services* The Secretary may agree to provide, and set fees to recover the costs of, special services not covered by the Freedom of Information Act, such as certifying records or information and sending records by special methods such as express mail or overnight delivery.

APPENDIX A TO § 271.9—FREEDOM OF INFORMATION FEE SCHEDULE

Duplication	
Photocopy, per standard page	$ .10
Paper copies of microfiche, per frame	.10
Duplicate microfiche, per microfiche	.35
Search and Review	
Clerical/Technical, hourly rate	20.00
Professional/Supervisory, hourly rate	38.00
Manager/Senior Professional, hourly rate	65.00
Computer Search and Production	
Computer operator search, hourly rate	32.00
Tapes (cassette) per tape	6.00
Tapes (cartridge), per tape	9.00
Tapes (reel), per tape	18.00
Diskettes (3½″), per diskette	4.00
Diskettes (5¼″), per diskette	5.00
Computer Output (PC), per minute	.10
Computer Output (mainframe)	(1)

[1] Actual cost.

By order of the Federal Open Market Committee, August 20, 1997.

Donald Kohn,

Secretary of the Federal Open Market Committee.

[FR Doc. 97–22636 Filed 8–25–97; 8:45 am]

BILLING CODE 6210–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–09–AD]

Airworthiness Directives; Eurocopter France Model SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France Model SA–366G1 helicopters, with certain main rotor head frequency adapters (frequency adapters) installed. This proposal would require inspecting the frequency adapter to determine if a certain frequency adapter is installed, and if so, removing and discarding the frequency adapter and replacing it with an airworthy frequency adapter before further flight. This proposal is prompted by one report of disbonding of the metal center section of a frequency adapter from the elastomer, caused by a lack of adherence during the production process. The actions specified by the proposed AD are intended to prevent vibrations caused by disbonding of the center section of a frequency adapter from the elastomer, that could result in loss of control of the helicopter.

DATES: Comments must be received by October 27, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–SW–09–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–09–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–SW–09–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction General De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter France Model SA–366G1 helicopters that have been fitted with a frequency adapter, part number (P/N) 704A33–640–031 (E1T2624–01A), or delivered in pairs under the P/N 365A31–1858–01, manufactured before April 1, 1991, with serial number (S/N) equal to or less than 8188; and P/N 704A33–640–046 (E1T3023–01), or delivered in pairs under the P/N 365A31–1858–02, manufactured before April 1, 1991, with S/N equal to or less than 3122. The DGAC advises that disbonding between the center metal section and the elastomer of the frequency adapter may occur.

Eurocopter France has issued Eurocopter France SA–366 Service Bulletin, No. 01.23, dated May 9, 1996, which specifies a visual inspection of the frequency adapter face to determine its P/N, S/N, and date of manufacture. The DGAC classified this service bulletin as mandatory and issued AD 96–116–019(B), dated June 19, 1996, in order to assure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA–366G1 helicopters of the same type design registered in the United States, the proposed AD would require inspecting the frequency adapter to determine if a certain frequency adapter is installed, and if so, removing and discarding the frequency adapter and replacing it with an airworthy frequency adapter.

The FAA estimates that 91 helicopters of U.S. registry would be affected by this proposed AD, that it would take

approximately 6 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $5,200 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $505,960.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter France: Docket No. 97–SW–09–AD.

Applicability: Model SA–366G1 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within the next 100 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first, unless accomplished previously.

To prevent vibrations caused by disbonding of the center section of a frequency adapter from the elastomer, that could result in loss of control of the helicopter, accomplish the following:

(a) Determine the part number, serial number, and date of manufacture of the main rotor head frequency adapter (frequency adapter).

(b) After making the determination in paragraph (a) and before further flight, if frequency adapter part number (P/N) 704A33–640–031 (E1T2624–01A), or delivered in pairs under the P/N 365A31–1858–01, manufactured before April 1, 1991, with serial number (S/N) equal to or less than 8188; and P/N 704A33–640–046 (E1T3023–01), or delivered in pairs under the P/N 365A31–1858–02, manufactured before April 1, 1991, with S/N equal to or less than 3122 is installed, remove the frequency adapter and replace it with an airworthy frequency adapter.

Note 2: Eurocopter France SA–366 Service Bulletin No. 01.23, dated May 9, 1996, pertains to this AD.

(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, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on August 19, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–22640 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

28 CFR Parts 16 and 50

[Attorney General Order No. 2105–97]

RIN 1105–AA20

Revision of Department of Justice Freedom of Information Act and Privacy Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: This document sets forth proposed revisions of the Department's regulations under both the Freedom of Information Act (FOIA) and the Privacy Act of 1974. The FOIA and Privacy Act regulations have been streamlined and condensed, in accordance with the principles of the National Performance Review, with more ''user-friendly'' language wherever possible. These revisions also reflect the principles established by President Clinton and Attorney General Reno in their FOIA Policy Memoranda of October 4, 1993. The new statement of discretionary disclosure policy will supersede the existing regulation regarding discretionary access to records of historical interest. Additionally, the regulations have been updated to reflect developments in the case law and to include updated cost figures to be used in calculating and charging fees. These proposed revisions also contain new provisions implementing the Electronic Freedom of Information Act Amendments of 1996.

DATES: Submit comments on or before September 25, 1997.

ADDRESSES: Address all comments concerning this proposed rule to Janice Galli McLeod, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, DC 20530–0001.

FOR FURTHER INFORMATION CONTACT: Janice Galli McLeod ((202) 514–3642).

SUPPLEMENTARY INFORMATION: These comprehensive revisions of subparts A and D of part 16 incorporate changes to the language and structure of the regulations and also add new provisions

to implement the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231). New provisions implementing the amendments are found at § 16.2(c) (electronic reading rooms), § 16.5 (timing of responses), § 16.6(b) (deletion marking), § 16.6(c)(3) (volume estimation), § 16.11(b)(3) (format of disclosure), and § 16.11(b)(8) (electronic searches).

Proposed revisions of the Department's fee schedule can be found at § 16.11(c) and (d). The duplication charge will remain the same at ten cents per page, while document search and review charges will increase to $4.00, $7.00, and $10.25 per quarter hour for clerical, professional, and managerial time, respectively. The amount at or below which the Department will not charge a fee will increase from $8.00 to $14.00.

Proposed revisions to the Privacy Act regulations include a second method for the verification of identity for persons seeking access to their own records in § 16.41(d) and the elimination of existing subsection § 16.43(d) regarding limitations on access to medical records.

For specific sections and subsections of the regulations implementing the Electronic Freedom of Information Act Amendments of 1996, the following effective dates apply:

§ 16.2(c)—electronic reading rooms—November 1, 1997;

§ 16.5(b), (c), and (d)—processing requests under multi-track systems, under unusual circumstances, and with expedited treatment—October 2, 1997; and

§ 16.6(c)(3)—volume estimation—October 2, 1997.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Under the Freedom of Information Act, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters. Thus, fees assessed by the Department are nominal. Further, the ''small entities'' that make FOIA requests, as compared with individual requesters and other requesters, are relatively few in number.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Office of Management and Budget has determined that this rule is a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by that Office.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects

28 CFR Part 16

Administrative practice and procedure, Freedom of information, Privacy.

28 CFR Part 50

Administrative practice and procedure.

For the reasons stated in the preamble, the Department of Justice proposes to amend 28 CFR Chapter I, Parts 16 and 50, as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

1. The authority citation for part 16 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717.

2. Subpart A of part 16 is revised to read as follows:

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Sec.

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

§ 16.1 General provisions.

(a) This subpart contains the rules that the Department of Justice follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, which are processed under subpart D of this part, are processed under this subpart also. Information routinely provided to the public as part of a regular Department activity (for example, press releases issued by the Office of Public Affairs) may be provided to the public without following this subpart. As a matter of policy, the Department makes discretionary disclosures of records or information exempt under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court.

(b) As used in this subpart, *component* means each separate bureau, office, board, division, commission, service, or administration of the Department of Justice.

§ 16.2 Public reading rooms.

(a) The Department maintains public reading rooms that contain the records that the FOIA requires to be made regularly available for public inspection and copying. Each Department component is responsible for determining which of the records it generates are required to be made available in this way and for making those records available either in its own reading room or in the Department's central reading room. Each component shall maintain and make available for public inspection and copying a current subject-matter index of its reading room records. Each index shall be updated regularly, at least quarterly, with respect to newly included records.

(b) The Department maintains public reading rooms or areas at the locations listed below:

(1) Bureau of Prisons—on the Seventh Floor, 500 First Street, NW., Washington, DC;

(2) Civil Rights Division—in Room 930, 320 First Street, NW., Washington, DC;

(3) Community Relations Service—in Suite 2000, 600 E Street, NW., Washington, DC;

(4) Drug Enforcement Administration—in Room W–7216, 700 Army Navy Drive, Arlington, Virginia;

(5) Executive Office for Immigration Review (Board of Immigration Appeals)—in Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia;

(6) Federal Bureau of Investigation—at the J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW., Washington, DC;

(7) Foreign Claims Settlement Commission—in Room 6002, 600 E Street, NW., Washington, DC;

(8) Immigration and Naturalization Service—425 I Street, NW., Washington, DC;

(9) Office of Justice Programs—in Room 1245 B, 633 Indiana Avenue, NW., Washington, DC;

(10) Pardon Attorney—on the Fourth Floor, 500 First Street, NW., Washington, DC;

(11) United States Attorneys and United States Marshals—at the principal offices of the United States Attorneys and the United States Marshals, which are listed in most telephone books; and

(12) All other components of the Department of Justice—in Room 6505 at the Main Justice Building, 950 Pennsylvania Avenue, NW., Washington, DC.

(c) Components shall also make reading room records created by the Department on or after November 1, 1996, available electronically through the Department's World Wide Web site (which can be found at http://www.usdoj.gov). This includes each component's index of its reading room records, which will indicate which records are available electronically.

§ 16.3 Requirements for making requests.

(a) *How made and addressed.* You may make a request for records of the Department of Justice by writing directly to the Department component that maintains those records. If you are making a request for records about yourself, see § 16.41(d) for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request. Your request should be sent to the component's FOIA office at the address listed in Appendix I to Part 16. In most cases, your FOIA request should be sent to a component's central FOIA office. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books, or by calling the component's central FOIA office. (The functions of each component are summarized in Part 0 of this title and in the description of the Department and its components in the ''United States Government Manual,'' which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su__docs).) If you cannot determine where within the Department to send your request, you may send it to the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001. That office will forward your request to the component(s) it believes most likely to have the records that you want. Your request will be considered received as of the date it is received by the proper component's FOIA office. For the quickest possible handling, you should mark both your request letter and the envelope ''Freedom of Information Act Request.''

(b) *Description of records sought.* You must describe the records that you seek in enough detail to enable Department personnel to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if you want records about a court case, you should provide the title of the case, the court in which the case was filed, and the nature of the case. If known, you should include any file designations or descriptions for the records that you want. As a general rule, the more specific you are about the records or type of records that you want, the more likely the Department will be able to locate those records in response to your request. If a component determines that your request does not reasonably describe records, it shall tell you either what additional information is needed or why your request is otherwise insufficient. The component also shall give you an opportunity to discuss your request so that you may modify it to meet the requirements of this section.

(c) *Agreement to pay fees.* If you make a FOIA request, it shall be considered an agreement by you to pay all applicable fees charged under § 16.11, up to $25.00, unless you seek a waiver of fees. The component responsible for responding to your request ordinarily will confirm this agreement in an acknowledgement letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

§ 16.4 Responsibility for responding to requests.

(a) *In general.* Except as stated in paragraphs (c), (d), and (e) of this section, the component that first receives a request for a record and has possession of that record is the component responsible for responding to the request. In determining which records are responsive to a request, a component ordinarily will include only records in its possession as of the date the component begins its search for them. If any other date is used, the component shall inform the requester of that date.

(b) *Authority to grant or deny requests.* The head of a component, or the component head's designee, is authorized to grant or deny any request for a record of that component.

(c) *Consultations and referrals.* When a component receives a request for a record in its possession, it shall determine whether another component, or another agency of the Federal Government, is better able to determine whether the record is exempt from disclosure under the FOIA and, if so, whether it should be disclosed as a matter of administrative discretion. If the receiving component determines that it is best able to process the record in response to the request, then it shall do so. If the receiving component determines that it is not best able to process the record, then it shall either:

(1) Respond to the request regarding that record, after consulting with the component or agency best able to determine whether to disclose it and with any other component or agency that has a substantial interest in it; or

(2) Refer the responsibility for responding to the request regarding that record to the component best able to determine whether to disclose it, or to another agency that originated the record (but only if that agency is subject to the FOIA). Ordinarily, the component or agency that originated a record will

be presumed to be best able to determine whether to disclose it.

(d) *Law enforcement information.* Whenever a request is made for a record containing information that relates to an investigation of a possible violation of law and was originated by another component or agency, the receiving component shall either refer the responsibility for responding to the request regarding that information to that other component or agency or shall consult with that other component or agency.

(e) *Classified information.* Whenever a request is made for a record containing information that has been classified, or may be appropriate for classification, by another component or agency under Executive Order 12958 or any other executive order concerning the classification of records, the receiving component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the information, should consider the information for classification, or has the primary interest in it, as appropriate. Whenever a record contains information that has been derivatively classified by a component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the underlying information.

(f) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or agency, it ordinarily shall notify the requester of the referral and inform the requester of the name of each component or agency to which the request has been referred and of the part of the request that has been referred.

(g) *Timing of responses to consultations and referrals.* All consultations and referrals will be handled according to the date the FOIA request initially was received by the first component or agency, not any later date.

(h) *Agreements regarding consultations and referrals.* Components may make agreements with other components or agencies to eliminate the need for consultations or referrals for particular types of records.

§ 16.5 Timing of responses to requests.

(a) *In general.* Components ordinarily shall respond to requests according to their order of receipt.

(b) *Multitrack processing.* (1) A component may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request, including through limits based on the number of pages involved. If a component does so, it shall advise requesters in its slower track(s) of the limits of its faster track(s).

(2) A component using multitrack processing may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of the component's faster track(s). A component doing so will contact the requester either by telephone or by letter, whichever is most efficient in each case.

(c) *Unusual circumstances.* (1) Where the time limits for processing a request cannot be met because of unusual circumstances and the component determines to extend the time limits on that basis, the component shall as soon as practicable notify the requester in writing of the unusual circumstances and of the date by which processing of the request can be expected to be completed. Where the extension is for more than ten working days, the component shall provide the requester with an opportunity either to modify the request so that it may be processed within the time limits or to arrange an alternative time period with the component for processing the request or a modified request.

(2) Where a component reasonably believes that multiple requests submitted by a requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, they may be aggregated. Multiple requests involving unrelated matters will not be aggregated.

(d) *Expedited processing.* (1) Requests and appeals will be taken out of order and given expedited treatment whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information;

(iii) The loss of substantial due process rights; or

(iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time. For a prompt determination, a request for expedited processing must be received by the proper component. Requests based on the categories in paragraphs (d)(1)(i), (ii), and (iii) of this section must be submitted to the component that maintains the records requested. Requests based on the category in paragraph (d)(1)(iv) of this section must be submitted to the Director of Public Affairs, whose address is: Office of Public Affairs, U.S. Department of Justice, Room 1128, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester within the category in paragraph (d)(1)(ii) of this section, if not a full-time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester within the category in paragraph (d)(1)(ii) of this section also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(4) Within ten calendar days of its receipt of a request for expedited processing, the proper component shall decide whether to grant it and shall notify the requester of the decision. If a request for expedited treatment is granted, the request shall be given priority and shall be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously.

§ 16.6 Responses to requests.

(a) *Acknowledgements of requests.* On receipt of a request, a component ordinarily shall send an acknowledgement letter to the requester which shall confirm the requester's agreement to pay fees under § 16.3(c) and provide an assigned request number for further reference.

(b) *Grants of requests.* Once a component makes a determination to grant a request in whole or in part, it shall notify the requester in writing. The

component shall inform the requester in the notice of any fee charged under § 16.11 and shall disclose records to the requester promptly on payment of any applicable fee. Records disclosed in part shall be marked or annotated to show both the amount and the location of the information deleted wherever practicable.

(c) *Adverse determinations of requests.* A component making an adverse determination denying a request in any respect shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, consist of: a determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that what has been requested is not a record subject to the Act; a determination on any disputed fee matter, including a denial of a request for a fee waiver; and a denial of a request for expedited treatment. The denial letter shall be signed by the head of the component, or the component head's designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason(s) for the denial, including any FOIA exemption applied by the component in denying the request;

(3) An estimate of the volume of records or information withheld, in number of pages or in some other reasonable form of estimation. This estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption; and

(4) A statement that the denial may be appealed under § 16.9(a) and a description of the requirements of § 16.9(a).

§ 16.7 Classified information.

In processing a request for information that is classified under Executive Order 12958 (3 CFR, 1996 Comp., p. 333) or any other executive order, the originating component shall review the information to determine whether it should remain classified. Information determined to no longer require classification shall not be withheld on the basis of Exemption 1 of the FOIA. On receipt of any appeal involving classified information, the Office of Information and Privacy shall take appropriate action to ensure compliance with part 17 of this title.

§ 16.8 Business information.

(a) *In general.* Business information obtained by the Department from a submitter will be disclosed under the FOIA only under this section.

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

(1) *Business information* means commercial or financial information obtained by the Department from a submitter that may be protected from disclosure under Exemption 4 of the FOIA.

(2) *Submitter* means any person or entity from whom the Department obtains business information, directly or indirectly. The term includes corporations; state, local, and tribal governments; and foreign governments.

(c) *Designation of business information.* A submitter of business information will use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(d) *Notice to submitters.* A component shall provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information wherever required under paragraph (e) of this section, except as provided in paragraph (h) of this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (f) of this section. The notice shall either describe the business information requested or include copies of the requested records or record portions containing the information. When notification of a voluminous number of submitters is required, notification may be made by posting or publishing the notice in a place reasonably likely to accomplish it.

(e) *Where notice is required.* Notice shall be given to a submitter wherever:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(2) The component has reason to believe that the information may be protected from disclosure under Exemption 4.

(f) *Opportunity to object to disclosure.* A component will allow a submitter a reasonable time to respond to the notice described in paragraph (d) of this section. If a submitter has any objection to disclosure, it is required to submit a detailed written statement. The statement must specify all grounds for withholding any portion of the information under any exemption of the FOIA and, in the case of Exemption 4, it must show why the information is a trade secret or commercial or financial information that is privileged or confidential. In the event that a submitter fails to respond to the notice within the time specified in it, the submitter will be considered to have no objection to disclosure of the information. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* A component shall consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever a component decides to disclose business information over the objection of a submitter, the component shall give the submitter written notice, which shall include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) The component determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 (3 CFR, 1988 Comp., p. 235); or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous—except that, in such a case, the component shall, within a reasonable time prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information.

(i) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the component shall promptly notify the submitter.

(j) *Corresponding notice to requesters.* Whenever a component provides a submitter with notice and an opportunity to object to disclosure

under paragraph (d) of this section, the component shall also notify the requester(s). Whenever a component notifies a submitter of its intent to disclose requested information under paragraph (g) of this section, the component shall also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the component shall notify the requester(s).

§ 16.9 Appeals.

(a) *Appeals of adverse determinations.* If you are dissatisfied with a component's response to your request, you may appeal an adverse determination denying your request, in any respect, to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, DC 20530–0001. You must make your appeal in writing and it must be received by the Office of Information and Privacy within 60 days of the date of the letter denying your request. Your appeal letter may include as much or as little related information as you wish, as long as it clearly identifies the component determination (including the assigned request number, if known) that you are appealing. For the quickest possible handling, you should mark your appeal letter and the envelope ''Freedom of Information Act Appeal.'' Unless the Attorney General directs otherwise, a Director of the Office of Information and Privacy will act on behalf of the Attorney General on all appeals under this section, except that:

(1) In the case of an adverse determination by the Deputy Attorney General or the Associate Attorney General, the Attorney General or the Attorney General's designee will act on the appeal;

(2) An adverse determination by the Attorney General will be the final action of the Department; and

(3) An appeal ordinarily will not be acted on if the request becomes a matter of FOIA litigation.

(b) *Responses to appeals.* The decision on your appeal will be made in writing. A decision affirming an adverse determination in whole or in part shall contain a statement of the reason(s) for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA provisions for court review of the decision. If the adverse determination is reversed or modified on appeal, in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any adverse determination, you must first appeal it under this section.

§ 16.10 Preservation of records.

Each component shall preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

§ 16.11 Fees.

(a) *In general.* Components shall charge for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or where a waiver or reduction of fees is granted under paragraph (k) of this section. A component ordinarily shall collect all applicable fees before sending copies of requested records to a requester. Requesters will pay fees by check or money order made payable to the Treasury of the United States.

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

(1) *Commercial use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. Components shall determine, whenever reasonably possible, the use to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because a component has reasonable cause to doubt a requester's stated use, the component shall provide the requester a reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses that an agency actually incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating duplication machinery. Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(3) *Duplication* means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records (for example, magnetic tape or disk), among others. Components shall honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format by the office responding to the request.

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, or an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis, as that term is defined in paragraph (b)(1) of this section, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(6) *Representative of the news media*, or news media requester, means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances where they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public. For ''freelance'' journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but components shall also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for a commercial use. However, a request for

records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure—for example, doing all that is necessary to redact it and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent considering any formal objection to disclosure made by a business submitter under § 16.8, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format. Components shall ensure that searches are done in the most efficient and least expensive manner reasonably possible. For example, components shall not search line-by-line where duplicating an entire document would be quicker and less expensive.

(c) *Fees.* In responding to FOIA requests, components shall charge the following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section:

(1) *Search.* (i) Search fees shall be charged for all requests—other than requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media—subject to the limitations of paragraph (d) of this section. Components may charge for time spent searching even if they do not locate any responsive record or if they withhold the record(s) located as entirely exempt from disclosure.

(ii) For each quarter hour spent by clerical personnel in searching for and retrieving a requested record, the fee will be $4.00. Where a search and retrieval cannot be performed entirely by clerical personnel—for example, where the identification of records within the scope of a request requires the use of professional personnel—the fee will be $7.00 for each quarter hour of search time spent by professional personnel. Where the time of managerial personnel is required, the fee will be $10.25 for each quarter hour of time spent by those personnel.

(iii) For computer searches of records, requesters will be charged the direct costs of conducting the search, although certain requesters (as provided in paragraph (d)(1) of this section) will be charged no search fee and certain other requesters (as provided in paragraph (d)(3) of this section) will be entitled to the cost equivalent of two hours of manual search time without charge. These direct costs will include the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for responsive records, as well as the costs of operator/programmer salary apportionable to the search.

(2) *Duplication.* Duplication fees will be charged to all requesters, subject to the limitations of paragraph (d) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee will be ten cents per page. For copies produced by computer, such as tapes or printouts, components will charge the direct costs, including operator time, of producing the copy. For other forms of duplication, components will charge the direct costs of that duplication.

(3) *Review.* Review fees will be charged to requesters who make a commercial use request. Review fees will be charged only for the initial record review—in other words, the review done when a component determines whether an exemption applies to a particular record or record portion at the initial request level. No charge will be made for review at the administrative appeal level for an exemption already applied. However, records or record portions withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies; the costs of that review are chargeable where it is made necessary by a change of circumstances. Review fees will be charged at the same rates as those charged for a search under paragraph (c)(1)(ii) of this section.

(d) *Limitations on charging fees.* (1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(2) No search fee or review fee will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(3) Except for requesters seeking records for a commercial use, components will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent); and

(ii) The first two hours of search (or the cost equivalent).

(4) Whenever a total fee calculated under paragraph (c) of this section is $14.00 or less for any request, no fee will be charged.

(5) The provisions of paragraphs (d)(3) and (4) of this section work together. This means that for requesters other than those seeking records for a commercial use, no fee will be charged unless the cost of search in excess of two hours plus the cost of duplication in excess of 100 pages totals more than $14.00.

(e) *Notice of anticipated fees in excess of $25.00.* When a component determines or estimates that the fees to be charged under this section will amount to more than $25.00, the component shall notify the requester of the actual or estimated amount of the fees, unless the requester has indicated a willingness to pay fees as high as those anticipated. 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. In cases in which a requester has been notified that actual or estimated fees amount to more than $25.00, the request shall not be considered received and further work shall not be done on it until the requester agrees to pay the anticipated total fee. Any such agreement should be memorialized in writing. A notice under this paragraph will offer the requester an opportunity to discuss the matter with Department personnel in order to reformulate the request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Apart from the other provisions of this section, when a component chooses as a matter of administrative discretion to provide a special service—such as certifying that records are true copies or sending them by other than ordinary mail—the direct costs of providing the service ordinarily will be charged.

(g) *Charging interest.* Components may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the date of the billing until payment is received by the component. Components will follow the provisions of the Debt Collection Act of 1982 (Public Law 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* Where a component reasonably believes that a requester or a group of requesters acting

together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the component may aggregate those requests and charge accordingly. Components may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. Where requests are separated by a longer period, components will aggregate them only where there exists a solid basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(i) *Advance payments.* (1) For requests other than those described in paragraphs (i) (2) and (3) of this section, a component shall not require the requester to make an advance payment—in other words, a payment made before work is begun or continued on a request. Payment owed for work already completed (i.e., a prepayment before copies are sent to a requester) is not an advance payment.

(2) Where a component determines or estimates that a total fee to be charged under this section will be more than $250.00, it may require the requester to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except where it receives a satisfactory assurance of full payment from a requester that has a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to any component or agency within 30 days of the date of billing, a component may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before the component begins to process a new request or continues to process a pending request from that requester.

(4) In cases in which a component requires advance payment or payment due under paragraph (i) (2) or (3) of this section, the request shall not be considered received and further work will not be done on it until the required payment is received.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. Where records responsive to requests are maintained for distribution by agencies operating such statutorily based fee schedule programs, components will inform requesters of the steps for obtaining records from those sources so that they may do so most economically.

(k) *Waiver or reduction of fees.* (1) Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section where a component determines, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) To determine whether the first fee waiver requirement is met, components will consider the following factors:

(i) *The subject of the request: Whether the subject of the requested records concerns ''the operations or activities of the government.''* The subject of the requested records must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) *The informative value of the information to be disclosed: Whether the disclosure is ''likely to contribute'' to an understanding of government operations or activities.* The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such understanding where nothing new would be added to the public's understanding.

(iii) *The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to ''public understanding.''* The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) *The significance of the contribution to public understanding: Whether the disclosure is likely to contribute ''significantly'' to public understanding of government operations or activities.* The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent. Components shall not make value judgments about whether information that would contribute significantly to public understanding of the operations or activities of the government is ''important'' enough to be made public.

(3) To determine whether the second fee waiver requirement is met, components will consider the following factors:

(i) *The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.* Components shall consider any commercial interest of the requester (with reference to the definition of ''commercial use'' in paragraph (b)(1) of this section), or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters shall be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

(ii) *The primary interest in disclosure: Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily in the commercial interest of the requester.''* A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure. Components ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(4) Where only some of the requested records satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(5) Requests for the waiver or reduction of fees should address the factors listed in paragraphs (k) (2) and (3) of this section, insofar as they apply to each request. Components will exercise their discretion to consider the cost-effectiveness of their investment of administrative resources in this decisionmaking process, however, in deciding to grant waivers or reductions of fees.

§ 16.12 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

3. Subpart D of part 16 is revised to read as follows:

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

Sec.

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

§ 16.40 General provisions.

(a) *Purpose and scope.* This subpart contains the rules that the Department of Justice follows under the Privacy Act of 1974, 5 U.S.C. 552a. The rules in this subpart apply to all records in systems of records maintained by the Department that are retrieved by an individual's name or personal identifier. They describe the procedures by which individuals may request access to records about themselves, request amendment or correction of those records, and request an accounting of disclosures of those records by the Department. In addition, the Department processes all Privacy Act requests for access to records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, following the rules contained in subpart A of this part, which gives requesters the benefit of both statutes.

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

(1) *Component* means each separate bureau, office, board, division, commission, service, or administration of the Department of Justice.

(2) *Request for access* to a record means a request made under Privacy Act subsection (d)(1).

(3) *Request for amendment or correction* of a record means a request made under Privacy Act subsection (d)(2).

(4) *Request for an accounting* means a request made under Privacy Act subsection (c)(3).

(5) *Requester* means an individual who makes a request for access, a request for amendment or correction, or a request for an accounting under the Privacy Act.

(c) *Authority to request records for a law enforcement purpose.* The head of a component or a United States Attorney, or either's designee, is authorized to make written requests under subsection (b)(7) of the Privacy Act for records maintained by other agencies that are necessary to carry out an authorized law enforcement activity.

§ 16.41 Requests for access to records.

(a) *How made and addressed.* You may make a request for access to a Department of Justice record about yourself by appearing in person or by writing directly to the Department component that maintains the record. Your request should be sent or delivered to the component's Privacy Act office at the address listed in Appendix I to this part. In most cases, a component's central Privacy Act office is the place to send a Privacy Act request. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books, or by calling the component's central Privacy Act office. (The functions of each component are summarized in part 0 of this title and in the description of the Department and its components in the ''United States Government Manual,'' which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su__docs). If you cannot determine where within the Department to send your request, you may send it to the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001, and that office will forward it to the component(s) it believes most likely to have the records that you seek. For the quickest possible handling, you should mark both your request letter and the envelope ''Privacy Act Request.''

(b) *Description of records sought.* You must describe the records that you want in enough detail to enable Department personnel to locate the system of records containing them with a reasonable amount of effort. Whenever possible, your request should describe the records sought, the time periods in which you believe they were compiled, and the name or identifying number of each system of records in which you believe they are kept. The Department publishes notices in the **Federal Register** that describe its components' systems of records. A description of the Department's systems of records also may be found as part of the ''Privacy Act Compilation'' published by the National Archives and Records Administration's Office of the Federal Register. This compilation is available in most large reference and university libraries. This compilation also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su__docs).

(c) *Agreement to pay fees.* If you make a Privacy Act request for access to records, it shall be considered an agreement by you to pay all applicable fees charged under § 16.49, up to $25.00. The component responsible for responding to your request ordinarily shall confirm this agreement in an acknowledgment letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

(d) *Verification of identity.* When you make a request for access to records about yourself, you must verify your identity. You must state your full name, current address, and date and place of birth. You must sign your request and your signature must either be notarized or submitted by you under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001. In order to help the identification and location of requested records, you may also, at your option, include your social security number.

(e) *Verification of guardianship.* When making a request as the parent or guardian of a minor or as the guardian of someone determined by a court to be incompetent, for access to records about that individual, you must establish:

(1) The identity of the individual who is the subject of the record, by stating the name, current address, date and place of birth, and, at your option, the social security number of the individual;

(2) Your own identity, as required in paragraph (d) of this section;

(3) That you are the parent or guardian of that individual, which you may prove by providing a copy of the individual's birth certificate showing your parentage or by providing a court order establishing your guardianship; and

(4) That you are acting on behalf of that individual in making the request.

§ 16.42 Responsibility for responding to requests for access to records.

(a) *In general.* Except as stated in paragraphs (c), (d), and (e) of this section, the component that first receives a request for access to a record, and has possession of that record, is the component responsible for responding to the request. In determining which records are responsive to a request, a component ordinarily shall include only those records in its possession as of the date the component begins its search for them. If any other date is used, the component shall inform the requester of that date.

(b) *Authority to grant or deny requests.* The head of a component, or the component head's designee, is authorized to grant or deny any request for access to a record of that component.

(c) *Consultations and referrals.* When a component receives a request for access to a record in its possession, it shall determine whether another component, or another agency of the Federal Government, is better able to determine whether the record is exempt from access under the Privacy Act. If the receiving component determines that it is best able to process the record in response to the request, then it shall do so. If the receiving component determines that it is not best able to process the record, then it shall either:

(1) Respond to the request regarding that record, after consulting with the component or agency best able to determine whether the record is exempt from access and with any other component or agency that has a substantial interest in it; or

(2) Refer the responsibility for responding to the request regarding that record to the component best able to determine whether it is exempt from access, or to another agency that originated the record (but only if that agency is subject to the Privacy Act). Ordinarily, the component or agency that originated a record will be presumed to be best able to determine whether it is exempt from access.

(d) *Law enforcement information.* Whenever a request is made for access to a record containing information that relates to an investigation of a possible violation of law and that was originated by another component or agency, the receiving component shall either refer the responsibility for responding to the request regarding that information to that other component or agency or shall consult with that other component or agency.

(e) *Classified information.* Whenever a request is made for access to a record containing information that has been classified by or may be appropriate for classification by another component or agency under Executive Order 12958 or any other executive order concerning the classification of records, the receiving component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the information, should consider the information for classification, or has the primary interest in it, as appropriate. Whenever a record contains information that has been derivatively classified by a component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the underlying information.

(f) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or agency, it ordinarily shall notify the requester of the referral and inform the requester of the name of each component or agency to which the request has been referred and of the part of the request that has been referred.

(g) *Timing of responses to consultations and referrals.* All consultations and referrals shall be handled according to the date the Privacy Act access request was initially received by the first component or agency, not any later date.

(h) *Agreements regarding consultations and referrals.* Components may make agreements with other components or agencies to eliminate the need for consultations or referrals for particular types of records.

§ 16.43 Responses to requests for access to records.

(a) *Acknowledgements of requests.* On receipt of a request, a component ordinarily shall send an acknowledgement letter to the requester which shall confirm the requester's agreement to pay fees under § 16.41(c) and provide an assigned request number for further reference.

(b) *Grants of requests for access.* Once a component makes a determination to grant a request for access in whole or in part, it shall notify the requester in writing. The component shall inform the requester in the notice of any fee charged under § 16.49 and shall disclose records to the requester promptly on payment of any applicable fee. If a request is made in person, the component may disclose records to the requester directly, in a manner not unreasonably disruptive of its operations, on payment of any applicable fee and with a written record made of the grant of the request. If a requester is accompanied by another person, the requester shall be required to authorize in writing any discussion of the records in the presence of the other person.

(c) *Adverse determinations of requests for access.* A component making an adverse determination denying a request for access in any respect shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, consist of: a determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that what has been requested is not a record subject to the Privacy Act; a determination on any disputed fee matter; and a denial of a request for expedited treatment. The notification letter shall be signed by the head of the component, or the component head's designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason(s) for the denial, including any Privacy Act exemption(s) applied by the component in denying the request; and

(3) A statement that the denial may be appealed under § 16.45(a) and a description of the requirements of § 16.45(a).

§ 16.44 Classified information.

In processing a request for access to a record containing information that is classified under Executive Order 12958 or any other executive order, the originating component shall review the information to determine whether it should remain classified. Information determined to no longer require classification shall not be withheld from a requester on the basis of Exemption (k)(1) of the Privacy Act. On receipt of any appeal involving classified

information, the Office of Information and Privacy shall take appropriate action to ensure compliance with part 17 of this title.

§ 16.45 Appeals from denials of requests for access to records.

(a) *Appeals.* If you are dissatisfied with a component's response to your request for access to records, you may appeal an adverse determination denying your request in any respect to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, DC 20530–0001. You must make your appeal in writing and it must be received by the Office of Information and Privacy within 60 days of the date of the letter denying your request. Your appeal letter may include as much or as little related information as you wish, as long as it clearly identifies the component determination (including the assigned request number, if known) that you are appealing. For the quickest possible handling, you should mark both your appeal letter and the envelope ''Privacy Act Appeal.'' Unless the Attorney General directs otherwise, a Director of the Office of Information and Privacy will act on behalf of the Attorney General on all appeals under this section, except that:

(1) In the case of an adverse determination by the Deputy Attorney General or the Associate Attorney General, the Attorney General or the Attorney General's designee will act on the appeal;

(2) An adverse determination by the Attorney General will be the final action of the Department; and

(3) An appeal ordinarily will not be acted on if the request becomes a matter of litigation.

(b) *Responses to appeals.* The decision on your appeal will be made in writing. A decision affirming an adverse determination in whole or in part will include a brief statement of the reason(s) for the affirmance, including any Privacy Act exemption applied, and will inform you of the Privacy Act provisions for court review of the decision. If the adverse determination is reversed or modified on appeal in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any adverse determination or denial of a request, you must first appeal it under this section.

§ 16.46 Requests for amendment or correction of records.

(a) *How made and addressed.* Unless the record is not subject to amendment or correction as stated in paragraph (f) of this section, you may make a request for amendment or correction of a Department of Justice record about yourself by writing directly to the Department component that maintains the record, following the procedures in § 16.41. Your request should identify each particular record in question, state the amendment or correction that you want, and state why you believe that the record is not accurate, relevant, timely, or complete. You may submit any documentation that you think would be helpful. If you believe that the same record is in more than one system of records, you should state that and address your request to each component that maintains a system of records containing the record.

(b) *Component responses.* Within ten working days of receiving your request for amendment or correction of records, a component shall send you a written acknowledgement of its receipt of your request, and it shall promptly notify you whether your request is granted or denied. If the component grants your request in whole or in part, it shall describe the amendment or correction made and shall advise you of your right to obtain a copy of the corrected or amended record, in disclosable form. If the component denies your request in whole or in part, it shall send you a letter signed by the head of the component, or the component head's designee, that shall state:

(1) The reason(s) for the denial; and

(2) The procedure for appeal of the denial under paragraph (c) of this section, including the name and business address of the official who will act on your appeal.

(c) *Appeals.* You may appeal a denial of a request for amendment or correction to the Office of Information and Privacy in the same manner as a denial of a request for access to records (see § 16.45) and the same procedures shall be followed. If your appeal is denied, you shall be advised of your right to file a Statement of Disagreement as described in paragraph (d) of this section and of your right under the Privacy Act for court review of the decision.

(d) *Statements of Disagreement.* If your appeal under this section is denied in whole or in part, you have the right to file a Statement of Disagreement that states your reason(s) for disagreeing with the Department's denial of your request for amendment or correction. Statements of Disagreement must be concise, must clearly identify each part of any record that is disputed, and should be no longer than one typed page for each fact disputed. Your Statement of Disagreement must be sent to the component involved, which shall place it in the system of records in which the disputed record is maintained and shall mark the disputed record to indicate that a Statement of Disagreement has been filed and where in the system of records it may be found.

(e) *Notification of amendment/correction or disagreement.* Within 30 working days of the amendment or correction of a record, the component that maintains the record shall notify all persons, organizations, or agencies to which it previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended or corrected. If an individual has filed a Statement of Disagreement, the component shall append a copy of it to the disputed record whenever the record is disclosed and may also append a concise statement of its reason(s) for denying the request to amend or correct the record.

(f) *Records not subject to amendment or correction.* The following records are not subject to amendment or correction:

(1) Transcripts of testimony given under oath or written statements made under oath;

(2) Transcripts of grand jury proceedings, judicial proceedings, or quasi-judicial proceedings, which are the official record of those proceedings;

(3) Presentence records that originated with the courts; and

(4) Records in systems of records that have been exempted from amendment and correction under Privacy Act, 5 U.S.C. 552a(j) or (k) by notice published in the **Federal Register**.

§ 16.47 Requests for an accounting of record disclosures.

(a) *How made and addressed.* Except where accountings of disclosures are not required to be kept (as stated in paragraph (b) of this section), you may make a request for an accounting of any disclosure that has been made by the Department to another person, organization, or agency of any record about you. This accounting contains the date, nature, and purpose of each disclosure, as well as the name and address of the person, organization, or agency to which the disclosure was made. Your request for an accounting should identify each particular record in question and should be made by writing directly to the Department component that maintains the record, following the procedures in § 16.41.

(b) *Where accountings are not required.* Components are not required to provide accountings to you where they relate to:

(1) Disclosures for which accountings are not required to be kept—in other words, disclosures that are made to employees within the agency and disclosures that are made under the FOIA;

(2) Disclosures made to law enforcement agencies for authorized law enforcement activities in response to written requests from those law enforcement agencies specifying the law enforcement activities for which the disclosures are sought; or

(3) Disclosures made from law enforcement systems of records that have been exempted from accounting requirements.

(c) *Appeals.* You may appeal a denial of a request for an accounting to the Office of Information and Privacy in the same manner as a denial of a request for access to records (see § 16.45) and the same procedures will be followed.

§ 16.48 Preservation of records.

Each component will preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the Act.

§ 16.49 Fees.

Components shall charge fees for duplication of records under the Privacy Act in the same way in which they charge duplication fees under § 16.11. No search or review fee may be charged for any record unless the record has been exempted from access under Exemptions (j)(2) or (k)(2) of the Privacy Act.

§ 16.50 Notice of court-ordered and emergency disclosures.

(a) *Court-ordered disclosures.* When a record pertaining to an individual is required to be disclosed by a court order, the component shall make reasonable efforts to provide notice of this to the individual. Notice shall be given within a reasonable time after the component's receipt of the order—except that in a case in which the order is not a matter of public record, the notice shall be given only after the order becomes public. This notice shall be mailed to the individual's last known address and shall contain a copy of the order and a description of the information disclosed. Notice shall not be given if disclosure is made from a criminal law enforcement system of records that has been exempted from the notice requirement.

(b) *Emergency disclosures.* Upon disclosing a record pertaining to an individual made under compelling circumstances affecting health or safety, the component shall notify that individual of the disclosure. This notice shall be mailed to the individual's last known address and shall state the nature of the information disclosed; the person, organization, or agency to which it was disclosed; the date of disclosure; and the compelling circumstances justifying the disclosure.

§ 16.51 Security of systems of records.

(a) Each component shall establish administrative and physical controls to prevent unauthorized access to its systems of records, to prevent unauthorized disclosure of records, and to prevent physical damage to or destruction of records. The stringency of these controls shall correspond to the sensitivity of the records that the controls protect. At a minimum, each component's administrative and physical controls shall ensure that:

(1) Records are protected from public view;

(2) The area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to them;

(3) Records are inaccessible to unauthorized persons outside of business hours; and

(4) Records are not disclosed to unauthorized persons or under unauthorized circumstances in either verbal or written form.

(b) Each component shall have procedures that restrict access to records to only those individuals within the Department who must have access to those records in order to perform their duties and that prevent inadvertent disclosure of records.

§ 16.52 Contracts for the operation of record systems.

Any approved contract for the operation of a record system will contain the standard contract requirements issued by the General Services Administration to ensure compliance with the requirements of the Privacy Act for that record system. The contracting component will be responsible for ensuring that the contractor complies with these contract requirements.

§ 16.53 Use and collection of social security numbers.

Each component shall ensure that employees authorized to collect information are aware:

(a) That individuals may not be denied any right, benefit, or privilege as a result of refusing to provide their social security numbers, unless the collection is authorized either by a statute or by a regulation issued prior to 1975; and

(b) That individuals requested to provide their social security numbers must be informed of:

(1) Whether providing social security numbers is mandatory or voluntary;

(2) Any statutory or regulatory authority that authorizes the collection of social security numbers; and

(3) The uses that will be made of the numbers.

§ 16.54 Employee standards of conduct.

Each component will inform its employees of the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Unless otherwise permitted by law, an employee of the Department of Justice shall:

(a) Collect from individuals only the information that is relevant and necessary to discharge the responsibilities of the Department;

(b) Collect information about an individual directly from that individual whenever practicable;

(c) Inform each individual from whom information is collected of:

(1) The legal authority to collect the information and whether providing it is mandatory or voluntary;

(2) The principal purpose for which the Department intends to use the information;

(3) The routine uses the Department may make of the information; and

(4) The effects on the individual, if any, of not providing the information;

(d) Ensure that the component maintains no system of records without public notice and that it notifies appropriate Department officials of the existence or development of any system of records that is not the subject of a current or planned public notice;

(e) Maintain all records that are used by the Department in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in the determination;

(f) Except as to disclosures made to an agency or made under the FOIA, make reasonable efforts, prior to disseminating any record about an individual, to ensure that the record is accurate, relevant, timely, and complete;

(g) Maintain no record describing how an individual exercises his or her First Amendment rights, unless it is expressly authorized by statute or by the individual about whom the record is maintained, or is pertinent to and within the scope of an authorized law enforcement activity;

(h) When required by the Act, maintain an accounting in the specified form of all disclosures of records by the Department to persons, organizations, or agencies;

(i) Maintain and use records with care to prevent the unauthorized or inadvertent disclosure of a record to anyone; and

(j) Notify the appropriate Department official of any record that contains information that the Privacy Act does not permit the Department to maintain.

§ 16.55 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the Privacy Act.

4. Appendix I of part 16 is revised to read as follows:

Appendix I to Part 16—Components of the Department of Justice

Unless a separate address is listed below, the address for each component is: [component name], U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001. For all components marked by an asterisk, FOIA and Privacy Act requests should be sent to the Office of Information and Privacy, U.S. Department of Justice, Flag Bldg., Suite 570, Washington, DC 20530–0001. The components are:

A.
- Office of the Attorney General *
- Office of the Deputy Attorney General *
- Office of the Associate Attorney General *
- Office of the Solicitor General

B.
- Office of Information and Privacy *
- Office of the Inspector General
- Office of Intelligence Policy and Review
- Office of Investigative Agency Policies
- Office of Legal Counsel
- Office of Legislative Affairs *
- Office of Policy Development *
- Office of Professional Responsibility
- Office of Public Affairs *

C.
- Antitrust Division, U.S. Department of Justice, LPB Bldg., Suite 200, Washington, DC 20530–0001
- Civil Division, U.S. Department of Justice, 901E Bldg., Room 808, Washington, DC 20530–0001
- Civil Rights Division, U.S. Department of Justice, NYAV Bldg., Room 8000B, Washington, DC 20530–0001
- Criminal Division, U.S. Department of Justice, WCTR Bldg., Suite 1075, Washington, DC 20530–0001
- Environment and Natural Resources Division
- Justice Management Division
- Tax Division, U.S. Department of Justice, JCB Bldg., Room 6823, Washington, DC 20530–0001
- Bureau of Prisons, U.S. Department of Justice, HOLC Bldg., Room 714, 320 First Street, NW., Washington, DC 20534–0001
- Community Relations Service, U.S. Department of Justice, BICN Bldg., Suite 2000, Washington, DC 20350–0001
- Drug Enforcement Administration, U.S. Department of Justice, Washington, DC 20537–0001
- Executive Office for Immigration Review, U.S. Department of Justice, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041–0001
- Executive Office for United States Attorneys, U.S. Department of Justice, BICN Bldg., Room 7100, Washington, DC 20350–0001
- Executive Office for United States Trustees, U.S. Department of Justice, 901E Bldg., Room 780, Washington, DC 20530–0001
- Federal Bureau of Investigation, U.S. Department of Justice, 935 Pennsylvania Avenue, NW., Washington, DC 20535–0001 (for field offices, consult your telephone book)
- Foreign Claims Settlement Commission, U.S. Department of Justice, BICN Bldg., Room 6002, 600 E Street, NW., Washington, DC 20579–0001
- Immigration and Naturalization Service, U.S. Department of Justice, CAB Bldg., 425 Eye Street, NW., Washington, DC 20536–0001 (for field offices, consult your telephone book)
- INTERPOL-U.S. National Central Bureau, U.S. Department of Justice, BICN Bldg., Washington, DC 20350–0001
- National Drug Intelligence Center, U.S. Department of Justice, Fifth Floor, 319 Washington Street, Johnstown, PA 15901–1622
- Office of Community Oriented Policing Services, U.S. Department of Justice, VT1 Bldg., Room 1000, Washington, DC 20530–0001
- Office of Justice Programs, U.S. Department of Justice, IND Bldg., Room 1245, 633 Indiana Avenue, NW., Washington, DC 20531–0001
- Pardon Attorney, U.S. Department of Justice, FRST Bldg., Fourth Floor, Washington, DC 20530–0001
- United States Marshals Service, U.S. Department of Justice, Lincoln Place, Room 1250, 600 Army Navy Drive, Arlington, VA 22202–4210

PART 50—STATEMENTS OF POLICY

5. The authority citation for part 50 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, and 42 U.S.C. 1921 *et seq.*, 1973c.

§ 50.8 [Removed and reserved]

6. Section 50.8 is removed and reserved.

Dated: August 13, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97–22079 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–BE–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720–AA41

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed Rule.

SUMMARY: This proposed rule provides an exception to the CHAMPUS dual compensation/conflict of interest provisions. This exception is for part-time physician employees of government agencies.

DATES: Comments must be submitted on or before October 27, 1997.

ADDRESSES: Forward comments to the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Program Development Branch, OCHAMPUS, telephone (303) 361-1172.

SUPPLEMENTARY INFORMATION: This proposed rule provides for an exception to the CHAMPUS dual compensation/conflict of interest provisions. Currently, any individual who is a civilian employee of the United States government cannot be authorized by CHAMPUS as a provider of medical services. The justification for this prohibition is twofold. First, it is believed that such individuals should not receive additional government compensation above their normal pay and allowances for providing medical services to CHAMPUS beneficiaries. Second, payment for services provided to CHAMPUS beneficiaries poses potential or actual conflict of interest situations since there is a potential for personal gain by government employees by referring patients to their private (i.e., non-government) practice.

Clearly there could be situations where a government employee provides services to a CHAMPUS beneficiary without a conflict of interest. However, the number of claims processed by

CHAMPUS makes reviewing the status of the provider and circumstances of the services for each claim administratively unrealistic. Therefore, this prohibition has been applied universally to all providers.

We propose to provide an exception to this prohibition. There are situations where government agencies can meet their needs only by employing physicians on a part-time basis. For example, an agency may need the services of a physician in a certain specialty but cannot justify employing the physician on a full-time basis. These part-time employees maintain a private practice in which it is reasonable to expect that they will encounter CHAMPUS beneficiaries unrelated to their government employment. Therefore, we propose to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the government agency on a part-time basis—that is, less than twenty (20) hours per week. We have selected 20 hours as the limit, because we want to ensure that these physicians are truly part-time employees needed to fill a specific requirement. If the agency needs the services of an employee for twenty or more hours per week, we believe a full-time employee should be utilized. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-government, physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

Providers must certify on each CHAMPUS claim that he/she is not an employee of the government. In those cases where an exception to this prohibition has been granted, the provider will be required to certify on the CHAMPUS claim that an exception has been granted.

Exceptions can be granted only to physicians, and no exceptions will be granted retroactively. In addition, this exception provision applies to part-time physicians employed by all U.S. government agencies, such as those employed by the Department of Veterans Affairs which probably has the most frequent need for it.

It is our intention to delegate approval of all exceptions to the CHAMPUS fiscal intermediaries and managed care contractors. Therefore, requests for exceptions, including the necessary certifications, must be sent to the appropriate CHAMPUS FI/Contractor.

Regulatory Procedures

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This proposed rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this proposed rule are minor revisions to the existing regulation. Since this proposed rule does not impose information collection requirements, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, and Military personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR Part 199 is amended as follows:

1. The authority citation for Part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.6 is amended by revising paragraph (a)(3) to read as follows:

§ 199.6 Authorized providers.

* * * * *

(a) * * *

(3) *Dual compensation/conflict of interest.* 5 U.S.C. 5536 prohibits medical personnel who are active duty Uniformed Service members or civilian employees of the Government from receiving additional Government compensation above their normal pay and allowances for medical care furnished. In addition, Uniformed Service members and civilian employees of the Government are generally prohibited by law and agency regulations and policies from participating in apparent or actual conflict of interest situations in which a potential for personal gain exists or in which there is an appearance of impropriety or incompatibility with the performance of their official duties or responsibilities. Active duty Uniformed Service members (including a reserve member while on active duty) and civilian employees of the United States Government shall not be authorized to be CHAMPUS providers except as provided in this paragraph (a)(3). An exception to this policy may be made by the Director, OCHAMPUS, on a case-by-case basis only for a physician employed by the Government on a part-time basis (i.e., less than 20 hours per week) when the employing agency requests an exception based on unique or special circumstances detrimental to the delivery of quality health care, and the employing agency and the physician have certified that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's civilian practice. A provider shall certify on each CHAMPUS claim that he/she is not an active duty Uniformed Service member or civilian employee of the Government. For those physicians who are part-time government employees and have been granted an exception, the provider shall certify on each CHAMPUS claim that an exception has been granted.

* * * * *

Dated: August 20, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22631 Filed 8–25–97; 8:45 am]

BILLING CODE–5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 95, 100, 173, 174, 175, 177, 179, 181, and 183

46 CFR Part 25

[CGD 97–029]

Review of Regulations on Boating Safety

AGENCY: Coast Guard, DOT.

ACTION: Request for comments; reopening and extension of comment period.

SUMMARY: In a notice published on May 28, 1997, the Coast Guard announced that it will conduct a comprehensive review of currently effective boating safety regulations during and after the meeting of the National Boating Safety Advisory Council (NBSAC) in October 1997. The notice described the regulations to be reviewed and solicited comments from the boating community about which regulations should be changed. This Notice reopens and extends the comment period.

DATES: Comments must reach the Coast Guard on or before September 30, 1997.

ADDRESSES: You may mail comments to the Executive Secretary, Marine Safety Council (G–LRA, 3406) [CGD 97–029], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or deliver them to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–1477.

The Executive Secretary maintains the public docket for this regulatory review. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carlton Perry, Project Manager, Office of Boating Safety, Program Management Division, 202–267–0979. You may obtain a copy of this Notice by calling the U.S. Coast Guard Infoline at 1–800–368–5647, or on the Internet Office of Boating Safety Web Site at URL address http://www.uscgboating.org/.

SUPPLEMENTARY INFORMATION:

Background and Purpose

In a notice published on May 28, 1997 (62 FR 28824), the Coast Guard set the original close of the comment period at July 28, 1997, to allow summarizing the comments received and providing the summaries to the NBSAC members prior to the meeting date. (The Coast Guard will publish details of the exact time and place of the meeting in the **Federal Register** at a later date. The meeting will be open to the public.) Due to the small number of comments received by the close of the comment period and a request from the National Association of State Boating Law Administrators, the Coast Guard is reopening and extending the comment period to provide additional time for submission of public comment. The Coast Guard will summarize—and will provide to the members of NBSAC for them to consider at the meeting in October 1997—all comments received during the extended comment period in response to this Notice. It will consider all relevant comments in the formulation of any changes to the boating safety regulations that may result from this review. (This review is not required by but is consistent with 5 U.S.C. 610, which directs agencies to conduct periodic reviews of regulations they issue that have a significant impact on a substantial number of small entities.) The review will encompass currently effective boating safety regulations in 33 CFR Parts 95, 100, 173, 174, 175, 177, 179, 181, and 183 and 46 CFR Subparts 25.30, 25.35, and 25.40. It will not encompass any rules not yet final.

Request for Comments

The Coast Guard encourages interested persons from all segments of the boating community to participate in this regulatory review by submitting written data, views, or arguments regarding any changes to the currently effective boating safety regulations, including elimination or revocation of any requirements. Persons submitting comments should include their names and addresses, identify this Notice [CGD 97–029] and the specific provision in the regulation to which each comment applies, state each change needed, and give all reasons to support each change. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Dated: August 18, 1997.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 97–22675 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–97–041]

RIN 2115–AE46

Special Local Regulations; Miller Lite Offshore Challenge Boat Race at Islamorada, Florida—Gold Cup Series

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Temporary special local regulations are being proposed for the Miller Lite Offshore Challenge Boat Race at Islamorada, Florida, sponsored by Offshore Power Boat Racing Association, Inc. This event will be held on October 4, 1997, between 11 a.m. and 3 p.m. Eastern Daylight Time (EDT). These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before September 25, 1997.

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group Key West, Key West, Florida 33040–0005. The telephone number is (305) 292–8734. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

FOR FURTHER INFORMATION CONTACT: QMC Culver, project officer, USCG Group Key West, (305) 292–8734.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD07–97–041) and the specific section of this proposal to which each comment applies and give the reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to QMC Culver at the address under **ADDRESSES**. The request should include why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a notice in the **Federal Register**.

Discussion of Regulations

These proposed special local regulations are being considered for the Miller Lite Offshore Challenge Boat Race at Islamorada, Florida. The event will be held from 11 a.m. to 3 p.m. EDT, on October 4, 1997. Approximately 45 power boats and 200 spectator crafts are expected to participate in the Miller Lite Offshore Challenge Boat Race. The power boats will be competing at high speeds and operating in close proximity to the spectators, creating an extra or unusual hazard on navigable waters. These regulations are needed to provide for the safety of life on navigable waters during the event.

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. Entry into the regulated area is prohibited for only 4 hours on the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, 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 field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities as the regulations will only be in effect for approximately 4 hours in a limited area.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking 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 action and has determined pursuant to section 2.B.2.e(35)(b) of Commandant Instruction M16475.1B that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Assessment Checklist are available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 100

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend, Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T07–041 is added to read as follows:

§ 100.35–T07–041 Miller Lite Offshore Challenge Boat Race; Islamorada, FL.

(a) *Definitions:*

(1) *Regulated Area.* All navigable waters within a line drawn through the following points:

24–54–00N, 080–35–07W; thence to, 24–53–07N, 080–35–04W; thence to, 24–55–08N, 080–33–00W; thence to, 24–55–08N, 080–34–08W.

All coordinates referenced use datum: NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the United States Coast Guard who has been designated by Coast Guard Group Key West, Florida.

(b) *Special Local Regulations.* (1) Entry into the regulated area, by other than event participants, is prohibited unless otherwise authorized by the patrol commander. In the event the Miller Lite Offshore Challenge cannot be held on October 4, 1997 due to adverse weather conditions, these regulations will be in effect at the same times on October 5, 1997.

(2) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel will be a signal for any and all vessels to stop immediately.

(c) *Date.* This section becomes effective at 11 a.m. and terminates at 3 p.m. EDT on October 4, 1997. In the event of adverse weather conditions on October 4, 1997, the event will be held the following day, October 5, 1997, during the same time period.

Dated: August 15, 1997.

R.C. Olsen, Jr.,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District Acting.

[FR Doc. 97–22670 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IN83–1b; FRL–5882–7]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a redesignation request submitted by the State of Indiana on April 8, 1993, and supplemented on June 17, 1997. In this submittal, Indiana submitted a maintenance plan and requested that a portion of Vermillion County be redesignated to attainment of the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerometric diameter less than 10 micrometers (PM–10). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no written adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives written adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by September 25, 1997.

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr at (312) 353–4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch AR–18J, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ryan Bahr, Environmental Engineer, at (312) 353–4366.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 14, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–22666 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[Docket No. FHWA–97–2759]

RIN 2125–AE19

English Language Requirement; Qualifications of Drivers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA is considering a revision to the requirement in 49 CFR 391.11(b)(2) of the Federal Motor Carrier Safety Regulations (FMCSRs) that drivers of commercial motor vehicles operated in interstate commerce be able to read and speak the English language sufficiently to converse with the general public, understand highway traffic signs and signals, respond to official inquiries, and make entries on reports and records. In the interests of safety and civil rights, the FHWA is attempting to reconcile its obligation to assure adequate communication on the part of commercial motor vehicle drivers with concerns of possible discrimination raised by the present rule.

DATES: Comments must be received on or before October 27, 1997.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Singer, Office of Motor Carrier Research and Standards, HCS–10, (202) 366–4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. [TDD number for the hearing impaired: 1–800–699–7828] Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 1936, as part of its newly-promulgated ''Motor Carrier Safety Regulations,'' the Interstate Commerce Commission (ICC) established an English language requirement for drivers of motor vehicles operated in interstate or foreign commerce by common and contract carriers. The original wording, as contained in paragraph 3 of Part I [Qualification of Drivers] required that:

> On and after July 1, 1937, no motor carrier shall drive, or require or permit any person to drive, any motor vehicle operated in interstate or foreign commerce, unless the person so driving possesses the following minimum qualifications: * * * (k) Ability to read and speak the English language, unless the person was engaged in so driving on July 1, 1937 or within one year prior thereto, but in any case ability to understand traffic and warning signs. (1 M.C.C. 1, at 18–19)

The preamble explained that an English language requirement was * * *

> * * * amply supported by the record. It is evident that ability to read and speak English is important to any adequate compliance with safety regulations. Cognizance has been taken, however, of the existence in certain areas of numbers of drivers in present service who are unable to read or speak English, but even in these cases the ability at least to understand traffic and warning signs is required. (1 M.C.C. 1, at 7–8)

On May 27, 1939, the ICC made certain changes and additions to the Motor Carrier Safety Regulations, including elimination of the exceptions granted by the original rules for those drivers unable to read and speak English. As stated in that notice, ''The intent of the Commission to require such ability of all drivers in this service has been unmistakable since 1937, and the intervening period of more than two years is regarded as sufficient to justify the removal of the exception.'' (14 M.C.C. 669, at 675)

Present Requirement

Section 391.11(b) of the FMCSRs currently states,

> Except as provided in Subpart G [Limited Exemptions] of this part, a person is qualified to drive a commercial motor vehicle if he/she—
>
> * * * (2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.

It has been brought to the attention of the Department of Transportation that the wording of this requirement might occasion a conflict with Title VI of the Civil Rights Act of 1964, which prohibits discrimination in the administration of federally funded programs based on race and national origin.

The American Civil Liberties Union (ACLU) raised this issue in a letter to the Department's Office of Civil Rights. The ACLU also believes that, as written, the English-speaking requirement is overly broad and subject to arbitrary enforcement, causing potential interference with constitutional guarantees of due process and equal protection. The ACLU requested an opportunity to submit a comprehensive analysis of this issue, and this notice will, among other things, afford them that opportunity.

Enforcement Practices

On January 20, 1995, the Utah Department of Transportation specifically requested guidance from FHWA relating to enforcement of the English language requirement. In its letter, Utah posed three questions: (1) Should a State establish sanctions for drivers who do not meet the language requirement? (2) Should the driver be placed out-of-service and the driver's company notified? and (3) Would a violation of 391.11(b)(2) invalidate the operator's commercial driver's license (CDL), since CDL applicants who expect to drive in interstate commerce must certify that they meet the requirements of part 391? The FHWA recognizes that section 391.11 was originally intended to be enforced through the motor carrier employer, i.e., it was the employer's responsibility to evaluate the driver's proficiency with the English language in the context of his or her duties and responsibilities. The ICC further recognized that the provisions as to qualifications of drivers embodied requirements which were ''manifestly desirable''—but that final responsibility must rest with the motor carrier to '' * * * satisfy himself that his drivers meet these requirements.'' (1 M.C.C. 1, at 6, December 23, 1936) When promulgated, the rule was not intended to be enforced at roadside. The employer was presumed to know what communication skills may be necessary for the type of cargo handled, the route to be taken, and the contact with the public that may be necessary. The FHWA never made speaking English a specific pre-requisite for the CDL, and, in fact, proposed and later authorized administration of the CDL test in foreign languages. States, however, do administer some form of test to all license applicants which is intended to demonstrate their ability to read or recognize warning signs.

NAFTA Resolution

Working Group One of the Land Transportation Standards Subcommittee established by the North American Free Trade Agreement (NAFTA) is striving to

establish ''compatibility and equivalence'' between U.S., Mexican, and Canadian standards for commercial motor vehicles and drivers, as well as for motor carrier compliance. In June 1995 it adopted the following resolution: ''That in recognition of the three countries' language differences it is the responsibility of the driver and the motor carrier to be able to communicate in the country in which the driver/carrier is operating so that safety is not compromised.''

Request for Comments

The FHWA seeks to modify this regulation to require that drivers simply possess the basic functional communications/comprehension ability necessary to ensure safety. To replace the general requirement that drivers exhibit ''English proficiency'' or a ''working knowledge of English,'' the FHWA is considering establishing a set of performance-oriented standards based on tasks a driver is expected to perform which require knowledge of the English language. The FHWA specifically requests comments addressing the following questions. However, commenters are also encouraged to include discussion of any other issues they may consider relevant to this rulemaking.

1. Are there known instances in which a safety problem occurred which could be attributed, in whole or in part, to the driver not being able to read and speak English sufficiently to understand traffic signs, or written or verbal instructions relating to the operation, loading or unloading of the vehicle? Commenters are encouraged to give a detailed description of such an occurrence, the likelihood of repetition, and how the inability to read or speak the English language played a role.

2. Do any of the States require drivers who operate commercial motor vehicles exclusively in intrastate commerce to read and speak the English language? If so, was the requirement established only to achieve compatibility with the FMCSRs? If there were other reasons for establishing such a requirement, please elaborate.

3. How do States typically determine whether or not a driver or motor carrier is in violation of Section 391.11(b)(2) or an equivalent State provision? Are there particular English phrases or terms that are used to test the driver's comprehension of the English language? Are there specific highway signs or messages that are shown to the driver?

4. Are there any cases in which State officials, exercising their authority under State law, have placed drivers out of service for being unable to read or speak the English language, after making a determination that the driver's inability to comprehend the language created a safety risk that was too great to be ignored? If so, how did the State official determine that the safety risk was at a level that would warrant placing the driver out of service? Was the enforcement action subsequently challenged in court? What was the outcome?

5. How does one measure an individual's level of ''English proficiency'' or whether that individual has a ''working knowledge of English''? Alternatively, what language tasks should a driver be able to perform, and what ''performance-oriented'' language standards should we impose to guarantee this performance?

Rulemaking Analysis and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable to evaluate the economic impact of the potential regulatory changes being considered in this rulemaking. Based on the information received in response to this notice, the FHWA intends to carefully consider the costs and benefits associated with various alternative requirements. Comments, information, and data are solicited on the economic impact of the potential changes.

Regulatory Flexibility Act

Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable to evaluate the effects of the potential regulatory changes on small entities. Based on the information received in response to this notice, the FHWA intends, in compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), to carefully consider the economic impacts of these potential changes on small entities. The FHWA solicits comments, information, and data on these impacts.

Executive Order 12612 (Federalism Assessment)

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

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program. Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

Authority: 49 U.S.C. 504, 31133, 31136, and 31502; and 49 CFR 1.48.

Issued on: August 18, 1997.

Gloria J. Jeff,

Acting Federal Highway Administrator.

[FR Doc. 97–22605 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92–28; Notice 8]

RIN 2127–AG07

Federal Motor Vehicle Safety Standards; Head Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This document proposes to amend the upper interior impact requirements of Standard No. 201, Occupant Protection in Interior Impact, to permit, but not require, the introduction of dynamic head protection systems currently being developed by vehicle manufacturers to provide added lateral crash protection. Target points in those areas of the upper interior occupied by these dynamic systems would be allowed, with the systems undeployed, to meet slightly reduced requirements. To ensure that these dynamic systems would enhance safety, the proposal would add procedures and performance requirements for testing the systems, while deployed, through in-vehicle component tests or a combination of such in-vehicle tests and vehicle crash testing.

DATES: *Comment closing date:* Comments on this notice must be received by NHTSA no later than October 27, 1997.

ADDRESSES: Any comments should refer to the docket and notice number of this notice and be submitted (preferably in 10 copies) to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Dr. William Fan, Office of Crashworthiness Standards, NPS–11, telephone (202) 366–4922, facsimile (202) 366–4329, electronic mail ''bfan@nhtsa.dot.gov''.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC–20, telephone (202) 366–5253, facsimile (202) 366–3820, electronic mail ''omatheke@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION:

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I. The Safety Problem

In an August 18, 1995 final rule (60 FR 43041) adding requirements for upper interior impact protection to Standard No. 201, ''Occupant Protection in Interior Impact,'' NHTSA estimated that even with air bags installed in all cars and LTVs, head impacts with the pillars, roof side rails, windshield header, and rear header would result in 1,591 annual passenger car occupant fatalities and 575 annual LTV occupant fatalities. The agency also stated that it believed such head impacts also result in nearly 13,600 moderate to critical (but non-fatal) passenger car occupant injuries (MAIS 2 or greater), and more than 5,200 serious LTV occupant injuries. (The AIS or Abbreviated Injury Scale is used to rank injuries by level of severity. An AIS 1 injury is a minor one, while an AIS 6 injury is one that is currently untreatable and fatal. The Maximum Abbreviated Injury Scale or MAIS is the maximum injury per occupant.)

Manufacturers may choose the means that they use to meet the requirements of the August 18, 1995 final rule. One method of compliance is through the installation of static energy absorbing materials like padding, which will reduce the number and severity of these injuries. In that final rule, the agency estimated that the new requirements would prevent 675 to 768 AIS 2–5 head injuries and 873 to 1,045 fatalities. The development of dynamic head protection systems offers the potential for additional injury reduction.

II. Background

A. August 1995 Final Rule on Upper Interior Impact Protection

The August 1995 final rule issued by the National Highway Traffic Safety Administration (NHTSA) amended Standard No. 201 to require passenger cars, and trucks, buses, and multipurpose passenger vehicles (collectively, passenger cars and LTVs) with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, to provide protection when an occupant's head strikes upper interior components, including pillars, side rails, headers, and the roof, during a crash. This final rule, which requires compliance beginning on September 1, 1998, significantly expands the scope of Standard 201. Previously, the standard applied only to the portion of the vehicle interior in front of the front seat occupants. The amendments added procedures and performance requirements for a new in-vehicle component test.

B. Petitions for Reconsideration

The agency received nine timely petitions for reconsideration of the final rule. The issues raised by the petitions can be divided into five categories—(1) application of the new requirements to dynamic head protection systems, (2) influence of systems variables, (3) lead time and phase-in, (4) exclusion of certain vehicles, and (5) test procedure.

Insofar as the petitions addressed the last four categories of issues, NHTSA responded by issuing amendments to the August 18, 1995 final rule in a notice dated April 7, 1997 (62 FR 16718). In the April 7, 1997 notice, NHTSA modified the final rule to exclude certain vehicles from the requirements of Standard 201, changed the phase-in requirements by providing manufacturers with the option of complying with an additional schedule for meeting the requirements of the standard and amended other sections of the standard to address concerns about test procedures.

Since the first category of issues, dynamic head protection systems, was outside the scope of the rulemaking that led to the August 18 final rule, the agency considered it not a proper

subject for a petition for reconsideration. Therefore, the agency announced that it was treating the requests relating to these issues as petitions for rulemaking, and was granting those petitions.

C. March 7, 1996 ANPRM on Dynamic Head Protection Systems

On March 7, 1996, NHTSA published an advance notice of proposed rulemaking (ANPRM) to assist the agency in evaluating the issues raised by dynamic head protection systems (61 FR 9136). In the ANPRM, the agency noted that the only existing accommodation in Standard 201 of vehicles equipped with dynamic restraint systems is a provision concerning vehicles with frontal automatic protection systems meeting S5.1 of Standard No. 208, ''Occupant Crash Protection.'' The head impact area on instrument panels need only meet the performance requirements of Standard 201 when impacted at a relative velocity of 19 kilometers per hour (km/h) (12 mph) rather than the 24 km/h (15 mph) requirement imposed on vehicles not meeting S5.1 of Standard 208. This exception to the 24 km/h (15 mph) requirement is premised on the agency's belief that the tests contained in Standard 208 for dynamic systems provided adequate assurance that these systems perform well enough to protect occupants in the event of a crash.

However, the dynamic systems described in the petitions for reconsideration are intended to supplement other dynamic restraints and protect the heads of occupants in side impacts and rollovers. They are not used to comply with the frontal protection requirements of S5.1 of Standard 208. Neither Standard 208 nor any other Standard contained comparable requirements for side impact protection systems intended to provide head protection to occupants. Thus, there was no readily available way of providing for the testing of these systems or providing adequate assurance that they would yield sufficient safety benefits to justify a similar reduction in the relative impact velocity of 24 km/h (15 mph) afforded for vehicles with dynamic systems providing protection in frontal impacts.

The agency noted that two categories of dynamic systems were then under consideration by manufacturers—dynamically deployed padding and dynamically deployed air bags or other inflatable devices. NHTSA stated that both of these systems potentially provided greater protection to occupants than design features likely to be used in meeting the requirements contained in the August 18, 1995 final rule. Accordingly, the agency suggested the possibility of developing test procedures to assure that the protection afforded by the systems is a suitable substitute for the protection provided by that final rule. The ANPRM suggested that dynamically deployed padding and dynamically deployed inflatable devices be subjected to different tests. In the case of dynamically deployed padding, the agency suggested that existing targets specified in the final rule protected by the dynamic system be impacted at 19 km/h (12 mph) prior to the deployment of the padding and then be impacted at 32 km/h (20 mph) with the padding deployed. This test would accommodate the limitations of dynamic padding systems in their undeployed state while providing assurance that deployed padding provided additional protection to occupants. In the case of inflatable devices, the ANPRM discussed the possibility that the agency might propose subjecting vehicles equipped with these systems to 19 kilometer per hour (12 mph) impacts at all points covered by the inflatable device with the device in its undeployed state. The performance of the device as deployed would be tested in a side impact test into a fixed rigid pole at 30 km/h (18.6 miles per hour) or a side impact with a moving deformable barrier at 50 km/h (31 miles per hour). The ANPRM also requested responses to 17 questions relating to the design, performance, evaluation and testing of dynamic head protection systems.

D. Comments on the ANPRM

The agency received a total of ten comments on the ANPRM. Five automobile manufacturers (Ford, Volvo, BMW, VW, and Mercedes), one restraint system supplier (Autoliv), three safety organizations (Automotive Occupant Restraint Council (AORC), Insurance Institute for Highway Safety (IIHS), and Advocates for Highway and Auto Safety (AHAS)), and one manufacturers' association (American Automobile Manufacturers Association (AAMA), submitted comments in response to the ANPRM. The comments received from Volvo and Ford indicated that these commenters did not support the adoption of mandatory full scale crash tests for dynamic systems. Ford indicated its belief that existing tests incorporated in Standards 201 and 214 were adequate for measuring the performance of dynamic systems. Additional testing, in Ford's view, would be redundant and unduly burdensome. Volvo contended that full scale crash testing would impose a greater testing burden on cars arguably equipped with safer systems and questioned the fairness of this burden. Volvo also objected to full scale testing as such testing, if restricted to one test configuration, would not be useful in evaluating head impacts that may occur throughout the vehicle. The use of a single test configuration, Volvo argued, would also lead to the development of systems geared to provide optimum protection in specific areas of a vehicle rather than throughout the interior of the car. Volvo and Autoliv recommended the combination of a 19 km/h (12 mph) FMH impact test prior to system deployment and a 24 km/h (15 mph) FMH impact test with the system fully deployed. Autoliv indicated that dynamic systems would deploy in crashes resulting in head speeds above 19 km/h (12 mph) and that the protection these systems provide would be adequate at 24 km/h (15 mph). Autoliv further submitted that the systems would offer significant collateral benefits such as ejection mitigation, protection against intrusion and protection against impacts with windows. Volvo indicated that a 24 km/h (15 mph) impact was appropriate as it was similar to the requirements for other head injury mitigating measures. Mercedes and Volkswagen indicated that dynamic systems be tested only at a 24 km/h (15 mph) impact speed. In Volkswagen's view, testing at this speed in conjunction with a requirement that the dynamic system stay inflated for a time period sufficient to assure protection against subsequent crash induced impacts would be sufficient to ensure that the systems provided adequate protection. Mercedes supported the use of a single 24 km/h (15 mph) impact into a deployed system as there would be no loss of benefits compared to static systems and greater collateral benefits in the form of ejection mitigation and protection from impacts with wider areas of the interior. However, BMW supported the 19 km/h (12 mph) FMH impact tests in combination with a 29 km/h (18 mph) side crash test into a fixed, rigid pole. Of the comments received from associations and safety organizations, those from the AAMA indicated that AAMA did not favor a mandatory full scale test requirement. AAMA indicated its belief that testing conducted pursuant to Standard 214 was sufficient to evaluate the ability of a vehicle to protect occupants in a side impact. AORC, IIHS and AHAS did not oppose the use of full scale crash testing, but raised concerns about reducing the existing requirements of Standard 201 to accommodate dynamic systems. The

comments received by NHTSA are summarized below.

BMW indicated that the agency should specify multiple test procedures for gauging compliance with Standard 201 in order to give manufacturers flexibility to offer a variety of head protection systems in their product lines. The company also suggested that dynamic systems be tested in the undeployed condition with 19 kilometer per hour (12 mph) FMH impacts into the A-pillar, certain points on the B-pillar and roof rails. In conjunction with FMH testing at 19 km/h (12 mph), BMW supported testing of dynamic systems with a full scale side impact test consisting of a 29 km/h (18 mph) side impact into a fixed pole using a EuroSid dummy. BMW provided test data generated from its development of the Inflatable Tubular System (ITS) indicating that the suggested pole test generated, in the absence of countermeasures, HIC scores above 2000. Based on its testing, BMW stated that such a dynamic test would establish the performance of dynamic systems and assure that these systems offered sufficient safety benefits to justify use of lower impact speeds when testing them in their undeployed condition.

BMW's suggested test specifies that all targets on the A/B-pillars (except BP4) and side rails (including SR3 on the rear side rail) be tested with a FMH impact of 19 km/h (12 mph) in conjunction with the full scale pole test. BMW indicated that its system would provide head protection for all of these points except for SR3. BMW indicated that SR3 should be tested at 19 km/h (12 mph) even though it is not protected by the ITS as it believed that padding thickness along the side rails should remain constant. In regard to the remaining points that would be protected by ITS, BMW indicated that limitations imposed by dynamic systems forbid padding the entire side rail to meet the existing 24 km/h (15 mph) requirement.

Ford indicated its belief that the existing requirements of Standard 201 and Standard No. 214 ''Side Impact Protection'', already provide a means of evaluating the performance of advanced dynamic systems and, therefore, any additional tests are not necessary. However, Ford would not object to the ANPRM's suggestion for adjusting the FMH impact speed from 24 km/h (15 mph) to 19 km/h (12 mph) for vehicles that provide a lap-shoulder belt and a side impact head (or head/chest) supplemental air bag for each front outboard occupant.

Mercedes indicated its support for revisions to Standard 201 to accommodate dynamic systems. The company indicated its belief that inflatable dynamic systems presented the best means to meet the requirements of the Standard with existing technology. Mercedes further stated that it was developing such a system and recommended a test procedure with a 24 km/h (15 mph) FMH impact into a fully deployed system for those targets protected by the inflatable device. The comments submitted by Mercedes also stated that dynamic systems should be tested to ensure that they are fully deployed within 30 ms after triggering. Mercedes indicated that the design it was considering offered superior protection against hazards other than impacts with the interior points specified in Standard 201. Because of this superior performance, Mercedes contended that revisions to the standard requiring a 24 km/h (15 mph) FMH impact into a deployed dynamic device are more than sufficient to ensure that the goals of Standard 201 are achieved.

Volkswagen recommended that dynamic systems be tested only in the deployed mode through a 24 km/h (15 mph) FMH impact. Volkswagen also indicated its belief that system deployment should be tested through use of a rollover simulation identical to that contained in S5.3 of Standard 208 and a lateral or side impact as specified in S6.3 of Standard 301. In its comments, Volkswagen stated that to protect occupants adequately, a dynamic system should remain inflated for a period of time sufficient to represent foreseeable crash events. Testing in this manner, according to Volkswagen, would eliminate the need to test those areas protected by a dynamic system at a lower impact speed with the system undeployed. In Volkswagen's view, if a dynamic system remains deployed for a sufficient period of time to protect occupants against foreseeable impacts and a combination of rollover and lateral/side impact tests provide assurances that the system will deploy, testing in an undeployed mode is not required. In addition, Volkswagen indicated that if a dynamic system is tested through a 24 km/h (15 mph) FMH impact alone, testing at higher impact speeds is not necessary as the inflated dynamic system would then meet the performance criteria established for Standard 201 in the August 18, 1995 final rule.

Volvo's comments indicated the company's belief that dynamic systems would be used to provide occupant protection beyond the levels specified in Standard 201. In Volvo's view, these systems would require unyielding components in areas covered by Standard 201, making the dynamic systems and the existing requirements incompatible. To accommodate dynamic systems, Volvo suggested that dynamic systems be subject to a 19 km/h (12 mph) FMH impact test for affected targets with the system inactivated, a 24 km/h (15 mph) FMH impact test into the activated system and a 24 km/h (15 mph) FMH impact test for all targets not protected by the system. Volvo stated its opposition to full scale dynamic testing for compliance with Standard 201. In Volvo's view, the use of one specific test configuration would place undue emphasis on those areas likely to be involved in that single test rather than the wide number of targets specified in the standard. Volvo believes that adopting a single full scale dynamic test would provide an unfair advantage to vehicles with dynamic systems in that they would only be tested in one crash mode.

Autoliv stated that dynamic systems would offer benefits that could not be evaluated by the existing tests contained in Standard 201. However, Autoliv commented that the FMH test is a sufficient means for assessing the performance of dynamic systems and supported a test procedure in which a 19 km/h (12 mph) FMH impact is conducted against those points covered by an undeployed system with a 24 km/h (15 mph) FMH impact against a deployed system. Autoliv stated that such a test procedure should be sufficient to meet the goals of Standard 201 and that other testing at higher impact speeds would not necessarily gauge the safety benefits of dynamic systems in the variety of crash modes in which the systems would offer safety benefits.

AAMA indicated that it believed that the existing Standard 201 requirements were adequate to gauge the performance of dynamic systems and opposed additional full scale testing. AAMA believes that such testing would be burdensome and would not produce any safety benefits particularly in light of its view that, in conjunction with Standard No. 214, ''Side Impact Protection,'' Standard 201 provided for adequate protection of occupants in side impacts without the requirement of further tests. Proper testing of dynamic systems, in AAMA's view, could be accomplished through a 24 km/h (15 mph) FMH impact into a deployed system. AAMA also stated that testing at impact speeds above 24 km/h (15 mph) would be unjustified and stated its position that the challenges involved in designing

components to meet the 24 km/h (15 mph) FMH impact test are formidable.

AORC also indicated that the agency should consider the existing requirements of Standard 214 and the side impact benefits that will result from that standard when contemplating changes to Standard 201. Due to its belief that dynamic designs intended to accommodate Standard 214 would result in additional occupant head protection, AORC indicated that it did not believe additional full scale testing was required. Instead, AORC supports testing dynamic head protection systems as follows: for those points protected when the system is deployed, the points would be impacted by the FMH at 19 km/h (12 mph) with the system undeployed; and for those points unprotected when the system is deployed, the points would be impacted by the FMH at 24 km/h (15 mph). In the event that NHTSA adopted full scale tests, AORC stated that it would seem reasonable that the MDB height should be raised to address head protection problems if a side impact test with the barrier was employed. However, due to the severity of the pole test proposed in the ANPRM, AORC did not consider that the side-to-pole crash test is an appropriate tool for evaluating compliance of FMVSS No. 201.

IIHS indicated that its preeminent concern was that Standard 201 be amended to accommodate dynamic systems as soon as possible in order that the safety benefits of the systems be made available to the public. IIHS agreed with the suggestions set forth in the ANPRM and further cautioned the agency to consider all instances where compliance with Standard 201 could preclude the availability of the benefits offered by dynamic systems. In particular, IIHS stated that some dynamic systems may have difficulty meeting the requirements of Standard 201 at certain impact points both before and after deployment. In the view of IIHS, the inability to meet these criteria at these impact points should not stand as a barrier to their development and use due to the dramatic increase in protection such systems will offer in a variety of crash modes.

AHAS stated that it believed that dynamic systems offered great potential increases in occupant protection. However, in AHAS's view, the purported benefits of such systems should be gauged by testing at higher impact speeds. Accordingly, AHAS suggested that for dynamic systems appropriate target points should be tested for compliance at an impact speed of 32 km/h (20 mph). AHAS expressed concern that lowering impact speeds or excluding certain areas from testing when dynamic systems are employed could seriously erode the overall benefits offered by Standard 201. AHAS stated that the agency should establish separate but complementary standards for dynamic systems that would require them to meet the existing requirements of Standard 201 in the undeployed mode and greater requirements in the case of a deployed system. AHAS believes that such testing would avoid potential pitfalls in accepting lower impact speeds as a means of accommodating dynamic systems.

III. Analysis of Comments

The agency's review of the comments submitted by manufacturers and other interested groups revealed several areas of concern. AAMA, AORC, Ford and Volvo all voiced an opposition to the use of mandatory full scale crash tests. AHAS indicated its opposition to the abandonment or revision of existing Free Motion Headform (FMH) impact testing of vehicles that are equipped with a dynamic system. AAMA, AORC, Volvo, VW, Mercedes and Autoliv all argued that any proposed test specifying FMH impacts above 24 km/h (15 mph) would be impracticable, while AHAS stated that FMH impacts into deployed systems should be conducted at 32 km/h (20 mph). BMW supported the use of a full scale test with a 29 km/h (18 mph) side impact into a fixed pole. Volvo stated that such a full scale test would not adequately assess the performance of dynamic systems because of the limited area of impact.

AAMA indicated that any additional mandated full scale testing beyond FMVSS No. 214 would be unwarranted and unproductive since the existing tests specified in Standard 214 were sufficient to gauge performance in a side impact. AAMA's comments also stated that additional mandatory tests were unnecessary as its member companies did not consider dynamic head protection systems to be incompatible with the August 18, 1995 final rule. Ford commented that the present requirements of FMVSS Nos. 201 and 214 already provide a means of evaluating the performance of dynamic systems and, therefore, additional tests are not necessary. Volvo would not support the inclusion of any full scale dynamic tests because a specific test configuration will be of limited use in evaluating head impacts that occur in a wide range of vehicle upper interior. AORC supported the continuous review and refinement of FMVSS No. 214 combined with the use of SID dummy with the Hybrid III head/neck system as a means of measuring head injury potential.

The March 7, 1996 ANPRM sought comment on two alternatives to the upper interior impact protection requirements established in the August 1995 final rule. The first alternative, which the ANPRM indicated would be applicable to dynamically deployed padding, consisted of a 19 km/h (12 mph) FMH test prior to the deployment of the dynamic system and a 32 km/h (20 mph) FMH test after the deployment of the device. The second alternative, which the ANPRM indicated was intended for use in evaluating dynamically deployed air bags, consisted of a 19 km/h (12 mph) FMH test prior to the system deployment and a full scale side crash test employing either a 30 km/h (18.6 mph) rigid pole or a 50 km/h (31 mph) moving barrier test. In suggesting these alternatives, NHTSA intended that a manufacturer would have three choices, compliance with the requirements established in August 1995 or with one of the two alternatives. No consideration was given to the possibility of subjecting all vehicles, regardless of the presence or absence of dynamic side impact systems, to additional mandatory testing.

In response to concerns raised by AAMA and Ford that additional crash testing would be redundant in light of the existing tests specified in Standard 214, the agency notes that while FMVSS No. 214's dynamic side crash test is excellent for evaluating the reduction of chest injury potential, it is not appropriate for assessing the head injury potential of upper interior components because the dummy's head would not, except for some rare cases, strike any vehicle interior components. In view of this, NHTSA disagrees with AAMA's and Ford's contention that FMVSS No. 214's dynamic side impact test requirements are adequate to evaluate the head protection offered by a dynamically deployed system.

Similarly, the agency also rejects AORC's suggestion that FMVSS No. 214 be upgraded to include head injury criterion. NHTSA believes that extensive modifications of FMVSS No. 214 would be required to incorporate the head injury criterion into the standard. Time constraints preclude an upgrade of Standard 214 at this time. Moreover, the agency believes that unless substantial changes were made to Standard 214, including modification of the MDB to ensure impact with the dummies' heads, the standard's test procedures are not appropriate for evaluating dummy HIC and occupant head protection. However, for reasons

explained below, the agency agrees with AORC's suggestion that the SID dummy with the Hybrid III head/neck is appropriate for assessing the protection provided by dynamically deployed systems in lateral impacts. Accordingly, NHTSA has developed a new test dummy combining the head and neck of the Hybrid III with the SID torso. The agency is preparing an NPRM to amend Part 572 to add a new subpart—subpart M—which will contain the specifications for this new dummy.

AHAS strongly opposed a complete exclusion of vehicles equipped with a dynamic system and an exclusion of targets arguably protected by dynamic systems. The agency notes that it did not propose either of these alternatives in the ANPRM and agrees that exclusion of vehicles equipped with a dynamic system from Standard 201 is not an acceptable option. However, the agency does not agree with AHAS's suggestion that dynamic systems be tested through a 32 km/h (20 mph) FMH impact into a deployed system. As noted below, the agency tentatively concludes that a 29 km/h (18 mph) FMH impact test would provide adequate protection to occupants.

NHTSA also does not agree with those commenters who indicated that testing of deployed systems be limited to FMH impacts of 24 km/h (15 mph). NHTSA believes that dynamic systems are not likely to deploy in all crash modes nor to achieve a 100 percent deployment rate in one crash mode. If FMH impact speeds were limited to 24 km/h (15 mph) into a deployed system and 19 km/h (12 mph) into an undeployed system, a vehicle equipped with a dynamic system would offer 24 km/h (15 mph) head protection in certain crashes and 19 km/h (12 mph) head protection in other crashes, depending on the sensor design. In comparison with vehicles with traditional countermeasures providing 24 km/h (15 mph) head protection in all crash scenarios, vehicles with advanced dynamic systems would not provide 24 km/h (15 mph) head protection in all the same scenarios. The result would be a net reduction in safety. This would defeat the purpose of amending Standard 201 to facilitate the efforts of manufacturers to install advanced dynamic systems.

The March 7, 1996 ANPRM suggested two full scale crash tests for evaluating head protection by dynamic systems: (1) a 30 km/h (18.6 mph) side crash test into a fixed, rigid pole of 254 millimeters (10 inches) in diameter (in combination with 19 km/h (12 mph) FMH tests prior to system deployment) and (2) a 50 km/h (31 mph) side impact test using the International Standard Organization (ISO) 10997 MDB fitted with a rigid surface (in combination with 19 km/h (12 mph) FMH tests prior to system deployment). AAMA and its member companies, apparently mistakenly believing that the ANPRM contemplated that full scale testing would be mandatory for all vehicles, opposed the use of either test and stated that no other full scale tests should be employed. Volvo also did not support inclusion of full scale dynamic tests in amended Standard 201. BMW supported alternative tests using a 19 km/h (12 mph) FMH impact into an undeployed system with certain points exempted in combination with a 29 km/h (18 mph) side impact into a fixed, rigid pole 254 millimeters (10 inches) in diameter. A EuroSid dummy or a SID dummy with a Hybrid III head and neck could be used in this test, with an upper limit of a HIC less than or equal to 1000. Under the test suggested by BMW, system deployment would be tested at a FMVSS No. 214 equivalent barrier speed of 24 km/h (15 mph).

As noted above, NHTSA believes that AAMA and its member companies misunderstood the intent of the test procedures discussed in the ANPRM. The two alternative tests outlined in the ANPRM were intended to be optional not mandatory. In demonstrating FMVSS No. 201 compliance for vehicles equipped with a dynamically deployed inflatable device, a manufacturer could choose, at its own option, to comply with either the standard 24 km/h (15 mph) FMH impact tests or with one of the two alternative tests outlined in the ANPRM.

Volvo opposed inclusion of any full scale crash tests. It argued that a specific test configuration would be of limited use in evaluating head impacts that occur in a wide range of vehicle interiors. While the agency acknowledges that employing the rigid pole test by itself would leave many areas of the vehicle untested at the higher impact speed, NHTSA has conducted a safety benefit analysis and concluded that a dynamic system that complies with the ANPRM proposed 29 km/h (18 mph) side-to-pole test would further reduce head injuries beyond the level attained by designs solely meeting the requirements of the August 18, 1995 final rule. NHTSA believes it is appropriate to propose the 29 km/h (18 mph) side-to-pole test allowing flexibility in the test procedure so that manufacturers may install, as they wish, an advanced head protection system in their vehicles.

NHTSA concurs in BMW's suggestion that a test involving a 29 km/h (18 mph) side impact of a moving vehicle into a rigid pole is appropriate for measuring the performance of certain dynamic systems. The pole test is relatively severe and, in the absence of countermeasures, results in HIC scores well above 1000. The test is also well suited to evaluate those systems that, because of the manner in which they deploy, would not be in a position to attenuate impacts occurring through the use of the FMH but would still provide protection to the heads of occupants in crashes.

However, the agency believes that the combination of SID with Hybrid III head/neck is a better dummy test device than the EuroSid dummy because of its higher biofidelity rating. The Hybrid III head and neck are used in the BioSID dummy, whose biofidelity was compared with the Eurosid and the SID by two GM researchers (Mertz and Irwin) in 1990. Using an ISO scale for determining biofidelity, these researchers determined that the biofidelity for the Hybrid III head was within the numeric range equivalent to ''good'' and the neck was ''fair.'' The EuroSid head and neck were found to have scored lower and were rated as ''marginal.''

IV. Proposed Test Procedure

After considering the comments on the ANPRM and other available information, NHTSA has decided to propose amendments to Standard 201's test procedure to allow manufacturers greater flexibility in offering dynamic systems to provide interior impact protection. Given the characteristics of these systems, which include the use of relatively stiff and hard components in areas including target points specified in the test procedure contained in the August 18, 1995 final rule, the agency has decided to propose modifications to the Standard and its test procedures so that manufacturers may, at their option, choose one of three test procedures to demonstrate compliance with this Standard. The first option, hereinafter referred to as option 1, which may be most suitable for vehicles without dynamic systems or systems that deploy from seat backs or door panels, is to perform FMH impacts at 24 km/h (15 mph) at all test points and target angles now specified in the August 1995 final rule. The second and third options, hereinafter referred to as options 2 and 3, respectively, are intended to accommodate dynamically deployed systems by employing FMH testing at a reduced impact speed at those points located directly over a stowed dynamic system and its inflation and attachment hardware. However, to ensure that these

systems offer safety benefits in the deployed mode commensurate with the reduced protection provided in the undeployed mode, both options specify testing of the deployed system at impact speeds above 24 km/h (15 mph).

Based on information contained in the comments received in response to the ANPRM and other data, NHTSA has tentatively concluded that padding and other passive countermeasures required to meet the existing Standard 201 requirements are incompatible with dynamic systems. Such dynamic systems are likely to employ either air bags, inflatable padding or other designs that remain covered inside the trim of B-Pillars, side rails or other structures until activated by a crash. Once activated, the systems will be inflated either by compressed gas or a pyrotechnic device and must deploy rapidly without interference from padding or other soft structures. These devices may also require relatively stiff components in their anchorages and inflation systems and may be relatively inflexible as stored. As such, the characteristics of these devices make compliance with the existing Standard 201 requirements difficult.

The impact of padding on air bag deployments was previously considered by NHTSA in a prior rulemaking in which the head impact protection requirements for instrument panels were amended to reduce the impact speed of test headforms from 24 km/h (15 mph) to 19 km/h (12 mph) in air bag equipped cars. In the July 18, 1990 Notice of Proposed Rulemaking proposing this change, (55 FR 29238), the agency noted that optimal deployment of top mounted air bag systems required that the air bag should not be located more than one inch below the top of the instrument panel while compliance with the 24 km/h (15 mph) head impact test mandated the use of energy absorbing material that was approximately two inches thick (55 FR 29239). In order to encourage the greater use of frontal air bags and obtain a net safety benefit, NHTSA issued a final rule on June 6, 1991 (56 FR 26036) reducing the impact speed requirements for air bag equipped cars.

In regard to the present rulemaking, comments received from Volvo and BMW indicated that meeting the 24 km/h (15 mph) FMH impact requirement set forth in the August 18, 1995 final rule would require the use of energy absorbing material at least one inch thick. In the view of these commenters, as well as Mercedes, employing padding sufficiently thick to meet the 24 km/h (15 mph) FMH impact requirement would preclude the use of inflatable systems or severely limit their effectiveness. The use of padding, in BMW's view, raises particular concerns in inflatable systems that deploy from the roof rails because such systems cannot deploy through one inch of padding. The agency agrees that compliance with the 24 km/h (15 mph) FMH impact requirement through the use of padding alone may require padding as thick as one inch and that padding this thick may interfere with the deployment of dynamic systems.

The agency has tentatively concluded that while the design and performance requirements of these systems may preclude compliance with Standard 201 at an impact speed of 24 km/h (15 mph), they may be designed to provide adequate protection against impact in the undeployed mode at an impact speed of 19 km/h (12 mph). NHTSA estimates that where padding would be required to provide adequate protection in a 19 km/h (12 mph) impact would not be thicker than one-half inch. The agency calculates that this impact speed would accommodate development of dynamic systems because the 19 km/h (12 mph) impact would not place a significant additional burden in terms of padding or other measures. An analysis of the effect of different padding thicknesses on existing passenger cars and LTVs contained in the agency's June 1995 Final Economic Assessment (FEA), FMVSS No. 201, Upper Interior Head Protection, determined that all of the sampled passenger cars and LTVs could meet the 19 km/h (12 mph) impact speed with one-half inch of additional padding on the A-pillars, side rails and B-pillars. As the vehicles examined by the agency and designed prior to the August 1995 amendments to Standard 201 would require additional padding of a half inch or less to provide adequate protection in a 19 km/h (12 mph) FMH impact, NHTSA believes that the 19 km/h (12 mph) impact speed would not present obstacles to the development and employment of dynamic systems.

One procedure, option 2, would use the existing FMH to simulate an occupant's head striking the interior of the vehicle in a crash. In this test, the headform would be propelled into specified targets within the vehicle at differing impact speeds. For those points that are not directly over a dynamic system or its attachment or inflation hardware, the specified impact speed would be 24 km/h (15 mph). For points directly over an undeployed dynamic system (including attachment points and inflation mechanisms), the headform would be propelled at the target at 19 km/h (12 mph) with the system in the undeployed mode and 29 km/h (18 mph) with the system deployed. In order to assure deployment of the system, the triggering mechanism would be tested through use of the lateral crash test contained in S6.12 of Standard 214. The agency is proposing that once triggered, the system would have to reach full deployment in 30 milliseconds (ms) or less.

The other optional test procedure now being proposed, option 3, employs a full scale side impact at 29 km/h (18 mph) into a fixed pole. In this test, any test points or targets inside the vehicle that do not intersect with a line oriented along any of the approach angles described in S8.13.4 and passing through an undeployed dynamic system or any of its components (excluding trim) would be subjected to a 24 km/h (15 mph) FMH impact at the target angles and conditions now contained in the Standard. For those targets that intersect with a line oriented along any of the approach angles described in S8.13.4 and passing through an undeployed dynamic system or any of its components (excluding trim), FMH impacts at a speed of 19 km/h (12 mph) would be employed to test the system in its undeployed condition. To test the effectiveness of the dynamic system in the deployed mode, a full scale 29 km/h (18 mph) side impact into a fixed rigid pole would be used. The point of impact would be aligned with the center of gravity of the head of a dummy seated in a designated front outboard seating position on the struck side. Initially, the seat would be positioned as directed in S6.3 and S6.4 of Standard 214 and the dummy located as directed in S7 of Standard 214. If this positions the dummy such that the point at the intersection of the rear surface of its head and a horizontal line parallel to the longitudinal centerline of the vehicle passing through the head's center of gravity is at least 50 mm (2 inches) forward of the front edge of the B-pillar at that same horizontal location, then the dummy is tested in this position. If not, the seat back angle is to be adjusted, a maximum of 5 degrees, until the 50 mm (2 inches) B-pillar clearance is achieved. If this is not sufficient to produce the desired clearance, the seat is to be moved forward to achieve that result. The agency recognizes that these modifications to the Standard 214 seating procedure will likely make it necessary to adjust other specifications of that procedure, such as the allowable pelvic angle range, the target H-point location, and lower extremity positions.

The agency asks for comments regarding seating procedure issues.

This pole test is nearly identical to the proposed ISO test procedure found in the ISO/TC22/SC10/WG3 draft ISO Technical Report *Road Vehicles, Test Procedure for Evaluating Various Occupant Interactions with Deploying Side Impact Air Bags* (February 9, 1995). The seating procedure for the pole test was designed to adhere to the extent possible to the proposed ISO test procedure which states to ''Seat the dummy so that its head is sufficiently within the front window opening that the striking pole is unlikely to contact the A- or B-pillar''. NHTSA notes that use of this test furthers the goal of international harmonization of standards and test procedures.

In order to accurately gauge the performance of the system in protecting the head, neck and torso, the test dummy would be a SID dummy modified to accept the Hybrid III head and neck. As is the case with the first and second options, the HIC value would not exceed 1000. In the proposed test, the one dummy would be placed in the front outboard seat of the struck side of the vehicle. However, the agency is continuing to consider the use of a second dummy in the rear outboard seating position of the struck side.

The March 7, 1996 ANPRM contained a suggestion that dynamically deployed devices be tested by the use of a side impact test employing a Moving Deformable Barrier (MDB). The proposed MDB test consisted of a 50 km/h (31 mph) lateral impact by an ISO #10997 MDB not less than 1270 mm (50 inches) high. However, even with the use of an MDB of sufficient height to simulate a high hooded striking vehicle, the resulting changes in velocity to the head and HIC scores are insufficient to assure real benefits from the use of dynamically deployed systems. While the use of this test was supported by AORC, the agency is not proposing this test.

NHTSA made this decision based on examination of crash test data submitted by BMW in which a 90 degree lateral moving barrier crash test using the MDB employed in Standard 301 testing produced HIC scores far below 1000. The agency then calculated that increasing the impact speed from 32 km/h (20 mph) to 48 km/h (30 mph) would not result in appreciable increases in HIC scores. Based on the data described above, NHTSA tentatively concludes that the MDB test would not be severe enough to promote safety. Accordingly, NHTSA has dropped consideration of this test.

The agency also examined the possibility of using the Standard 214 test procedure to evaluate dynamically deployed systems. Since manufacturers are already conducting Standard 214 tests, the testing of dynamically deployed systems could, theoretically, be pursued simultaneously through the use of a SID dummy with a Hybrid III head/neck. The agency examined several series of crash tests conducted pursuant to Standard 214. As is the case with testing using the MDB, examination of the data from Standard 214 testing indicates that these tests do not produce changes in head velocity sufficient to gauge the performance of systems intended to provide head protection in interior impacts. As the greatest loads experienced in Standard 214 testing are applied to the torso, contacts between the head and the vehicle interior or other structures are rare. In addition, test dummies are secured in the vehicle by belts during testing. HIC scores near or above 1000 occur only when the head strikes the MDB, which NHTSA believes to occur in eighteen percent of the Standard 214 type tests. Therefore, NHTSA tentatively concludes that using a Standard 214 test with the standard barrier height would not be appropriate.

Alternatively, as an attempt to adapt the Standard 214 test for use in evaluating head protection, another approach would be to conduct a lateral impact test with the Standard 214 MDB with a modified rigid face. The barrier face would be high enough to intrude into the upper interior parts of the greenhouse. However, even though head contact with the vehicle interior or barrier would occur, the agency calculates that the resulting HIC scores, in the absence of countermeasures, would be in the range of 225–300 for the driver and 250–325 for a rear seat passenger. Therefore, the head impacts and resulting HIC scores would be too moderate to promote improvements in head protection. The agency also considered employing a test using the FMVSS No. 301 ''Fuel System Integrity'' barrier at 32 km/h (20 mph) or 48 km/h (30 mph) to achieve higher lateral kinetic energy levels. While such a test would be more severe than the test specified in Standard 214, the agency has tentatively concluded that this approach also would not promote the introduction of highly efficient and effective dynamically deployed systems.

In addition to considering use of moving deformable barrier tests, NHTSA also examined the possibility of using a moving pole rather than a barrier to impact a stationary test vehicle. While such a test would be more severe than those involving a moving barrier, the agency has decided not to propose this test. When the test vehicle is propelled into a stationary pole, the vehicle will be free to interact dynamically with the pole and the resulting motion of the head and thorax are more likely to represent conditions encountered in actual crashes. While NHTSA is aware that a car-to-pole test procedure poses certain technical challenges, the agency believes that these are simpler to resolve in the short term compared to those involved in a moving pole test.

A. Option 2: Testing Deployed Dynamic Systems in FMH Impacts

1. Impact Speed

In order to assure that the goals of Standard 201 are not compromised by the proposed amendments, dynamic systems tested under this option would be subjected to 19 km/h (12 mph) FMH impacts in the undeployed state at target points directly over an undeployed dynamic system (including attachment points and inflation mechanisms), and a 29 km/h (18 mph) FMH impact into the same target points with the system deployed. While none of the manufacturers or suppliers who provided comments in response to the ANPRM supported the use of impact speeds above 24 km/h (15 mph) for testing of a deployed dynamic system, NHTSA believes that such an impact speed would result in a net increase in safety and would not place an undue burden on manufacturers. The agency notes that the selection of this impact speed provides important assurances that vehicles equipped with dynamic systems would, with the systems deployed, provide safety benefits commensurate with the decrease in the level of impact protection provided in less severe crashes where the dynamic system might not deploy.

2. System Deployment

As proposed, testing under option 2 would require FMH impacts into a deployed dynamic system. In order to ensure that dynamic systems would deploy in the event of a side impact, the agency is proposing that manufacturers choosing this option must also test the sensor and inflation system to determine that it will function in the event of a side impact. The agency is proposing that the lateral barrier test set forth in S6.12 of FMVSS No. 214, ''Side Impact Protection'' provides appropriate conditions for the testing of the triggering and inflation systems for dynamic head protection devices. Accordingly, NHTSA proposes that,

under option 2, manufacturers must test the triggering and inflation systems of dynamic head protection systems as part of testing conducted for certification to Standard 214. The agency notes that this test would not measure the performance of dynamic systems intended to provide head protection in frontal or rearward impacts and solicits comments on what test procedures, including those now contained in Standard 208 and Standard 301, might be used for this purpose.

As this proposed test would not actually measure the performance of dynamic head protection systems in protecting against impacts, the agency is also proposing that the system must reach full deployment within 30 milliseconds of the initial contact with the barrier. NHTSA believes that this time period is sufficiently brief to ensure that systems will deploy fully before they are contacted by occupants in a side impact but requests comments on this issue. The agency also requests comments on what means may be used to determine if a system has reached full deployment.

The agency is also aware that future dynamic head protection systems may be designed to provide protection to occupants in front and rear impacts. NHTSA solicits comments on what tests would be appropriate for evaluating deployment of such systems.

3. Target Angles

NHTSA is proposing that testing conducted under option 2, with the exception of the differing impact speeds for deployed and undeployed systems for target points where a deployed system would be interposed between the FMH and the target point, be identical to testing conducted under option 1. Under this proposal, the target angles now specified in the Standard would be used for testing under option 2, and for 19 km/h (12 mph) FMH impact testing under option 3. The agency believes that the use of these target angles is appropriate for both deployed and undeployed devices, but solicits comments on the question of whether the design of particular dynamic systems, i.e., inflatable padding (or larger side air bags), would require modifications to the existing target angles.

B. Option 3—Testing Deployed Dynamic Systems in Full Scale 29 km/h (18 mph) Side Impact Into Fixed Pole

NHTSA recognizes that some dynamic head protection systems now under consideration may deploy from the roof rail in a downward direction and interpose themselves between an occupant's head and the window opening. As these systems would provide head protection by preventing or cushioning impacts between the head or upper torso and the vehicle interior in side impacts without necessarily having any effect on the FMH impacts specified in the August 18, 1995 final rule, testing either under that standard or the proposed option 2 would preclude employment of these designs. However, preliminary reviews of the performance of these systems in testing reveals that they may offer significant safety benefits. In an effort to provide maximum flexibility to manufacturers in developing dynamic head protection systems, the agency is proposing to offer manufacturers the option of demonstrating compliance with Standard 201 through an optional test procedure combining the existing 24 km/h (15 mph) FMH impact, a 19 km/h (12 mph) FMH impact in the undeployed mode for points directly over an undeployed dynamic system (including attachment and inflation mechanisms) and a full scale side impact test with a 29 km/h (18 mph) side impact into a 254 mm (10 inch) rigid pole. In the latter test, the subject vehicle would be propelled into the pole so that the pole would impact at the center of gravity of the head of a seated dummy positioned on the designated front outboard seating position of the struck side. Since the FMH cannot be used for evaluating HIC in such an impact and the Hybrid III head and neck assembly appears to be the most biofidelic test device currently available, the agency is also proposing that the Hybrid III head and neck be used with the existing SID dummy for this test.

Although the agency is considering the use of test dummies in both front and rear outboard seating positions in the pole test, it is currently proposing that a dummy be positioned in the front seat alone. NHTSA believes that a single dummy will be adequate to measure the effectiveness of dynamic systems in the pole test. Nonetheless, the agency is concerned that certain systems may only protect front seat occupants. This concern becomes heightened by the possibility that some designs may be, in the undeployed mode, located under target points that may be encountered by a rear seat occupant in a crash. As these target points would only be required to provide protection against a 19 km/h (12 mph) FMH impact, rear seat occupants who are not protected by the deployed system may encounter an increased risk of injury. The agency requests comments on the capability of dynamic systems to provide protection to rear seat occupants as well as the efficacy and consequences of placing an instrumented dummy in the rear outboard position on the struck side for the pole test.

In the March 7, 1996 ANPRM, the agency indicated that it was considering proposing the use of either a Moving Deformable Barrier (MDB) impact test with an impact speed of 50 km/h (31 mph) or a 30 km/h (18.6 mph) pole test as one of the options for testing dynamic head protection systems. After reviewing the comments received in response to the ANPRM and other available data indicating that the use of the MDB would not result in impacts severe enough to assess head protection, the agency is now proposing adoption of the pole test. The agency believes that the pole test is a more appropriate choice. Crash data reveals that serious to fatal injuries in side impacts are most likely to involve the head, chest and abdomen. These data also reveal that while vehicle-to-vehicle impacts, those simulated by MDB impacts, represent over 80 percent of side impact crashes with serious to fatal injuries, the much smaller percentage of impacts with narrow objects result in a disproportionately high rate of fatalities and injuries. These impacts with narrow objects, which are represented by the pole test, also present a serious safety concern. Use of the pole test, which simulates head impacts found in accident scenarios that cannot be reproduced using the MDB, provides a means for evaluating head protection systems and, in conjunction with the requirements of Standard 214, would promote a higher level of safety in side impacts. Accordingly, the agency has decided to propose under Option 3 that a 19 km/h (12 mph) FMH impact test for those points directly over an undeployed system and 29 km/h (18 mph) pole test be employed rather than the 50 km/h (31 mph) barrier test.

NHTSA notes that under option 3, manufacturers choosing to employ dynamic systems whose components are not stored in roof rails or other areas covered by Standard 201 would be required to meet the 24 km/h (15 mph) FMH impact test even though such a system, in its deployed state, may provide head protection against impact with the target points specified in this standard. The agency, therefore, requests comments on whether a dynamic system which, when deployed and observed in a side view, completely covers the 95th percentile ellipse as defined in SAE Recommended Practice J941—Motor Vehicle Driver's Eye Locations (June 92) would provide

protection against impacts with targets on the A-pillar, B-pillar and side rails.

1. Impact Speed

NHTSA believes that a 29 km/h (18 mph) impact speed is appropriate for the pole test. The agency notes that existing test data indicate that impacts into a rigid pole aligned with the center of gravity of the dummy's head will, in vehicles without dynamic systems, result in severe impacts with interior structures and/or the pole itself resulting in HIC values equivalent to fatal or near fatal injury. While this test is a severe test, review of test data from prototype dynamic systems indicates that these systems have the capability to provide sufficient protection to the head so that the HIC score resulting from such an impact is at or near the current standard. In the agency's view, the severity of this test and the anticipated safety benefit of systems that meet it, are such that any decrease in safety benefits resulting from the specification of a 19 km/h (12 mph) FMH impact instead of a 24 km/h (15 mph) FMH impact into the undeployed system would be offset by the reduction of severe or fatal injury in higher speed impacts where the deployed system would provide superior protection, particularly in collisions with narrow fixed objects.

2. Rigid Pole

The agency is proposing that the rigid pole shall be a vertically oriented metal structure beginning no more than 102 millimeters (4 inches) off the ground and extending to a minimum height of 2032 millimeters (80 inches). The pole would be 254 millimeters (10 inches) in diameter and mounted so that no part of its supporting structure would contact the test vehicle at any time after the vehicle's initial contact with the pole.

3. Impact Angle

The agency is currently proposing that the striking vehicle would strike the pole at an angle of 90 degrees. However, crash data indicates that impacts within the range of 30 to 60 degrees may be more representative of actual impacts. NHTSA therefore solicits comments on whether such impact angles would result in a test procedure better suited for evaluating performance in a crash. The agency is also concerned that the use of angles smaller than 90 degrees may present technical challenges in testing and solicits comments on this issue as well.

4. Propulsion System

NHTSA is not proposing to specify the manner in which a vehicle is propelled into the pole. As outlined in the PRE, the agency has examined a variety of test configurations for moving test vehicles sideways into the rigid pole, including mounting the vehicle on a test cart or employing low friction pads under the test vehicle's tires, and believes that such a test can be performed with sufficient accuracy, repeatability and reproducibility. Nonetheless, the agency has concerns about the effects of differing means of propelling test vehicles sideways while controlling pitch, yaw and roll and solicits comments on overcoming friction and controlling vehicle attitudes while conducting the proposed option 3 test.

5. Impact Point

The agency is proposing that the impact specified in option 3 occurs with the center line of the rigid pole aligned with the impact reference line on the struck side of the vehicle, passing through, in the lateral direction, the center of gravity of the head of the dummy located in the front outboard seating position. This dummy, and the vehicle seat, would be positioned in accordance with the procedures specified in Standard 214, if this positions the dummy's head such that the point at the intersection of the rear surface of its head and a horizontal line parallel to the longitudinal centerline of the vehicle passing through the head's center of gravity is at least 50 mm (2 inches) forward of the front edge of the B-pillar at that same horizontal location. If not, the seat back angle is to be adjusted, a maximum of 5 degrees, until the 50 mm (2 inches) B-pillar clearance is achieved. If this is not sufficient to produce the desired clearance, the seat is to be moved forward to achieve that result. The initial pole-to-vehicle contact must occur within an area bounded by two transverse vertical planes located 38 mm (1.5 inches) forward and aft of the impact reference line. NHTSA notes that experience in conducting this type of test is, compared to Standard 214 tests, somewhat limited. Based on its knowledge gained in conducting Standard 214 tests, the agency believes that a tolerance of +/-38 mm (1.5 inches) is sufficient for the pole test. The agency requests comments on the degree of difficulty of achieving an impact within the ranges specified above and the feasibility of using the existing-Standard 214 seat positioning and dummy seating procedures and/or the proposed modifications to those procedures.

6. SID/H3 Test Dummy

NHTSA is proposing specifications and qualification requirements for the SID/H3 dummy, which would be set forth in subpart M of part 572. The specifications consist of a drawing package containing all of the technical details of the redesigned neck bracket. NHTSA believes that these drawings and specifications would ensure that the resulting SID/H3 dummies vary little in their construction. Performance criteria would serve as calibration checks and further assure the uniformity of dummy assembly, construction, and instrumentation. As a result, the repeatability of performance in impact testing would be ensured.

The SID/H3 combination was developed as part of NHTSA's research program, and is essentially a Hybrid III dummy head and neck mounted to a modified SID torso. The modifications include replacing the existing SID neck bracket with a new neck bracket. Without this modification, the use of the Hybrid III head and neck with the SID torso results in a head center of gravity that is 38 mm (1.5 inches) higher than that of the SID head mounted on the SID torso. In order to retain the same neck alignment and head profile as the existing SID, the new neck bracket, when used to mount the Hybrid III head and neck, results in the CG of the Hybrid III head being 19 mm (0.75 inches) higher than the CG of the SID head when mounted on the SID torso. In addition, adoption of the Hybrid III neck component and the new neck bracket would add a negligible amount of weight, 0.59 kilograms (1.3 pounds), to the SID dummy. NHTSA believes that the resulting head CG height and neck weight would not pose any obstacle to the use of the SID/H3 dummy because the new dummy seating height is nearly identical to that of the SID and the weight is still less than that of the Hybrid III. The Hybrid III head is instrumented with a tri-axial accelerometer package, positioned to measure the acceleration of the center of gravity. This permits the measurement of HIC.

The agency believes that this SID/H3 combination, which joins proven components of existing dummies through the use of a redesigned neck bracket, is the best configuration currently available for evaluating head and neck behavior in side impacts.

7. Biofidelity

Biofidelity is a measure of how well a test device duplicates the responses of a human being in an impact. The Hybrid III dummy is specified in Standard No. 208. Its biofidelity in frontal impacts is well accepted, particularly for forehead impacts. SID, or the Side Impact Dummy, is specified for use in Standard

214. Its biofidelity in assessing damage to the thorax and pelvis in side impacts is also well accepted. Therefore, NHTSA's concern, in developing a component test using the SID/H3 combination, was whether the Hybrid III head and neck responses for lateral acceleration could provide a valid basis for the evaluation of human injury in such impacts.

The agency notes that the biofidelity of the Hybrid III head and neck in lateral impacts has been evaluated by the international biomechanics community, as well as by NHTSA. NHTSA conducted a review of research in which the Hybrid III head and neck were subjected to head drop and neck pendulum tests. The results and methodology of this drop testing were compared with data obtained on head impact tests performed on cadavers. A comparison of the relationship between acceleration and HIC scores for both the cadavers and the Hybrid III head indicates that the lateral impact responses of the Hybrid III head is representative of human cadavers up to HIC scores of 2500. Since lateral impacts with dynamic head protection systems or other interior components are likely to produce accelerations and HIC scores within this range, the agency has concluded the Hybrid III head may be used to assess these impacts. The biofidelity rating for the Hybrid III head and neck and the SID torso, based on existing data, is far beyond the minimum acceptable level for side impact evaluation.

8. Repeatability and Reproducibility

NHTSA has evaluated the repeatability and reproducibility of the proposed test procedure, with particular focus on the HIC responses. Repeatability refers in this context to the control of variation of SID/H3 responses in replicate tests using the same dummy, while reproducibility refers to control of variation of SID/H3 responses in replicate tests using different dummies.

The agency considers +/−10 percent to be an acceptable range of variability and a measure of good repeatability or reproducibility, while +/−5 percent is considered to be highly acceptable variability and an indicator of excellent repeatability or reproducibility.

As a starting point, the agency notes that it has previously determined that the Hybrid III head, as a component of the full Hybrid III dummy, has highly acceptable variability or excellent repeatability and reproducibility in frontal crashes. NHTSA also notes that the biofidelity of the Hybrid III head and neck in lateral impact was examined in a series of head drop tests and head/neck assembly pendulum impact tests by two GM researchers in 1990. In addition to examination of the GM tests, NHTSA conducted a series of drop tests on the Hybrid III head and pendulum tests on the Hybrid III head and neck assembly. These tests were designed to provide a controlled impact environment so that any variability was limited to the Hybrid III components and the test procedure.

The agency found that the average percent variation for peak head resultant acceleration for the Hybrid III head in lateral drop tests is highly acceptable. The degree of variation encountered indicated that repeatability and reproducibility for the tests were excellent. Lateral pendulum impact tests on the head/neck assembly indicated that the average percent variation for occipital moment was excellent for both repeatability and reproducibility. The average percent variation for neck rotation was excellent for repeatability and good (nearly excellent) for reproducibility. In addition, the SID/H3 combination was tested through a series of 29 km/h (18 mph) sled lateral impact tests. Two vertical, rigid plates were mounted perpendicular to the direction of motion of the sled, at the head and the torso heights, respectively. During the test, the head and the torso would impact the plates. Two test series, each with three tests, were conducted using a SID/H3 dummy with the standard or the new neck brackets. The test results show nearly the same average HIC values (within 4 percent) and the average percent variations indicating that repeatability for HIC is excellent.

Based on the above tests and analyses, which are described in more detail in the PRE, NHTSA has tentatively concluded that the repeatability and reproducibility of the proposed SID/H3 are sufficient for this rulemaking.

V. Performance Requirements

In this rulemaking, NHTSA is proposing to require passenger cars and LTVs not to exceed specified HIC(d) limits when any of the specified upper interior components are impacted by the FMH in accordance with the specified test procedure or specified HIC limits when SID/H3 dummies are employed in the side impact crash test outlined in option 3. As indicated in the present version of Standard 201, HIC(d) is calculated when using the FMH and represents the HIC that would be experienced by a full dummy or actual vehicle occupant.

The agency is proposing a single, across-the-board limit of HIC(d) 1000 for all specific upper interior components whether protected by a dynamic system or not and regardless of whether the system is deployed or undeployed. When testing of a dynamic system is undertaken under option 3, involving the full side impact pole test and a SID/H3 dummy, the upper limit would also be a HIC(d) of 1000.

VI. Costs

Evaluation of costs associated with this proposed rule is conditioned by several factors. The proposed amendments would not impose any new performance requirements. Instead, these changes are being instituted to enable vehicle manufacturers to use innovative technologies to further occupant protection. Only those manufacturers deciding to install those technologies would be subject to the new requirements. Since no new requirements are included in the proposal, the costs incurred would be compliance test costs and expenses rather than vehicle costs relating to the design and implementation of safety countermeasures. Since the proposed optional test procedures are still under development, a complete accounting of test costs cannot be produced at this time.

The compliance costs for the proposed option 1 would be the same as those for the August 1995 final rule. Compliance costs for the proposed option 2 test would only be slightly higher due to the additional requirement of testing system deployment through employment of the Standard 214 lateral moving barrier crash test. Assuming that a Standard 214 lateral crash test was performed solely for the purpose of testing system deployment, NHTSA estimates that each test would cost approximately $10,000, plus the cost of the test vehicle.

The agency believes that proposed test option 3 would require the greatest expenditure among all the test options. NHTSA estimates that the pole test would cost in the range of $10,000 to $13,000 (excluding the cost of the test vehicle) with an additional $1,750 for calibration tests for the head, neck, lumbar spine, thorax, and pelvis. The cost of fabricating a new neck bracket for joining the Hybrid III head to the SID torso is estimated to be approximately $200 to $300. Due to the use of existing SID torsos, Hybrid III head/neck hardware and standard laboratory calibration equipment, NHTSA believes that there would be little or no extra costs for the pole test beyond the test itself. The severity of the pole test would not create a need for more rib replacements than currently

experienced in side crash testing. Further, most, if not all, crash test facilities have a fixed frontal barrier with a pole crash test hardware that can be installed as an option. Pole tests using both fixed and moving poles have been conducted by manufacturers for research and development purposes for 30 years. Some of the roll, pitch and yaw specifications (to be determined), needed to control the relationship of the pole centerline to head CG, may add cost to the existing Tow cable and rail systems. For example, a pair of above ground stabilization rails and trollies may cost an added $15,000 to $20,000 per facility to build, fabricate and install. Roll, pitch and yaw instrumentation may be needed to measure compliance with the test procedure boundaries.

VII. Benefits

NHTSA's analysis of benefits is presented in the PRE. This analysis is necessarily incomplete due to the fact that the design, research and development of dynamic head protection systems is still in its infancy. Nonetheless, the agency was able to provide a benefits estimate through the use of prior analyses prepared for the existing version of Standard 201 and test data provided by BMW obtained from testing of the Inflatable Tubular System (ITS). Estimates of the effectiveness of the ITS system were applied to a baseline HIC distribution prepared for the August 1995 final rule. Use of this analysis indicated that if systems whose effectiveness was equivalent to the BMW ITS were employed in the existing passenger car and light truck fleet there would be 572–655 fewer fatalities and 640–990 fewer moderate to critical nonfatal injuries each year.

NHTSA also recognizes that the proposed modifications to Standard 201 might also increase the risk of injury in lower speed crashes. As noted above, those manufacturers availing themselves of option 2 to test dynamic systems would perform FMH impact tests at 19 km/h (12 mph) into an undeployed system and 29 km/h (18 mph) into a deployed system. The agency calculates that reducing the impact speed for the FMH under options 2 and 3 to 19 km/h (12 mph) from the 24 km/h (15 mph) impact used under the August 18, 1995 final rule would result in 1075 more MAIS 1–3 injuries. However, increasing the impact speed from 24 to 29 km/h (18 mph) when the FMH is impacted into a deployed system would, in NHTSA's estimation (using the Mertz-Prasad method), result in systems that would prevent 119 fatalities and 125 MAIS 4 and 5 injuries. (Calculations using the Lognormal method show an increase of 1,273 MAIS 1 injuries but 311 fewer fatalities as well as 512 fewer MAIS 2–5 injuries).

Since NHTSA is not proposing to mandate systems meeting either option 2 or option 3 (such as the BMW ITS), it is difficult to predict which manufacturers would choose to install dynamic systems and what the effectiveness of each system would be. The agency's preliminary analysis, however, makes it clear that these systems would reduce fatal and near fatal injuries.

VIII. Effective Date

The agency is proposing that the final rule become effective 30 days after it is published. NHTSA is proposing that the final rule's effective date be less than 180 days after publication in an effort to facilitate the early introduction of dynamic systems that may be in an advanced stage of development or actually in production. As production of vehicles with dynamic systems may begin prior to the effective date of the final rule, NHTSA will allow manufacturers of such vehicles to include them in their calculation of complying vehicles under S6.1.5 if such vehicles meet the requirements of S6.1(b) or S6.1(c) as promulgated in the final rule.

IX. Risk of Injury

In the request for comments contained in the March 7, 1996 ANPRM, the agency requested information on the potential, if any, for increased neck injury as the result of the deployment of dynamic head protection systems. Commenters responding to this inquiry indicated either that there was insufficient information to address this concern or, in the case of Mercedes and BMW, preliminary evaluations of dynamic systems indicated that they did not increase stress on the neck. NHTSA has not performed any significant research or testing on this issue. Therefore, the agency requests comments on the issue of whether the use of dynamic head protection systems would increase neck loads and potential injuries in a crash.

The agency is also concerned that the use of dynamic head protection systems such as inflatable padding, side air bags or similar systems that deploy across window openings, might pose other risks to occupants. One concern is that the use of pyrotechnic inflators, and to a lesser extent compressed gas inflators, may be a source of auditory pain or injury. NHTSA notes that dynamic head protection devices may require placement of inflators in relatively close proximity to the ears of vehicle occupants. In addition, deployment of the dynamic systems themselves may have the potential for exposing the ear to noise and pressure, particularly if the occupants are out-of-position. The agency solicits comments on the issue of whether dynamic systems have the potential to cause injury to the ear and auditory system of occupants.

Unlike conventional air bag systems designed to protect occupants in frontal crashes, side impact air bags and dynamic head protection systems are in a comparatively early stage of development. In addition, the agency anticipates that these systems may exist in a variety of configurations, each offering specific advantages and disadvantages. Under these conditions, NHTSA recognizes that knowledge of the characteristics of dynamic systems may be limited. Nonetheless, the agency is concerned that dynamic systems may have the potential to cause injury to particular classes of vehicle occupants, particularly those who are unrestrained and out of position at the time of deployment. The agency solicits comments regarding the possibility of increased injury, if any, posed to occupants by dynamic systems including unrestrained occupants, occupants small in size or weight and children secured in child seats and infant carriers.

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (Safety Act; 15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. Section 105 of the Safety Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

X. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This

rulemaking document was reviewed under E.O. 12866, ''Regulatory Planning and Review'' and is considered significant under the Department of Transportation's regulatory policies and procedures.

The agency has prepared a Preliminary Regulatory Evaluation describing the economic and other effects of this rulemaking action. Summary discussions of many of those effects are provided above. For persons wishing to examine the full analysis, a copy is being placed in the docket.

B. Regulatory Flexibility Act

NHTSA has also considered the effects of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that it would not have a significant economic impact on a substantial number of small entities. The cost of new passenger cars or light trucks would not be affected by the proposed amendment. The proposed amendment would primarily affect passenger car and light truck manufacturers which are not small entities under 5 U.S.C. 605(b). The Small Business Administration's regulations at 13 CFR Part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR § 121.105(a)).

The agency estimates that there are at most five small manufacturers of passenger cars in the U.S., producing a combined total of at most 500 cars each year. The agency does not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production each year. The primary cost effect of the proposed requirements would be on manufacturers of passenger cars and LTVs. Final stage manufacturers are generally small businesses. However, NHTSA believes that the proposed requirements would not be burdensome for final stage manufacturers. The amendments proposed in this rulemaking do not impose any additional mandatory requirements on manufacturers or final stage manufacturers but rather provide these manufacturers with a means for evaluating advanced dynamic head protection systems should they choose to install such systems. Further, since two of the options the agency is proposing are component tests, a final stage manufacturer could test, or could sponsor a test, of a padded component or dynamic system outside of the vehicle on a test fixture, to the extent such testing may be needed to support certification. Manufacturer associations could also sponsor generic tests to determine the amount and type of padding or design of dynamic system needed for basic structures that would be used by a number of final stage manufacturers, to reduce certification costs.

Other entities which would qualify as small businesses, small organizations and governmental units would be affected by this rule to the extent that they purchase passenger cars and LTVs. They would not be significantly affected, since the potential cost increases associated with this action should only slightly affect the purchase price of new motor vehicles. Accordingly, the agency has not prepared a preliminary regulatory flexibility analysis.

C. National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

D. Executive Order 12612 (Federalism) and Unfunded Mandates Act

The agency has analyzed this rulemaking action in accordance with the principles and criteria set forth in Executive Order 12612. NHTSA has determined that the amendment does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

In issuing this proposal to permit optional testing to accommodate dynamic head protections systems, the agency notes, for the purposes of the Unfunded Mandates Act, that it is pursuing the least cost alternative. As noted above, any manufacturer may choose one of three options to test for compliance with Standard 201, including the test procedure established in the August 18, 1995 final rule. As this rulemaking does not require manufacturers to meet new minimum performance requirements but sets minimum performance criteria for optional systems, it does not impose new costs.

E. Civil Justice Reform

This proposed amendment does not have any retroactive effect. Under 49 U.S.C. 21403, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 21461 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

XI. Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

PART 571.201—[AMENDED]

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 21411, 21415, 21417, and 21466; delegation of authority at 49 CFR 1.50.

§ 571.201 [Amended]

2. Section 571.201 would be amended by adding a definition of *Dynamically deployed interior protection system* to S3, revising S6.1, S6.2 and S7, and by adding S8.13.3 and S8.16 through S8.28 as follows:

S3. Definitions

* * * * *

Dynamically deployed interior protection system means a protective device or devices which are integrated into a vehicle and which, when activated by an impact to or by the vehicle, provides, through means requiring no action from occupants, protection against head impacts with interior structures and components of the vehicle in crashes.

* * * * *

S6.1 *Vehicles manufactured on or after September 1, 1998 and before September 1, 2002.* Except as provided in S6.3, for vehicles manufactured on or after September 1, 1998 and before September 1, 2002, a percentage of the manufacturer's production, as specified in S6.1.1, S6.1.2, S6.1.3, or S6.1.4, shall conform, at the manufacturer's option with said option selected prior to, or at the time of, certification of the vehicle, to one of the following:

(a) When tested under the conditions of S8, comply with the requirements specified in S7 at the target locations specified in S10 when impacted by the free motion headform specified in S8.9 at any speed up to and including 24 km/h (15 mph). The requirements do not apply to any target that cannot be located using the procedures of S10.

(b) When equipped with a Dynamically Deployed Interior Protection system and tested under the conditions of S8, comply with the requirements specified in S7 at the target locations specified in S10 when impacted by the free motion headform specified in S8.9 at any speed up to and including 24 km/h (15 mph). For target locations specified in S10 that, when the Dynamically Deployed Interior Protection system is not deployed, are, when viewed from any of the angles specified in S8.13.4, over the stowed system, including mounting and inflation components but exclusive of any cover or covers, comply with the requirements specified in S7 when impacted by the free motion headform specified in S8.9 and tested under the conditions of S8 at any speed up to and including 19 km/h (12 mph) with the system undeployed. For target locations specified in S10 that, when the Dynamically Deployed Interior Protection system is not deployed, are, when viewed from any of the angles specified in S8.13.4, over the stowed system, including mounting and inflation components but exclusive of any cover or covers, comply with the requirements specified in S7 when impacted by the free motion headform specified in S8.9 and tested under the conditions of S8 at any speed up to and including 29 km/h (18 mph) with the system fully deployed. The requirements do not apply to any target that can not be located using the procedures of S10. The dynamic system shall, when tested under the lateral impact of S6.12 of Standard No. 214, 49 CFR 571.214, deploy fully within 30 milliseconds.

(c) When equipped with a Dynamically Deployed Interior Protection system and tested under the conditions of S8, comply with the requirements specified in S7 at the target locations specified in S10 when impacted by the free motion headform specified in S8.9 at any speed up to and including 24 km/h (15 mph). For those target locations specified in S10 that when the Dynamically Deployed Interior Protection system is not deployed, are over the stowed system, including mounting and inflation components but exclusive of any cover or covers, when viewed from any of the angles specified in S8.13.4, comply with the requirements specified in S7 when impacted by the free motion headform specified in S8.9 and tested under the conditions of S8 at any speed up to and including 19 km/h (12 mph) with the system undeployed. The requirements do not apply to any target that can not be located using the procedures of S10. Each vehicle shall, when equipped with a dummy test device specified in 49 CFR part 572, subpart M, and tested under conditions of S8.16 through S8.28, comply with the requirements specified in S7 when laterally crashed into a fixed, rigid pole of 254 mm in diameter, at any velocity up to and including 29 kilometers per hour.

* * * * *

S6.2 *Vehicles manufactured on or after September 1, 2002.* Except as provided in S6.3, vehicles manufactured on or after September 1, 2002 shall, when tested under the conditions of S8, conform, at the manufacturer's option with said option selected prior to, or at the time of, certification of the vehicle, to one of the following:

(a) When tested under the conditions of S8, comply with the requirements specified in S7 at the target locations specified in S10 when impacted by the free motion headform specified in S8.9 at any speed up to and including 24 km/h (15 mph). The requirements do not apply to any target that cannot be located using the procedures of S10.

(b) When equipped with a Dynamically Deployed Interior Protection system and tested under the conditions of S8, comply with the requirements specified in S7 at the target locations specified in S10 when impacted by the free motion headform specified in S8.9 at any speed up to and including 24 km/h (15 mph). For target locations specified in S10 that, when the Dynamically Deployed Interior Protection system is not deployed, are, when viewed from any of the angles specified in S8.13.4, over the stowed system, including mounting and inflation components but exclusive of any cover or covers, comply with the requirements specified in S7 when impacted by the free motion headform specified in S8.9 and tested under the conditions of S8 at any speed up to and including 19 km/h (12 mph) with the system undeployed. For target locations specified in S10 that, when the Dynamically Deployed Interior Protection system is not deployed, are, when viewed from any of the angles specified in S8.13.4, over the stowed system, including mounting and inflation components but exclusive of any cover or covers, comply with the requirements specified in S7 when impacted by the free motion headform specified in S8.9 and tested under the conditions of S8 at any speed up to and including 29 km/h (18 mph) with the system fully deployed. The requirements do not apply to any target that can not be located using the procedures of S10. The dynamic system shall, when tested under the lateral impact of S6.12 of Standard No. 214, 49 CFR 571.214, deploy fully within 30 milliseconds.

(c) When equipped with a Dynamically Deployed Interior Protection system and tested under the conditions of S8, comply with the requirements specified in S7 at the target locations specified in S10 when impacted by the free motion headform

specified in S8.9 at any speed up to and including 24 km/h (15 mph). For those target locations specified in S10 that when the Dynamically Deployed Interior Protection system is not deployed, are over the stowed system, including mounting and inflation components but exclusive of any cover or covers, when viewed from any of the angles specified in S8.13.4, comply with the requirements specified in S7 when impacted by the free motion headform specified in S8.9 and tested under the conditions of S8 at any speed up to and including 19 km/h (12 mph) with the system undeployed. The requirements do not apply to any target that can not be located using the procedures of S10. Each vehicle shall, when equipped with a dummy test device specified in Part 572, Subpart M, and tested under conditions of S8.16 through S8.28, comply with the requirements specified in S7 when laterally crashed into a fixed, rigid pole of 254 mm in diameter, at any velocity up to and including 29 kilometers per hour.

* * * * *

S7 *Performance Criterion.* The HIC(d) shall not exceed 1000 when calculated in accordance with the following formula:

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$$HIC = [\frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a dt]^{2.5} (t_2 - t_1)$$

BILLING CODE 4910–59–C

Where the term *a* is the resultant head acceleration expressed as a multiple of *g* (the acceleration of gravity), and t1 and t2 are any two points in time during the impact which are separated by not more than a 36 millisecond time interval.

(a) For the free motion headform; HIC(d) = 0.75446 (free motion headform HIC) + 166.4.

(b) For the 49 CFR part 572, subpart M, anthropomorphic test dummy; HIC(d) = HIC

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S8 Test conditions.

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S8.13 * * *

S8.13.3 At the time of initial contact between the headform and the vehicle interior surface, except for the testing of a fully deployed dynamic system, some portion of the forehead impact zone of the headform contacts some portion of the target circle.

* * * * *

S8.16 *Test weight—vehicle to pole test.* Each vehicle is loaded to its unloaded vehicle weight, plus 136 kilograms of its rated cargo and luggage capacity (whichever is less), secured in the luggage or load-carrying area, plus the weight of the necessary anthropomorphic test dummy. Any added test equipment is located away from impact areas in secure places in the vehicle.

S8.17 *Vehicle test attitude—vehicle to pole test.* Determine the distance between a level surface and a standard reference point on the test vehicle's body, directly above each wheel opening, when the vehicle is in its ''as delivered'' condition. The ''as delivered'' condition is the vehicle as received at the test site, filled to 100 percent of all fluid capacities and with all tires inflated to the manufacturer's specifications listed on the vehicle's tire placard. Determine the distance between the same level surface and the same standard reference points in the vehicle's ''fully loaded condition.'' The ''fully loaded condition'' is the test vehicle loaded in accordance with S8.16. The load placed in the cargo area is centered over the longitudinal centerline of the vehicle. The pretest vehicle attitude is the same as either the ''as delivered'' or ''fully loaded'' attitude or is between the ''as delivered'' attitude and the ''fully loaded'' attitude.

S8.18 *Adjustable seats—vehicle to pole test.* Adjustable seats are placed in the adjustment position so that the 49 CFR part 572, subpart M dummy is situated, when positioned as specified in S8.28, so the point at the intersection of the rear surface of the dummy's head and a horizontal line parallel to the longitudinal centerline of the vehicle passing through the head's center of gravity is at least 50 mm (2 inches) forward of the front edge of the B-pillar at that same horizontal location.

S8.19 *Adjustable seat back placement—vehicle to pole test.* Place adjustable seat backs in the manufacturer's nominal design riding position in the manner specified by the manufacturer, or in a position no more than 5 degrees forward from this nominal design riding position, as specified in S8.28. If the manufacturer's nominal design riding position is not specified, set the seat back at the first detent rearward of 25 [degrees] from the vertical, or in a position no less than 20 degrees from the vertical, as allowed by S8.28. Place each adjustable head restraint in its highest adjustment position. Position adjustable lumbar supports so that they are set in their released, i.e., full back position.

S8.20 *Adjustable steering wheels—vehicle to pole test.* Adjustable steering controls are adjusted so that the steering wheel hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions.

S8.21 *Windows and sunroof—vehicle to pole test.* Movable windows and vents are placed in the fully open position. Any sunroof will be placed in the fully closed position.

S8.22 *Convertible tops—vehicle to pole test.* The top, if any, of convertibles and open-body type vehicles is in the closed passenger compartment configuration.

S8.23 *Doors—vehicle to pole test.* Doors, including any rear hatchback or tailgate, are fully closed and latched but not locked.

S8.24 *Impact reference line—vehicle to pole test.* On the striking side of the vehicle, place an impact reference line at the intersection of the vehicle exterior side structure and a transverse vertical plane passing through the center of gravity of the head of the dummy seated in accordance with S8.28, in a designated front outboard seating position.

S8.25 *Rigid Pole—vehicle to pole test.* The rigid pole is a vertical metal structure beginning no more than 102 millimeters (4 inches) off the ground and extending to a minimum height of 2,032 millimeters (80 inches). The pole is 254 mm (10 inches) in diameter and set off from any mounting surface, such as a barrier or other structure, so that the test vehicle will not contact such a mount or support at any time before or after impact with the pole.

S8.26 *Impact configuration—vehicle to pole test.* The rigid pole is stationary. The test vehicle is propelled sideways so that its line of forward motion forms an angle of 90 degrees with the vehicle's longitudinal center line. The impact reference line is aligned with the center line of the rigid pole so that, when the vehicle-to-pole contact occurs, the center line of the pole contacts the vehicle area bounded by two transverse vertical planes 38 mm (1.5 inches) forward and aft of the impact reference line.

S8.27 *Anthropomorphic test dummy*—vehicle to pole test. S8.27.1 The anthropomorphic test dummy used for evaluation of a vehicle's head impact protection conform to the requirements of subpart M of part 572 of this chapter. In a test in which the test vehicle is to be struck on its left side, the dummy is to be configured and instrumented to be struck on its left side, in accordance with subpart M of part 572. In a test in which the test vehicle is to be struck on its right side, the dummy is to be configured and instrumented to be

struck on its right side, in accordance with subpart M of part 572.

S8.27.2 The 49 CFR part 572, subpart M, test dummy specified is clothed in form fitting cotton stretch garments with short sleeves and midcalf length pants. Each foot of the test dummy is equipped with a size 11EEE shoe, which meets the configuration size, sole, and heel thickness specifications of MIL-S–13192 (1976) and weighs 0.57 +/−0.09 kilograms (1.25 +/−0.2 pounds).

S8.27.3 Limb joints are set at between 1 and 2 g's. Leg joints are adjusted with the torso in the supine position.

S8.27.4 The stabilized temperature of the test dummy at the time of the side impact test is at any temperature between 20.6 degrees C. and 22.2 degrees C., at any relative humidity between 10 percent and 70 percent.

S8.27.5 The acceleration data from the accelerometers installed inside the skull cavity of the test dummy are processed according to the requirements of SAE Recommended Practice J211, March 1995, ''Instrumentation for Impact Tests,'' Class 1000.

S8.28 *Positioning procedure for the Part 572 Subpart M Test Dummy—vehicle to pole test.*

The 49 CFR part 572, subpart M test dummy shall be positioned in the front outboard seating position on the struck side of the vehicle in accordance with the provisions of S7 of Standard No. 214, 49 CFR 571.214, and the vehicle seat shall be positioned as specified in S6.3 and S6.4 of that same standard. If this does not position the dummy such that the point at the intersection of the rear surface of its head and a horizontal line parallel to the longitudinal centerline of the vehicle passing through the head's center of gravity is at least 50 mm (2 inches) forward of the front edge of the B-pillar at that same horizontal location, then the seat and/or dummy positions may be adjusted. First, the seat back angle is to be adjusted, a maximum of 5 degrees, until the 50 mm (2 inches) B-pillar clearance is achieved. If this is not sufficient to produce the 50 mm (2 inches) clearance, the seat is to be moved forward to achieve that result. If the seat is moved from the position specified in S6.3 of Standard No. 214, 49 CFR 571.214, the target H-point location is to be moved from that specified in S7.2.1 of that standard. The horizontal and vertical distances moved must be equal to those necessary to reposition the vehicle seat to achieve the 50 mm (2 inches) B-pillar clearance described in this section.

Issued on August 19, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–22574 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 62, No. 165
Tuesday, August 26, 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

Animal and Plant Health Inspection Service

[Docket No. 97–072–1]

Supplemental Environmental Impact Statement for the Importation of Logs, Lumber, and Other Unmanufactured Wood Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service will prepare a supplement to the environmental impact statement, issued in July 1994, for the rulemaking proceeding entitled ''Importation of Logs, Lumber, and Other Unmanufactured Wood Articles.'' Supplementation of the impact statement is in response to a Federal district court's finding that the final environmental impact statement does not completely satisfy applicable requirements of the National Environmental Policy Act and the Council on Environmental Quality's implementing regulations. Comments on the proposed scope of the supplement are welcome.

DATES: Consideration will be given only to comments received on or before September 25, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–072–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–072–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Orr, Entomologist, Risk Analysis Systems, PPD, APHIS, 4700 River Road Unit 117, Riverdale, MD 20737–1238; (301) 734–8939.

SUPPLEMENTARY INFORMATION: In a final rule published in the **Federal Register** on May 25, 1995 (60 FR 27665–27682, Docket No. 91–074–6) and effective August 23, 1995, the Animal and Plant Health Inspection Service (APHIS) established comprehensive regulations concerning imported unmanufactured wood articles. That final rule was supported, in part, by a final environmental impact statement (FEIS) issued in July 1994 that addressed the potential impacts on the human environment, including possible risks to human health, impacts on forestry resources, impacts on biodiversity, impacts from the use of methyl bromide, and impacts on global climate change, cultural resources, and endangered and threatened species. A Federal court has found (*Oregon Natural Resources Council* v. *Animal and Plant Health Inspection Service*, Nos. C 95–4066 CW and C 96–1541 CW [N.D. Cal. Feb. 27, 1997]) that the FEIS, which examined alternative means of protecting domestic forests from pests or disease that could accompany imported logs, lumber, and other unmanufactured wood articles, is deficient in three areas.

First, the court found that the FEIS ''assumes without examination that individually ineffective control measures [to minimize pest risks associated with the importation of logs, lumber, and unmanufactured wood articles] will be effective collectively.'' The impact statement, according to the court, should highlight ''the considerable uncertainty about the effectiveness of different mitigation measures'' when used in combination.

Second, the court found that the FEIS ''omits significant information concerning uncertainties expressed in the [pest] risk assessments, concerning compliance [with certification requirements] by exporting countries, and concerning the health consequences of measures to mitigate infestations that may occur.'' The impact statement, the court observed, must discuss ''in a significant manner the uncertainties about the risks of infestation and the adequacy of control measures.'' With this change, the FEIS will provide a less biased portrayal of the risks associated with the preferred alternative—i.e., to allow the importation of logs, lumber, and unmanufactured wood articles under the conditions set forth in the May 1995 final rule—and improve its usefulness to the public and the decisionmaker. The court also found that the FEIS must more thoroughly consider the issue of ''how compliance problems abroad may limit the effectiveness of the preferred alternative.'' Furthermore, the range of human health consequences associated with pesticide applications that might be required to eradicate any pests that control measures fail to exclude must be included in the supplement to the FEIS.

Third, the court found that the FEIS ''fails to discuss adequately the different environmental impacts of the various alternatives.'' The court stated that ''[r]ather than sharply defining the issues and providing a clear basis for choice among the alternatives, the [F]EIS obscures the differences by labeling them all a matter of degree.'' The court called for a clear comparison of the issues and environmental effects among the alternatives.

The supplement will address the three areas which the court found that APHIS failed to adequately address in the FEIS. Comments regarding the proposed scope of the supplement to the FEIS are welcome and will be fully considered. When the draft of the supplement is completed, a notice announcing its availability and an invitation to comment on it will be published in the **Federal Register**.

Done in Washington, DC, this 20th day of August 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–22644 Filed 8–25–97; 8:45 am]
BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–076–1]

Procedures for Importing Animals Through the Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are giving notice of the date and location of the lottery for authorization of the use of the Harry S Truman Animal Import Center (HSTAIC) in calendar year 1998. We are also giving notice of the period during which applications must reach the Animal and Plant Health Inspection Service in order to be included in the lottery.

DATES: To be included in the lottery for authorization to use HSTAIC in calendar year 1998, applications must be received no earlier than October 1, 1997, and no later than October 15, 1997. Deposits must be received by November 26, 1997. The lottery for authorization to use HSTAIC during 1998 will be held on December 3, 1997.

ADDRESSES: Completed applications and deposits must be sent to the Administrator, c/o Import-Export Animal Staff, National Center for Import-Export, VS, APHIS, USDA, 4700 River Road Unit 39, Riverdale, MD 20737–1231. Application forms may be obtained by writing to the same address, or by calling the telephone number provided under the heading ''For Further Information Contact''. The lottery will be held at USDA, APHIS, Conference Room 3B01CN, 4700 River Road, Riverdale, MD.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Animals Program, National Center for Import-Export, VS, APHIS, suite 3B30, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–8423.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92, §§ 92.430, 92.431, 92.522, and 92.523 (referred to below as the regulations), set forth the conditions under which importers may qualify animals to enter the United States through the Harry S Truman Animal Import Center (HSTAIC) in Fleming Key, FL.

Because the demand for quarantine space at HSTAIC has traditionally exceeded the space available, the regulations provide that a lottery will be held each year during the first 7 days of December, to determine the priority of applications for the following calendar year. To be included in the December lottery, applications must reach the Import-Export Animals Staff of the Animal and Plant Health Inspection Service (APHIS) no earlier than October 1, and no later than October 15 of the year of the lottery. Additionally, applicants must send a deposit in the form of a certified check or money order in the amount of $32,000, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, for each application. APHIS will not consider an application unless we receive this deposit from the applicant on or before November 26, 1997. In the event that the Import-Export Animals Staff receives no more than one application between October 1, 1997, and October 15, 1997, the lottery will not be held, and APHIS will grant exclusive right to use HSTAIC during the calendar year 1998 in the order applications are received.

Applicants should be aware that the HSTAIC facility must meet standards set by the Florida Department of Environmental Protection. The availability of HSTAIC for use for 1998 lottery applicants will be dependent upon HSTAIC meeting these standards.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 20th day of August 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–22646 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Basalt Mountain Timber Sale Analysis, White River National Forest; Eagle County, Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The U.S. Department of Agriculture, Forest Service will prepare an Environmental Impact Statement to disclose effects of alternatives to harvest live and dead Engelmann spruce, sub-alpine fir, lodgepole pine, aspen and associated road construction and reconstruction within the Basalt Mountain Timber Sale planning area, on the Sopris Ranger District of the White River National Forest.

DATES: Comments concerning the scope of the analysis should be received in writing by October 12, 1997.

ADDRESSES: Send written comments to Kevin Riordan, District Ranger, Sopris Ranger District, White River National Forest, PO Box 309, Carbondale, CO 81623. The Forest Supervisor Martha J. Ketelle, P.O. Box 948, Glenwood Springs, CO 81602 is the Responsible Official for the Environmental Impact Statement and Record of Decision.

FOR FURTHER INFORMATION CONTACT: Timothy M. Snowden, Project Coordinator, Sopris Ranger District, 620 Main Street, Carbondale, CO 81623, (970) 963–2266.

SUPPLEMENTARY INFORMATION: On July 9, 1996 the White River National River Forest solicited comments for a Draft Environmental Assessment for the proposed action under Pub. L. 104–19. The Interdisciplinary Team has determined that the proposed action and alternatives to that action represent a roadless area entry. Therefore, an Environmental Impact Statement is required as per Forest Service Handbook 1909.15, Section 20.6. The proposed action is to harvest approximately 6.0 million board feet from approximately 1,400 acres of live and dead sawtimber and poletimber using ground-based yarding, and to construct and reconstruct approximately 14.2 miles of specified road.

The proposed action is consistent with programmatic management direction contained in the *Rocky Mountain Regional Guide* for Standards and Guidelines (1983) and in the *Land and Resource Management Plan for the White River National Forest* (LMP, 1984). The LMP allocated the proposed timber sale area to wood fiber production and utilization of sawtimber products, with a small portion of the sale area being allocated to managing for the habitat needs of one or more management indicator species. Both allocations allow for timber harvest.

The site specific environmental analysis documented in the EIS will assist the Responsible Official in determining which actions are needed to meet the following objectives: promote long term ecosystem health by returning age, class and species diversity in the forest vegetation, control and prevent forest disease and insect infestations, provide for recreation and visual quality, maintain or enhance quality wildlife habitat, reduce accumulated natural fuel loading and provide wood products for the nation. Based on initial agency scoping and public comment the preliminary issues

include the effects of vegetation management on area wildlife and wildlife habitat, recreation use, wildfire risk, and the transportation system. Preliminary alternatives include, but are not limited to;

1. No Action, no vegetation management would be proposed except existing firewood and Christmas tree gathering.

2. Alternatives based on the White River National Forest LMP.

a. Generate 6 million board feet of saw timber treating 1380 acres, including 6.4 miles of new road construction (to be closed after sale), and recruiting 500 acres for future old growth forest.

b. Generate 2.5 million board feet of saw timber treating 653 acres, including 4.6 miles of new road construction (to be closed after sale), and recruiting 972 acres for future old growth.

c. Generate 7 million board of saw timber treating 1452 acres, including 7 miles of new road construction (3.9 miles to remain open after sale), 500 acres for future old growth recruitment.

d. Generate 3 million board feet of saw timber treating 712 acres, including 0.2 miles of new road construction (to be closed after sale), and 972 acres for future old growth recruitment.

3. Alternatives yet to be developed.

Alternatives will be carefully examined for their potential impacts on the physical, biological, and social environments so that tradeoffs are apparent to the decisionmaker.

The decision to be made by the Forest Supervisor, based on the pending analysis to be documented in this EIS are:

Should the vegetation in the Basalt Mountain area be managed for timber harvest at this time? And, if so; Should road construction be allowed for timber harvest in this area?

How does the inclusion of parts of the proposed sale in former roadless area surveys influence the current and long term LMP direction of managing the area for wood fiber production? Which alternative best fits the White River LMP prescription and ecosystem health priorities of the Forest Service?

Permits and licenses required to implement the proposed action will, or may, include the following: consultation with U.S. Fish and Wildlife Service for compliance with Section 7 of the Threatened & Endangered Species Act; review from the Colorado Division of Wildlife, and clearance from the Colorado State Historic Preservation Office.

Public participation will be fully incorporated into preparation of the EIS. The first step is the scoping process, during which the Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, and other individuals or groups who may be interested or affected by the proposed action. No public meetings are planned for this project. Public comments received during initial scoping and those raised during public review of the Draft Environmental Assessment for this project will be incorporated into this EIS. The Forest Service predicts the draft environmental impact statement will be filed during the winter of 1997/1998 and the final environmental impact statement and record or decision during the spring of 1998.

The comment period on the draft environmental impact statement will be forty-five days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions.*Vermont Yankee Nuclear Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803, F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the forty-five day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: August 19, 1997.

Martha J. Ketelle,

Forest Supervisor.

[FR Doc. 97–22587 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–BW–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Choctaw Watershed, Bolivar County, Mississippi

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Choctaw Watershed, Bolivar County, Mississippi.

FOR FURTHER INFORMATION CONTACT: Homer L. Wilkes, State Conservationist, Natural Resources Conservation Service, Suite 1321, A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone 601–965–5205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Homer L. Wilkes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a watershed plan for the purpose of providing assistance to the disadvantaged residents of Choctaw Watershed to solve the problems associated with impaired water quality. Works of improvement consist of one facultative lagoon and associated sewer line installation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above

address. Basic data developed during the environmental assessment are on file and may be received by contacting Homer L. Wilkes.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Dated: August 14, 1997.

Homer L. Wilkes,

State Conservationist.

[FR Doc. 97–22581 Filed 8–25–97; 8:45 am]

BILLING CODE 3410–16–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Access Board; Notice of Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, D.C. on Monday, Tuesday, and Wednesday, September 8–10, 1997 at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, September 8, 1997

9:00 a.m.–3:30 p.m. Committee of the Whole—ADAAG Revision (Closed Meeting).
3:30 p.m.–5:30 p.m. Committee of the Whole—Telecommunications Equipment (Closed Meeting)

Tuesday, September 9, 1997

9:00 a.m.–Noon Committee of the Whole—ABA Guidelines (Closed Meeting)
1:30 p.m.–1:45 p.m. Planning and Budget Committee
1:45 p.m.–3:30 p.m. Committee of the Whole—Long-Range Plan
3:30 p.m.–5:30 p.m. Technical Programs Committee

Wednesday, September 10, 1997

9:00 a.m.–Noon Executive Committee
1:30 p.m.–3:30 p.m. Board Meeting

ADDRESSES: The meetings will be held at: Marriott Metro Center Hotel, 775 12th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434 ext. 14 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items. Specific voting items are noted next to each committee report.

Open Meeting

- Executive Director's Report.
- Approval of the Minutes of the July 9, 1997 Board Meeting.
- Planning and Budget Committee Report—Fiscal Year 1997 Spending Plan.
- Technical Programs Committee Report—Fiscal Year 1998 Research and Technical Assistance Agenda.
- Executive Committee Report—Rulemaking Plan Update.
- Long-Range Plan Committee Report—Goals and Action Strategies.

Closed Meeting

- Committee of the Whole Report—ADAAG Revision Proposed Rule.
- Committee of the Whole Report—Telecommunications Equipment Final Rule.
- Committee of the Whole Report—ABA Guidelines.

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

James J. Raggio,

General Counsel.

[FR Doc. 97–22689 Filed 8–25–97; 8:45 am]

BILLING CODE 8150–01–P

ASSASSINATION RECORDS REVIEW BOARD

Formal Determinations, Assassination Records Designations, and Reconsiderations

AGENCY: Assassination Records Review Board.

ACTION: Notice.

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on August 5, 1997, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the **Federal Register** within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel and Associate Director for Research and Analysis, Assassination Records Review Board, Second Floor, Washington, D.C. 20530, (202) 724–0088, fax (202) 724–0457.

SUPPLEMENTARY INFORMATION: This notice complies with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107.9(c)(4)(A) (1992). On August 5, 1997, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives.

Notice of Formal Determinations

For each document, the number of postponements sustained immediately follows the record identification number, followed, where appropriate, by the date the document is scheduled to be released or re-reviewed.

FBI Documents: Postponed in Part

124–10184–10267; 0; 2; 10/2008
124–10184–10269; 5; 17; 10/2008
124–10193–10019; 1; 7; 10/2008
124–10228–10358; 0; 1; 10/2008
124–10257–10303; 0; 2; 10/2008

CIA Documents: Postponed in Part

104–10061–10064; 1; 10/2017
104–10065–10273; 1; 10/2017
104–10081–10004; 1; 08/2008
104–10092–10007; 3; 10/2017
104–10092–10010; 10; 10/2017
104–10092–10033; 4; 10/2017
104–10092–10034; 2; 10/2017
104–10092–10035; 1; 10/2017
104–10092–10044; 3; 10/2017
104–10097–10041; 1; 10/2017
104–10097–10047; 1; 10/2017
104–10097–10069; 1; 10/2017
104–10097–10072; 3; 10/2017
104–10097–10074; 2; 10/2017
104–10097–10077; 8; 10/2017
104–10097–10083; 5; 10/2017
104–10097–10097; 2; 10/2017
104–10097–10101; 5; 10/2017
104–10097–10102; 1; 10/2017
104–10097–10112; 1; 05/2001
104–10097–10126; 1; 10/2017
104–10097–10129; 2; 10/2017
104–10097–10132; 3; 10/2017
104–10097–10139; 2; 10/2017
104–10097–10142; 2; 10/2017
104–10097–10143; 3; 10/2017
104–10097–10145; 5; 10/2017
104–10097–10157; 18; 10/2017
104–10097–10163; 1; 10/2017
104–10097–10169; 4; 10/2017
104–10097–10170; 3; 10/2017
104–10097–10171; 1; 10/2017
104–10097–10173; 1; 10/2017
104–10098–10319; 1; 10/2017

104–10098–10322; 5; 10/2017
104–10098–10325; 4; 10/2017
104–10098–10326; 4; 10/2017
104–10098–10331; 1; 10/2017
104–10098–10333; 1; 10/2017
104–10098–10336; 1; 10/2017
104–10098–10340; 3; 10/2017
104–10098–10348; 1; 10/2017
104–10098–10349; 3; 10/2017
104–10098–10355; 4; 10/2017
104–10098–10356; 5; 10/2017
104–10098–10357; 3; 10/2017
104–10098–10373; 1; 10/2017
104–10098–10377; 18; 10/2017
104–10098–10379; 1; 10/2017
104–10098–10380; 2; 10/2017
104–10098–10381; 2; 10/2017
104–10098–10382; 3; 10/2017
104–10098–10387; 2; 10/2017
104–10098–10388; 14; 10/2017
104–10098–10389; 5; 10/2017
104–10098–10391; 1; 10/2017
104–10098–10392; 2; 10/2017
104–10098–10399; 2; 10/2017
104–10098–10401; 4; 10/2017
104–10098–10406; 1; 10/2017
104–10098–10411; 4; 10/2017
104–10098–10412; 4; 10/2017
104–10098–10414; 3; 10/2017
104–10098–10419; 1; 10/2017
104–10098–10429; 2; 10/2017
104–10098–10433; 3; 10/2017
104–10098–10438; 2; 10/2017
104–10098–10441; 3; 10/2017
104–10098–10442; 3; 10/2017
104–10098–10444; 3; 10/2017
104–10102–10233; 9; 10/2017
104–10103–10062; 6; 10/2017
104–10103–10090; 1; 10/2017
104–10103–10094; 5; 10/2017
104–10104–10157; 5; 10/2017
104–10104–10203; 1; 10/2017
104–10104–10262; 10; 10/2017
104–10104–10263; 1; 10/2017
104–10104–10264; 5; 10/2017
104–10104–10271; 5; 10/2017
104–10104–10284; 3; 10/2017
104–10104–10311; 3; 10/2017
104–10104–10312; 1; 10/2017
104–10104–10339; 1; 10/2017
104–10104–10340; 1; 10/2017
104–10104–10351; 10; 10/2017
104–10104–10370; 1; 10/2017
104–10104–10371; 2; 10/2017
104–10104–10372; 3; 10/2017
104–10104–10373; 1; 10/2017
104–10105–10188; 7; 10/2017
104–10105–10265; 1; 10/2017
104–10105–10266; 1; 10/2017
104–10105–10269; 1; 10/2017
104–10106–10017; 1; 10/2017
104–10106–10211; 1; 10/2017
104–10107–10185; 1; 10/2017

HSCA Documents: Postponed in Part

180–10143–10449; 5; 10/2017
180–10143–10471; 1; 10/2017
180–10143–10473; 3; 10/2017
180–10143–10475; 3; 10/2017
180–10144–10000; 1; 10/2017
180–10144–10005; 1; 10/2017
180–10144–10014; 4; 10/2017
180–10145–10211; 2; 10/2017
180–10145–10214; 11; 10/2017
180–10145–10230; 4; 10/2017
180–10145–10232; 9; 10/2017
180–10145–10236; 3; 10/2017
180–10145–10238; 2; 10/2017
180–10145–10247; 9; 10/2017
180–10145–10251; 1; 10/2017
180–10145–10253; 4; 05/2001
180–10145–10254; 3; 10/2017
180–10145–10255; 6; 10/2017
180–10145–10256; 26; 05/2001
180–10145–10259; 4; 05/2001
180–10145–10265; 29; 10/2017
180–10145–10274; 3; 10/2017
180–10145–10275; 6; 10/2017
180–10145–10276; 26; 05/2001
180–10145–10289; 15; 10/2017
180–10145–10306; 4; 10/2017
180–10145–10309; 8; 10/2017
180–10145–10317; 3; 10/2017
180–10145–10323; 4; 10/2017
180–10145–10330; 4; 10/2017
180–10145–10358; 4; 10/2017
180–10145–10361; 1; 10/2017
180–10145–10410; 2; 10/2017
180–10145–10418; 2; 10/2017
180–10145–10422; 1; 10/2017
180–10145–10429; 3; 10/2017

NARA Documents: Postponed in Part

178–10002–10169; 3; 1; 10/2017
178–10002–10195; 0; 1; 10/2017
178–10002–10306; 3; 5; 10/2008
178–10003–10114; 2; 2; 05/2001
178–10003–10394; 8; 3; 10/2008
178–10003–10396; 5; 8; 10/2008
178–10003–10401; 5; 8; 10/2008
178–10004–10416; 13; 17; 10/2017
178–10004–10438; 19; 19; 10/2008

Notice of Assassination Records Designation

Designation: On August 5, 1997, the Review Board designated the following United States Secret Service records as ''assassination records'': correspondence with the Church Committee; the Brady Hugh Fonden file [CO–2–28, 894], 89 pages; and the Armando Diaz-Matos file [J–CO–2, 2271], 90 pages.

Notice of Reconsideration

On July 9, 1997, the Review Board made formal determinations that were published in the August 5, 1997 **Federal Register** (FR Doc. 97–20542, 62 FR 42095). At its August 5, 1997 meeting, the Review Board voted to withdraw its formal determinations on the following CIA documents and to reconsider the documents at a future meeting:

104–10005–10248, 104–10059–10395, 104–10065–10028, 104–10065–10085, 104–10065–10144, 104–10066–10201, 104–10066–10213, 104–10066–10226, 104–10066–10228, 104–10066–10236, 104–10066–10244, 180–10070–10404, 180–10075–10072, 180–10075–10354, 180–10078–10463, 180–10080–10433, 180–10082–10227, 180–10086–10012, 180–10088–10087, 180–10093–10063, 180–10094–10492, 180–10103–10255, 180–10110–10000, 180–10110–10029, 180–10110–10030, 180–10110–10147, 180–10140–10072, 180–10140–10073, 180–10140–10126, 180–10140–10246, 180–10140–10336, 180–10141–10313, 180–10142–10086, 180–10143–10098

Dated: August 20, 1997.

David G. Marwell,

Executive Director.

[FR Doc. 97–22606 Filed 8–25–97; 8:45 am]

BILLING CODE 6118–01–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: September 9, 1997; 9:00 a.m.

PLACE: Cohen Building, Room 3321, 330 Independence Ave., S.W., Washington, D.C. 20547.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded nonmilitary international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b. (c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b. (c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG of the International Broadcasting Bureau. (5 U.S.C. 552b. (c)(2) and (6)) There will also be a separate closed meeting of the board of directors of RFE/RL, Inc., a nonprofit private corporation funded by grants from the Broadcasting Board of Governors.

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

Dated: August 22, 1997.

David W. Burke,

Chairman.

[FR Doc. 97–22835 Filed 8–22–97; 2:20 pm]

BILLING CODE 8230–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the

Delaware Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Wednesday, September 17, 1997, at the Holiday Inn, Downtown, 700 King Street, Wilmington, Delaware 19801. The purpose of the meeting is to discuss project selection and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Emily Morris, 302–674–0839, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 15, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–22577 Filed 8–25–97; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 10:00 a.m. to 4:00 p.m. on Thursday, September 11, 1997, at the New Jersey State House Annex, Committee Room 6, West State Street, Trenton, New Jersey 08625. The purpose of the meeting is: (1) The Committee will receive subcommittee reports on Asian American employment in the New Jersey state government; (2) decide next steps for information gathering; and (3) plan new project activity.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Irene Hill-Smith, 609–468–5546, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 15, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–22576 Filed 8–25–97; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea; Amendment of Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment of final results of antidumping duty administrative review.

SUMMARY: On July 16, 1997, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on polyethylene terephthalate (PET) film, sheet, and strip from the Republic of Korea (62 FR 38064). The review covered two manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1995 through May 31, 1996. Based on the correction of a ministerial error made in those final results, we are publishing this amendment in accordance with 19 CFR 353.28(c).

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Maureen McPhillips or Linda Ludwig, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–3019 or 3833, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930 (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all references to the Department's regulations are to the regulations as codified at 19 CFR part 353 (April 1997).

SUPPLEMENTARY INFORMATION:

Background

On July 16, 1997, the Department published the final results of its administrative review of the antidumping duty order on polyethylene terephthalate (PET) film, sheet, and strip from the Republic of Korea (62 FR 38064). Neither petitioners nor respondents submitted comments on the final results in accordance with 19 CFR 353.28.

For the period of review (POR), June 1, 1995 through May 31, 1996, the Department calculated *de minimis* (*e.g.*, less than 0.5 percent) weighted-average dumping margins for both SKC Limited (SKC) and STC Corporation (STC), the two manufacturers/exporters subject to review. However, the final results erroneously indicated that cash deposit rates for the companies would be the company-specific rates calculated during the POR. We are amending the final results to correct this ministerial error. Because the weighted-average dumping margins for both companies are *de minimis* during the POR, the cash deposit rate will be zero percent for both companies. (*See* 19 CFR 353.6). These deposit rates are in effect as of the date of publication of the final results of this administrative review (July 16, 1997) and shall remain in effect until publication of the final results of the next administrative review.

Amended Final Results of Review

As the correction of the ministerial error did not require a recalculation of the weighted-average dumping margins, the margins continue to be:

Manufacturer/exporter	Period of review	Margin (percent)
SKC Limited	06/01/95–05/31/96	0.45
STC Corporation	06/01/95–05/31/96	0.37

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price and normal value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements are in effect as of the date of publication of the final results of this administrative review (July 16, 1997) for all shipments of PET film from the Republic of Korea within the scope of the order entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review (July 16, 1997), as provided by section 751(a)(1) of the Tariff Act: (1) Because the weighted-average dumping margins for SKC and STC are *de minimis*, the cash deposit rates for these companies will be zero percent; (2) for previously reviewed or investigated companies not listed above, the rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate will be 21.50 percent, the ''all others'' rate established in the remand redetermination of the LTFV investigation, as explained below. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

On May 20, 1996, pursuant to court remand, the Department recalculated the weighted-average dumping margins for the LTFV investigation. As a result of the recalculation, the Department established an ''all others'' rate of 21.50 percent. *Final Determination on Remand Pursuant to Court Order, E.I. Dupont de Nemours & Co., Inc.* versus *United States,* Court No. 91–07–00487, Slip Op. 96–56 (March 20, 1996). On February 5, 1997, the CIT affirmed the Department's remand redetermination of the LTFV investigation. *E.I. DuPont De Nemours & Co., Inc.,* versus *United States,* Court No. 91–07–00487, Slip Op. 97–17 (February 5, 1997). Accordingly, 21.50 percent is the ''all others'' rate established in the LTFV investigation. Pursuant to the CIT decisions in *Floral Trade Council* versus *United States,* 822 F. Supp. 766 (CIT 1993) and *Federal Mogul Corporation* versus *United States,* 822 F. Supp. 782 (CIT 19930, this ''all others'' rate can only be changed through an administrative review.

These amended final results of administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.28(c).

Dated: August 15, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–22688 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Technical Advisory Committee; Notice of Open Meeting

A meeting of the Materials Technical Advisory Committee will be held September 26, 1997, 10:30 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th Street between Constitution & Pennsylvania Avenues, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to advanced materials and related technology.

Agenda

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Discussion of the Chemical Weapons Convention implementing regulations.

The meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA MS: 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: August 21, 1997.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 97–22618 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–819]

Aspheric Ophthalmoscopy Lenses From Japan, Revocation of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Revocation of Antidumping Duty Order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its revocation of the antidumping duty order on aspheric ophthalmoscopy lenses from Japan because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Jack Dulberger or Michael Panfeld, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–5505.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order if the Secretary concludes that the duty order is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR § 353.25(d)(4)(iii)).

On April 7, 1997, the Department published in the **Federal Register** (62 FR 16540) its notice of intent to revoke the antidumping duty order on aspheric ophthalmoscopy lenses from Japan (April 15, 1992). Additionally, as required by 19 CFR § 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2(k)(3), (k)(4), (k)(5), or (k)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on aspheric ophthalmoscopy lenses from Japan is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR § 353.25(d)(4)(iii).

Scope of the Order

Imports covered by the revocation are shipments of aspheric ophthalmoscopy lenses from Japan. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item number 9018.50.00. The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

This revocation applies to all unliquidated entries of aspheric ophthalmoscopy lenses from Japan entered, or withdrawn from warehouse, for consumption on or after April 1, 1997. Entries made during the period April 1, 1996, through March 31, 1997, will be subject to automatic assessment in accordance with 19 CFR § 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 1, 1997, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR § 353.25(d).

Dated: August 18, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 97–22686 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–824, A–475–820, A–588–843, A–580–829, A–469–807, A–401–806, and A–583–828]

Initiation of Antidumping Investigations: Stainless Steel Wire Rod From Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: James Maeder, at (202) 482–3330; James Terpstra, at (202) 482–3965; or Erik Warga, at (202) 482–0922, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the regulations published in the **Federal Register** on May 19, 1997 (62 FR 27296).

The Petition

On July 30, 1997, the Department of Commerce (''the Department'') received a petition filed in proper form by AL Tech Specialty Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Talley Metals Technology, Inc., and United Steelworkers of America (''petitioners''). The Department received supplemental information to the petition on August 6 and 14, 1997.

In accordance with section 732(b) of the Act, petitioners allege that imports of stainless steel wire rod from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that petitioners have standing to file the petition because they are interested parties as defined in section 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support (*see* discussion below).

Scope of Investigations

For purposes of these investigations, certain stainless steel wire rod (''SSWR'') comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, and are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches diameter. Two stainless steel grades SF20T and K–M35FL are excluded from the scope of the investigation. The chemical makeup for the excluded grades are as follows:

SF20T

Carbon	0.05 max	Chromium	19.00/21.00.
Manganese	2.00 max	Molybdenum	1.50/2.50.
Phosphorous	0.05 max	Lead	added (0.10/0.30).
Sulfur	0.15 max	Tellurium	added (0.03 min).
Silicon	1.00 max.		

K–M35FL

Carbon	0.015 max	Nickel	0.30 max.
Silicon	0.70/1.00	Chromium	12.50/14.00.
Manganese	0.40 max	Lead	0.10/0.30.

Phosphorous	0.04 max	Aluminum	0.20/0.35.
Sulfur	0.03 max.		

The products under investigation are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

As we discussed in the preamble to the new regulations (62 FR at 27323), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments by September 15, 1997. Comments should be addressed to Import Administration's Central Records Unit at Room 1874, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., Washington, D.C. 20230. This period of scope consultation is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determination.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory provision regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The petition refers to the single domestic like product defined in the ''Scope of Investigation'' section, above. The Department has no basis on the record to find the petition's definition of the domestic like product to be inaccurate. In this regard, we have found no basis on which to reject petitioners' representations that there are clear dividing lines, in terms of characteristics and uses, between the product under investigation and other coiled steel products. The Department has, therefore, adopted the domestic like product definition set forth in the petition. In this case, petitioners established industry support substantially above the statutory requirement. Accordingly, the Department determines that the petition is filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which our decisions to initiate these investigations are based. Should the need arise to use any of this information in our preliminary or final determinations for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

Germany

Petitioners identified Krupp Edelstahlprofile (''Krupp'') as the sole exporter and producer of SSWR from Germany. Petitioners based export price on recent U.S. sales by Krupp during June 1997 for the SSWR grades most commonly exported to the United States from Germany. Petitioners calculated net U.S. prices by subtracting an estimate of the costs incurred to transport the SSWR rod from the factory to the U.S. port. Petitioners did not subtract costs incurred to transport the SSWR from the U.S. port to the customer's location in the United States.

Petitioners calculated the cost of international freight based upon the average difference in the CIF values and the U.S. Customs values reported in the official U.S. import statistics. Petitioners subtracted amounts for U.S. import duties based on the 1997 import duty rate. Petitioners also subtracted amounts for the U.S. harbor maintenance fee and for the U.S. merchandise processing fee.

With respect to normal value (''NV''), petitioners obtained prices for recent sales of SSWR by Krupp to customers in Germany from foreign market research. Petitioners calculated net home market prices for sales made in Germany by subtracting an amount for delivery costs as obtained through foreign market research from the reported gross home market sales prices.

In addition, the petitioners provided information demonstrating reasonable grounds to believe or suspect that sales of SSWR in the home market were made at prices below the fully allocated cost of production (''COP''), within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales below cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (''COM''), selling, general, and administrative expenses (''SG&A''), and packing. To calculate COP, petitioners based COM, with the exception of depreciation, on their own production experience, adjusted for known differences between costs incurred to produce SSWR in the United States and costs incurred for producing the merchandise in Germany.

[1] See *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefor from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition,* 56 FR 32376, 32380–81 (July 16, 1991).

To calculate depreciation, petitioners relied upon Krupp's 1996 consolidated financial statements. To derive the direct materials, energy, direct labor and factory overhead costs, petitioners obtained cost data from two U.S. producers and relied upon the average costs of those producers. One of the U.S. producers manufactures its own billets while the other purchases all billets consumed. The foreign market research obtained by the petitioner indicated that Krupp produces its own billets. Therefore, we recalculated the submitted COM based on the cost data of the U.S. company that produces its own billets.

To calculate SG&A, petitioners relied upon expense rates of nineteen German companies, only one of which appears to be involved in the metal manufacturing industry. We recalculated SG&A using the reported rate for the company that appears to be in an industry similar to that which manufactures steel products. Petitioners calculated financing expenses using Krupp's 1996 consolidated audited financial statements. Petitioners added the average packing costs reported by the U.S. producers to COP. Based upon the comparison of the adjusted prices of the foreign like product in the home market to the calculated COP, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP within the meaning of section 773(b)(2)(A)(i) of the Act (*see* Initiation Checklist, dated August 19, 1997). Accordingly, with respect to the German case, the Department is initiating a county-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, petitioners also based NV for sales in Germany on constructed value (''CV''). For purposes of this initiation, we accepted CV as the appropriate basis for NV. Petitioners calculated CV using the same COM, SG&A, and interest expense figures used to compute German home market costs. We adjusted the CV as noted above in the discussion of COP. Consistent with section 773(e)(2) of the Act, petitioners also added to CV an amount for profit. Profit was based upon Krupp's 1996 consolidated audited financial statements.

The revised average dumping margins in the petition, based on the comparisons between Krupp's U.S. prices and the revised constructed values, range from 17.17 percent to 21.28 percent.

Italy

Petitioners identified four exporters and producers of SSWR: Cogne Acciai Speciali SrL (''Cogne''); Rodacciai; Acciaierie Valbruna SrL (''Valbruna''); and Acciaierie di Bolzano (''Bolzano''). Petitioners based export price on actual U.S. sales by Cogne and by Valbruna/Bolzano during November 1996 for the SSWR grades most commonly exported to the United States from Italy. Petitioners calculated net U.S. prices by subtracting an estimate of the costs incurred to transport the stainless wire rod from the factory to the customer's location in the United States.

Petitioners calculated the cost of international freight based upon the average difference in the CIF values and the U.S. Customs values reported in the official U.S. import statistics. Petitioners estimated U.S. inland freight costs based on the distance from the U.S. port of entry to the U.S. customer's location. Petitioners subtracted amounts for U.S. import duties and customs user fees. Petitioners also subtracted amounts for the U.S. harbor maintenance fee and for the U.S. merchandise processing fee. Petitioners added duty drawback to the U.S. prices for comparisons that involved grades of SSWR that include molybdenum or titanium based on information obtained from foreign market research.

With respect to NV, petitioners obtained home market prices through foreign market research. Petitioners calculated net home market prices for sales in Italy by subtracting the estimated delivery costs reported in the foreign market research. Petitioners converted home market prices quoted in lire per kilogram to U.S. dollars per pound by using a conversion ratio of one kilogram equals 2.2046 pounds and the Italian lire/U.S. dollar exchange rate in effect during the period in which the U.S. sales occurred. The exchange rates used to make currency conversions were the rates published in the *International Financial Statistics* for November 1996, the month of the U.S. sales.

Petitioners made a circumstance of sale adjustment for imputed credit expenses by subtracting home market credit expenses and by adding U.S. imputed credit expenses to the net home market prices calculated in the petition. Petitioners calculated home market imputed credit expenses based on the average payment period, reported in the foreign market research, of 90 days, and the average lending rate in Italy published by the *International Financial Statistics* for the fourth quarter of 1996. Petitioners calculated U.S. imputed credit expenses based on payment terms reported in the foreign market research of 60 days and the average lending rate in the United States published in the *International Financial Statistics*. Petitioners did not adjust the reported prices for differences in packing costs because petitioners assumed that packing costs were the same for home market sales and for U.S. sales.

According to the foreign market research, Italian producers impose a surcharge per kilogram for wire rod with a diameter of 6 millimeters to 13 millimeters. Petitioners subtracted this amount from NV as a difference-in-merchandise adjustment when the price comparisons involved a U.S. sale of wire rod with a diameter of less than 6 millimeters and wire rod sold in Italy with a diameter between 6 millimeters and 13 millimeters.

Comparison of NV and net U.S. prices for sales of SSWR from Italy results in estimated dumping margins that range from 33.29 percent to 46.79 percent.

Japan

Petitioners identified four exporters and producers of SSWR: Aichi Steel Works Ltd.; Daido Steel Co. Ltd. (''Daido''); Nippon Steel Corp. (''Nippon''); and Sumitomo Metal Industries Ltd. Petitioners based export prices on actual, port-of-export, prices for U.S. sales made by Nippon and Daido to unaffiliated Japanese trading companies during the fourth quarter of 1996 for the SSWR grades most commonly exported to the United States from Japan. Petitioners calculated net U.S. prices by subtracting amounts to deliver the subject merchandise from the factory to the port of export. This information was obtained from foreign market research.

Petitioners did not calculate imputed credit expenses for the U.S. sales because the foreign market research indicated letter of credit payments terms for U.S. sales. Petitioners converted U.S. prices quoted in yen per metric ton to U.S. dollars per metric ton based on the average exchange rate published in the *International Financial Statistics* for the fourth quarter of 1996, the period in which U.S. sales occurred.

With respect to NV, petitioners obtained from the foreign market research home market price quotations for actual sales from Nippon and Daido to unrelated distributors in Japan. These prices were quoted in Japanese yen on a delivered basis. Petitioners calculated net home market prices by subtracting an amount for average delivery costs incurred by Nippon and Daido. Petitioners converted home market prices quoted in yen per metric ton to U.S. dollars per metric ton based on the average exchange rate published in the *International Financial Statistics* for the

fourth quarter of 1996, the period in which U.S. sales occurred.

Petitioners made a circumstance of sale adjustment for imputed credit expenses by subtracting home market credit expenses from the reported home market prices. Petitioners did not add U.S. imputed credit expenses to the net home market prices since the foreign market research showed letter of credit payment terms for U.S. sales. Petitioners calculated home market imputed credit expenses based on the average payment period reported in the foreign market research of 115 days, and the average annual lending rate in Japan for the first quarter of 1996, the most current annual lending rate published by the *International Financial Statistics* for Japan. Petitioners also adjusted the reported prices for differences in packing costs by subtracting home market packing costs and by adding packing costs incurred for U.S. sales to the reported net home market sales price.

Comparison of NV and net U.S. prices for sales of SSWR from Japan results in estimated dumping margins that range from 14.53 percent to 29.49 percent.

Korea

Petitioners identified three Korean exporters and producers of SSWR: Pohang Iron & Steel Co. Ltd. (''Posco''); Dongbang Special Steel Co. Ltd. (''Dongbang''); and Sammi Steel Co. Ltd. (''Sammi'').

Petitioners based export price on actual, port-of-export, prices for U.S. sales made by Posco to unaffiliated trading companies during the fourth quarter of 1996, for the stainless steel wire rod grades most commonly exported to the United States from Korea, which they obtained from foreign market research. In addition, petitioners calculated net U.S. prices by subtracting from export prices amounts to deliver the subject merchandise from the factory to the port of export based on information obtained from foreign market research. Petitioners added to these prices amounts for duty drawback. Petitioners also converted the reported U.S. prices from Korean won per metric ton to U.S. dollars per metric ton based on the average exchange rate published in the *International Financial Statistics* for the fourth quarter of 1996, the period in which the U.S. sales occurred.

With respect to NV, the petitioners obtained actual, delivered home market prices for Posco from the foreign market research. Petitioners calculated net home market prices for sales made in Korea by subtracting amounts for discounts and rebates and delivery costs as obtained through foreign market research, and by subtracting imputed credit expenses from the reported gross home market sales prices. Petitioners calculated imputed credit expenses based on the average payment period reported in the foreign market research of 75 days, and the average lending rate in Korea published by the *International Financial Statistics* for the fourth quarter of 1996. Petitioners also adjusted the reported prices for differences in packing costs by subtracting home market packing costs from the reported home market prices and by adding packing costs incurred for U.S. sales to the reported home market prices. Petitioners converted home market prices from Korean won per metric ton to U.S. dollars per metric ton by using the Korean won/U.S. dollar exchange rate in effect during the period in which the U.S. sales occurred. The exchange rates used to make currency conversions were the rates published in the *International Financial Statistics* for the fourth quarter 1996.

Comparison of NV and net U.S. prices for sales of SSWR from Korea results in estimated dumping margins that range from 23.81 percent to 28.44 percent (*see* Initiation Checklist, dated August 19, 1997).

Spain

Petitioners identified Roldan, S.A. (''Roldan'') as the sole exporter and producer of SSWR from Spain. Petitioners based export price on information obtained through foreign market research for recent sales by Roldan for the SSWR grades most commonly exported to the United States from Spain. Petitioners calculated net U.S. prices by subtracting estimated costs for ocean freight and insurance and for U.S. duties and fees from reported U.S. prices. Petitioners did not subtract costs incurred to transport the stainless steel wire rod from the factory to the port of export and from the U.S. port to the customer's location in the United States.

Petitioners calculated the cost of international freight based upon the average difference in the CIF values and the U.S. Customs values reported in the official U.S. import statistics. Petitioners subtracted amounts for U.S. import duties and customs user fees. Petitioners also subtracted amounts for the U.S. harbor maintenance fee and for the U.S. merchandise processing fee. Petitioners did not calculate imputed credit expenses for Roldan's U.S. sales because petitioners did not have information concerning the payment terms for these sales.

With respect to NV, petitioners obtained home market prices through foreign market research. Petitioners calculated net home market prices for sales made in Spain by subtracting an amount for delivery costs as obtained through foreign market research from the reported gross home market sales prices.

In addition, the petitioners provided information demonstrating reasonable grounds to believe or suspect that sales of SSWR in the home market were made at prices below the fully allocated COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales below cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A, and packing. To calculate COP, petitioners based COM, with the exception of depreciation, on their own production experience, adjusted for known differences between costs incurred to produce SSWR in the United States and costs incurred for producing the merchandise in Spain. To calculate depreciation the petitioner relied upon the 1996 consolidated financial statement from Roldan's parent company Acerinox.

To calculate Roldan's SG&A and financing expenses petitioners also relied upon the 1996 consolidated financial statements from Acerinox. Petitioners maintain that they relied upon Acerinox's consolidated financial statements because they were unable to obtain Roldan's financial statements. Since steel production appears to be the primary business activity of the consolidated Acerinox Group, we considered it reasonable to rely on its financial data for determining these costs for purposes of the petition. Petitioners added to the COP the average packing costs reported by the U.S. producers. Based upon the comparison of the adjusted prices of the foreign like product in the home market to the calculated COP, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, with respect to the Spanish case, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, petitioners also based NV on CV. For purposes of this initiation, we are accepting CV as the appropriate basis for NV. Petitioners calculated CV using the same COM, SG&A, and interest expense figures used to compute Spain's home market costs. Consistent with section 773(e)(2) of the Act, petitioners also added to CV an amount for profit. Profit was based upon

the consolidated audited financial statements of Acerinox.

Comparison between Roldan's U.S. prices and the constructed values results in dumping margins that range from 31.00 to 63.39 percent.

Sweden

Petitioners identified Fagersta Stainless AB (''Fagersta'') as the sole exporter and producer of SSWR from Sweden. Fagersta is a joint venture company formed by the two of the largest steel producing companies in Sweden: Avesta Sheffield AB and Sandvik Steel. Petitioners based export price on U.S. sales by Avesta Sheffield AB during November 1996 of the SSWR most commonly exported to the United States from Sweden. Petitioners calculated net U.S. prices by subtracting from export prices an estimate of the costs incurred to transport the SSWR from the factory to the customer's location in the United States.

Petitioners estimated the cost of international freight based upon the weighted average difference for certain U.S. ports between the CIF values and the FOB values reported in the official U.S. import statistics for November 1996 for imports from Sweden. Petitioners estimated U.S. inland freight costs based on the distance from the U.S. port of entry to the U.S. customer's location. Petitioners subtracted amounts for U.S. import duties, for the U.S. harbor maintenance fee, and for the U.S. merchandise processing fee. Petitioners added duty drawback to the U.S. prices for comparisons that involved grades of SSWR that include molybdenum or titanium based on an amount obtained through foreign market research.

With respect to NV, petitioners obtained home market prices from foreign market research. The foreign market research provided information on the base prices, surcharges, discounts, payment terms and estimated sale-by-sale delivery costs for each of the home market sales. Petitioners added the surcharges to the reported base prices, and subtracted the discounts and estimated sale-by-sale delivery costs. Petitioners converted home market prices quoted in Swedish kronor per kilogram to U.S. dollars per pound by using a conversion ratio of one kilogram to 2.2046 pounds and the Swedish kronor/U.S. dollar exchange rate in effect during the month in which the U.S. sales occurred. The exchange rates used to make currency conversions were the rates published in the *International Financial Statistics* for November 1996, the month in which of the U.S. sales occurred.

Petitioners made a circumstance of sale adjustment for imputed credit expenses by subtracting home market credit expenses and by adding U.S. imputed credit expenses to the net home market prices calculated in the petition. Petitioners calculated home market imputed credit expenses based on the average payment period reported in the foreign market research, and the average lending rate in Sweden published in the *International Financial Statistics* for the fourth quarter of 1996. Petitioners calculated U.S. imputed credit expenses based on payment terms included in the foreign market research, of 60 days and the average lending rate in the United States published in the *International Financial Statistics.* Petitioners did not adjust for differences in packing costs because petitioners assumed that packing costs were the same for home market and U.S. sales.

Comparison of NV and net U.S. prices for sales of SSWR from Sweden results in estimated dumping margins that range from 21.17 percent to 22.74 percent.

Taiwan

Petitioners identified three Taiwan exporters and producers of SSWR: Walsin-CarTech Specialty Steel Corp.; Yieh Hsing; and Yieh United Steel Corp.

Most of the domestic production of SSWR is sold to unaffiliated end-users and includes delivery charges to the customer. Petitioners obtained prices for U.S. sales by Yieh Hsing during November 1996 for the grades of SSWR that are most commonly exported to the United States from Taiwan. Petitioners used export prices as the basis for U.S. prices because the SSWR was sold prior to the date of importation and to an unaffiliated U.S. distributor. Petitioners provided port of export prices for Yieh Hsing's U.S. sales. Petitioners subtracted foreign inland freight from the reported U.S. prices. Petitioners did not calculate imputed credit expenses for the U.S. sales since letter of credit payment terms were available for these sales.

Petitioners provided information showing that the volume of the home market sales is sufficient to form a basis for NV and provided prices for actual recent sales from the SSWR producers to unaffiliated customers in Taiwan.

Petitioners calculated net NV by subtracting amounts for delivery costs and imputed credit expenses from the reported gross home market price. Petitioners based credit expenses on the average payment period of 85 days and the average borrowing rate reported in the foreign market research. Additionally, petitioners adjusted NV for differences in packing costs between the U.S. and domestic sales. Finally, petitioners converted home market prices in New Taiwan dollars per metric ton to U.S. dollars per metric ton by using the New Taiwan dollar/U.S. dollar exchange rate in effect during the month in which the U.S. sales occurred. For conversion purposes, petitioners used the monthly average exchange rates published by the Federal Reserve rather than the monthly average exchange rates published by the International Monetary Fund (IMF) because Taiwan is not a member country of the IMF; thus, there are no IMF-published exchange rates for Taiwan.

In addition, petitioners provided information demonstrating reasonable grounds to believe or suspect that sales of SSWR in the home market were made at prices below the fully allocated COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a Taiwan-wide sales below cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A, and packing. To calculate COP, the petitioners calculated COM primarily using foreign market research.

To calculate SG&A and finance expenses petitioners relied on amounts reported in Yieh Hsing's 1996 financial statements and other financial data. We recalculated Yieh Hsing's SG&A and finance expenses to reflect the amounts reported in its 1996 financial statements. Petitioner based packing costs on data obtained from foreign market research. Based upon the comparison of the adjusted prices of the foreign like product in the home market to the calculated COP, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP within the meaning of section 773(b)(2)(A)(i) of the Act (*see* Initiation Checklist, dated August 19, 1997). Accordingly, the Department is initiating a Taiwan-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, petitioners also based NV for sales in Taiwan on CV. For this initiation, we are accepting CV as an appropriate basis for NV. Petitioners calculated CV using the same COM, SG&A, and interest expense figures used to compute Taiwan home market costs. Consistent with section 773(e)(2) of the Act, petitioners also added to CV an amount for profit. Profit was based upon Yieh Hsing's 1996 consolidated audited financial statements.

Comparison of NV and net U.S. price of SSWR from Taiwan results in an estimated dumping margin of 16.74 percent. Comparisons between Yieh Hsing's U.S. prices and the constructed

values result in dumping margins that range from 9.61 percent to 10.05 percent.

Fair Value Comparisons

Based on the data provided by petitioners, there is reason to believe that imports of SSWR from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan are being, or are likely to be, sold at less than fair value.

Initiation of Antidumping Investigations

We have examined the petition on SSWR and have found that it meets the requirements of section 732 of the Act, including the requirements concerning allegations of the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the subject imports, allegedly sold at less than fair value. Therefore, we are initiating antidumping duty investigations to determine whether imports of SSWR from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determinations for the antidumping duty investigations by January 6, 1998.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition (as appropriate).

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine by September 15, 1997, whether there is a reasonable indication that imports of SSWR from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan are causing material injury, or threatening to cause material injury, to a U.S. industry. Any negative ITC determination will result in the particular investigation being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

Dated: August 19, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–22690 Filed 8–25–97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–821]

Notice of Initiation of Countervailing Duty Investigation: Certain Stainless Steel Wire Rod (''SSWR'') from Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Lockard or Kelly Parkhill, Office of CVD/AD Enforcement VI, International Trade Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–2786.

Initiation of Investigation

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA'') effective January 1, 1995 (''the Act''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations as amended by the regulations published in the **Federal Register** on May 19, 1997 (62 FR 27295).

The Petition

On July 30, 1997, the Department of Commerce (the Department) received a petition filed in proper form by AL Tech Speciality Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Talley Metals Technology, Inc., and United Steelworkers of America, AFL–CIO/CLC (the petitioners). Supplements to the petition were filed on August 6, 13, 14, and 15, 1997.

In accordance with section 701(a) of the Act, the petitioners allege that producers and/or exporters of SSWR in Italy receive countervailable subsidies. The petitioners state that they have standing to file the petition because they are interested parties, as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory provision regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The petition refers to the single domestic like product defined in the ''Scope of Investigation'' section, below. The Department has no basis on the record to find the petition's definition of the domestic like product to be inaccurate. In this regard, we have found no basis on which to reject petitioners' representations that there are clear dividing lines, in terms of

[1] *See Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefor from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition,* 56 FR 32376, 32380–81 (July 16, 1991).

characteristics and uses, between the product under investigation and other coiled steel products. The Department has, therefore, adopted the domestic like product definition set forth in the petition. In this case, petitioners established industry support substantially above the statutory requirement. Accordingly, the Department determines that the petition is filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Scope of Investigation

For purposes of this investigation, certain SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, and are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter. Two stainless steel grades SF20T and K–M35FL are excluded from the scope of the investigation. The chemical makeup for the excluded grades are as follows:

SF20T			
Carbon	0.05 max	Chromium	19.00/21.00
Manganese	2.00 max	Molybdenum	1.50/2.50
Phosphorous	0.05 max	Lead	Added (0.10/0.30)
Sulfur	0.15 max	Tellurium	Added (0.03 min)
Silicon	1.00 max.		

K–M35FL			
Carbon	0.015 max	Nickel	0.30 max
Silicon	0.70/1.00	Chromium	12.50/14.00
Manganese	0.40 max	Lead	0.10/0.30
Phosphorous	0.04 max	Aluminum	0.20/0.35
Sulfur	0.03 max.		

The products under investigation are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

As we discussed in the preamble to the new regulations (62 FR at 27323), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments by September 15, 1997. Comments should be addressed to Import Administration's Central Records Unit at Room 1874, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. This period of scope consultation is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determination.

Consultations

On August 13, 1997, pursuant to Section 702(b)(4)(A)(ii) of the Act, the Department held consultations with representatives of the European Commission (''EC'') and the Government of Italy (''GOI'') with respect to the petition.

Injury Test

Because Italy is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, the U.S. International Trade Commission (''ITC'') must determine whether imports of the subject merchandise from Italy materially injure, or threaten material injury to, a U.S. industry.

Allegation of Subsidies

Section 702(b) of the Act requires the Department to initiate a countervailing duty proceeding whenever an interested party files a petition, on behalf of an industry, that (1) alleges the elements necessary for an imposition of a duty under section 701(a), and (2) is accompanied by information reasonably available to petitioners supporting the allegations.

Initiation of Countervailing Duty Investigation

The Department has examined the petition on SSWR from Italy and found that it complies with the requirements of section 702(b) of the Act. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether producers and/or exporters of SSWR from Italy receive subsidies.

Company Histories

Petitioners have made specific subsidy allegations with respect to three Italian SSWR producers: Cogne Acciai Speciali CAS S.r.l. (''Cogne''), Acciaierie di Bolzano S.p.A. (''Bolzano'') and Acciaierie Valbruna S.r.l. (''Valbruna'').

Cogne was a subsidiary of the ILVA Group (or its precursors) until 1993, at which time it was privatized and sold to the Marzorati Group. ILVA and its precursors were subsidiaries of the Istituto per la Ricostruzione Industriale (''IRI''), which, in turn, was owned by the GOI. In a stock swap approved in 1991, 22.4 percent of Cogne was transferred to Falck, the privately-owned parent company of Bolzano, in return for shares accounting for 44.8 percent of Bolzano. In 1993, ILVA reacquired Falck's shares of Cogne and returned the Bolzano shares to Falck.

Bolzano was 100 percent owned and controlled by Falck between 1982–1991 and 1993–1995. In a stock swap approved in 1991, 44.8 percent of Bolzano was acquired by ILVA, and Falck's share of the company dropped to 55.2 percent. As discussed above, Falck

reacquired these shares in 1993 when it returned the shares of Cogne to ILVA. In 1995, Bolzano was sold to Valbruna.

Valbruna is owned and controlled by the Gruppo Amenduni. Valbruna now owns and controls 100 percent of Bolzano.

Equityworthiness

In the July 30, 1997 petition, petitioners alleged that ILVA was unequityworthy from 1982 through 1994; Cogne was unequityworthy from 1982 through 1996; Bolzano was unequityworthy from 1990 through 1996; and Falck was unequityworthy from 1992 through 1994. However, on August 13, 1997, petitioners clarified that they are not alleging any previously uninvestigated equity infusions other than the equity infusion provided to ILVA in 1992 and approved by the EC in 1993. As petitioners only allege corresponding equity infusions for ILVA in 1982, 1984 through 1988, and 1991 through 1993, we will not examine ILVA's equityworthiness in 1983 and 1989 through 1990.

Creditworthiness

Petitioners allege ILVA was uncreditworthy from 1982 through 1994; Cogne was uncreditworthy from 1982 through 1996; Bolzano was uncreditworthy from 1990 through 1996; and Falck was uncreditworthy from 1992 through 1994. We will investigate ILVA's creditworthiness from 1982 through 1994, Cogne's creditworthiness from 1994 through 1996, Bolzano's creditworthiness from 1995 through 1996 and Falck's creditworthiness from 1992 through 1994 to the extent government equity infusions, loans or loan guarantees were provided in those years.

Programs

We are including in our investigation the following programs alleged in the petition to have provided subsidies to producers and exporters of the subject merchandise in Italy:

Government of Italy Programs

1. Debt Forgiveness: Finsider-to-ILVA Restructuring (predecessor companies)
2. Equity Infusions to ILVA and Precursor Companies
3. Debt Forgiveness: 1981 Restructuring Plan
4. 1992 Equity Infusions to ILVA (Approved by the EC in 1993)
5. ILVA Pre-Privatization Assistance and Debt Forgiveness
6. R&D Grants
7. Law 481/94 and Precursors
8. Decree Law 120/89
9. Deliberazione: Law 46 Grants for Technological Innovation
10. Law 675
    a. Interest Grants on Bank Loans
    b. Mortgage Loans
    c. Interest Contributions on IRI Loans
    d. Personnel Retraining Aid
11. Law 193/84 Programs
12. Grants and Loans for Reduction of Production Capacity: Laws 46 and 706
13. Law 796/76 Exchange Rate Guarantees
14. Law 227/77 Export Loans and Remission of Taxes
15. Law 394/81 Export Marketing Grants and Loans
16. Law 451/94 Early Retirement Assistance
17. Subsidies for Operating Expenses and ''Easy Term'' Funds

Regional Programs of the Government of Italy

1. Law 488/92 and Legislative Decree 96/93
2. Law 341/95 and Circolare 50175/95

Programs of Regional Governments

1. Valle d'Aosta Regional Assistance Associated With the Sale of Cogne Including Laws 1/96 and 28/96
2. Valle d'Aosta Regional Law 16/88 Modifying Law 33/73
3. Valle d'Aosta Regional Law 64/92
4. Valle d'Aosta Regional Law 12/87
5. Valle d'Aosta Regional Law 3/92
6. Bolzano/Trentino Alto-Adige Regional Assistance Associated with the Sale of Bolzano
7. Provincial Grants/Loans Provided to Bolzano[2]
8. Bolzano Law 44/92

European Commission Programs

1. European Coal and Steel Community (ECSC) Article 54 Loans
2. Interest Rebates on ECSC Article 54 Loans
3. ECSC Article 56 Loans
4. European Social Fund
5. European Regional Development Fund
6. Resider Program
7. 1993 European Commission Steel Funds

We are not including in our investigation the following programs alleged to be benefitting producers and exporters of the subject merchandise in Italy:

1. Grants to ILVA: The petitioners allege that, in a previous investigation of steel products, the Department countervailed various programs that provided grants to ILVA; however, the amounts of the grants exceeded those authorized by the GOI and the EC. (*See Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Italy*, 58 FR 37327 (July 9, 1993) (''*Certain Steel*''). Because there was no verification of ILVA's response in that investigation, we countervailed the excess as miscellaneous grants based on best information available (BIA).

However, in a subsequent investigation, it was verified that these miscellaneous grants were included in Law 675/77 programs. *See Final Affirmative Countervailing Duty Determination: Grain-Oriented Electrical Steel from Italy*, 59 FR 18357 (April 18, 1994) (''*Electrical Steel*''). Since the Department is initiating an investigation on these Law 675/77 programs, this alleged subsidy is already captured. As such, we are not initiating separately on ''grants to ILVA.''

2. Interest Subsidies under Law 617/81: The petitioners allege that, in 1982, IRI issued two trillion lire worth of bonds. It then re-lent these funds to its subsidiaries. Of that amount, over 900 billion lire was provided to ILVA's predecessor company, Nuovo Italsider. Under Law 617/81, the GOI promised to pay 11 percent of the total interest costs of the loans. In *Certain Steel*, this program was countervailed as a non-recurring grant based on BIA. In *Electrical Steel*, this program was determined not to be used because none of the loans were outstanding during the POI in that investigation. Because, as determined in *Electrical Steel*, the loans on which these interest payments had been made were no longer outstanding in 1992, we are not initiating on this program.

3. Law 675: Value Added Tax (VAT) Reductions: The petitioners allege that VAT Reductions under law 675 were countervailed in *Certain Steel*; however, in *Electrical Steel*, this program was found to be targeted to southern Italy. Since none of the producers of subject merchandise are located in southern Italy, and petitioners have not provided any information that demonstrates that firms outside of southern Italy are eligible for benefits under this program, we are not initiating on this program.

4. Other Government Loans: Petitioners request that the Department investigate financing provided by the GOI to producers of subject merchandise. Several of the producers of subject merchandise have received loans from the GOI or GOI-owned banks. However, petitioners have not presented sufficient information to

[2] We note that the EC has ordered repayment of the Provincial Grants/Loans provided to Bolzano. During consultations, the EC stated that the assistance will be repaid even though the EC decision is under appeal. In the investigation, we intend to look into the possibility that the assistance has been repaid.

indicate that these loans are at noncommercial rates, or otherwise provide a benefit to producers of subject merchandise. Of the loans identified by petitioners, one loan appears to have been on preferential terms to a producer of subject merchandise. However, that loan was provided under law 46, which we have included in this investigation. Therefore, we are not initiating on this allegation regarding ''other government loans.''

5. Government Loan Guarantees: Petitioners allege that several third party loan guarantees listed in the producers' annual reports are likely to have been provided by the government at preferential rates. Petitioners claim that these guarantees may be the same, or similar to, loan guarantees countervailed by the Department in *Certain Steel*.

The Department countervailed government loan guarantees provided by IRI and Finsider in *Certain Steel* based on BIA. However, in *Electrical Steel*, these loan guarantees were found to have been provided only by Finsider, not IRI. Since Finsider was in liquidation, and therefore could not have paid the loan even if required to, the Department found that these loan guarantees provided no benefit.

Petitioners have not provided any information that indicates that the guarantees listed in the company's annual reports are provided by the government at preferential rates, nor have they provided any information demonstrating that these guarantees, if provided by the government, were done so on a specific basis. Therefore, we are not initiating on these loan guarantees.

6. Bolzano/Trentino-Alto Adige Law 9/91: Petitioners allege that Law 9/91, which provides easy term loans to stimulate local economic activity, provides countervailable benefits to producers of subject merchandise. Loans under this law are available to companies in tourism, agriculture, crafts and services. Petitioners have not shown that producers of subject merchandise would be eligible for benefits under this provision. Moreover, they have not provided sufficient information to indicate that Law 9/91 would be specific. Therefore, we are not initiating on this program.

7. Trentino-Alto Adige Law 8/95: Petitioners allege that the region of Trentino-Alto Adige provides various incentives under Law 8/95 to promote local industry, commerce, services, crafts and tourism. However, they have not provided sufficient information to indicate that the incentives provided under this law are specific. Therefore, we are not initiating on Law 8/95 of the region of Trentino-Alto Adige.

8. Veneto Law 39/87: Petitioners allege that Law 39/87 of the Veneto region provides countervailable benefits to producers of subject merchandise. This law establishes a registry for financial assistance in the province. Based on the information contained in the petition, this law seems to be simply an administrative measure that requires companies to register with the province before applying for assistance. Petitioners have provided no basis to believe that Law 39/87 provide any benefits; therefore, we are not initiating on this program.

9. Veneto Law 16/93: Petitioners allege that Law 16/93 of the Veneto region provides countervailable benefits to producers of subject merchandise. This law established various initiatives designed to promote the economic and social development of Veneto's eastern region. However, based on evidence in the petition, Valbruna, the only producer of subject merchandise located in the Veneto Region, is not located in the eastern portion of the region and there is no indication that other parts of the region are eligible for benefits. As no producers of subject merchandise appear eligible for benefits under this law, we are not initiating on this program.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and section 351.203(c)(2) of the Department's regulations, copies of the public version of the petition have been provided to the representatives of the GOI and the EC. We will attempt to provide copies of the public version of the petition to all the exporters named in the petition.

ITC Notification

Pursuant to section 702(d) of the Act and section 351.203(c)(1) of the Department's regulations, we have notified the ITC of this initiation.

Preliminary Determination by the ITC

The ITC will determine by September 15, 1997, whether there is a reasonable indication that an industry in the United States is being materially injured, or is threatened with material injury, by reason of imports from Italy of SSWR. Any ITC determination which is negative will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 702(c)(2) of the Act and section 351.203(c)(1) of the Department's Regulations.

Dated: August 19, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–22687 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of New Mexico Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made 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). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–043. *Applicant:* University of New Mexico, Albuquerque, NM 87131–6041. *Instrument:* X-Ray Photoelectron Spectrometer, Model AXIS HSi. *Manufacturer:* Kratos Analytical, United Kingdom. *Intended Use:* See notice at 62 FR 32766, June 17, 1997.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time of purchase (December 19, 1996).

Reasons: The foreign instrument provides magnetic charge equalization for uniform charge compensation across the sample surface. The U.S. Department of Energy advises that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use at the time of purchase.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–22691 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade missions:

Women-In-Trade Business Development Mission to South Africa.
Johannesburg and Cape Town.
October 6–10, 1997.
Recruitment closes August 29, 1997.
For further information contact Loretta Allison, Department of Commerce.
Tel: 202–482–5479.
Fax: 202–482–1999.

Health Industries Russian Trade Mission.
Nizhny Novgorod, Russia, and Kazan, Tatarstan.
October 19–26, 1997.
Recruitment closes September 15, 1997.
For further information contact George Keen, Department of Commerce.
Tel: 202–482–2010.
Fax: 202–482–0975. 02

Retailing and Franchising Trade Mission to China.
Hong Kong, Shenzen, Shanghai, and Beijing.
October 19–28, 1997.
Recruitment closes September 15, 1997.
For further information contact Bruce Harsh, Department of Commerce.
Tel: 202–482–4582.
Fax: 202–482–2669.

U.S. Computer Industry Trade Mission to the Middle East.
United Arab Emirates, Egypt and Israel.
October 28–November 6, 1997.
Recruitment closes September 5, 1997.
For further information contact Daniel Valverde, Department of Commerce.
Tel: 202–482–0573.
Fax: 202–482–0952.

Medical Devices and Supplies Trade Mission to India.
New Delhi, Chennai (Madras), and Mumbai (Bombay).
January 17–24, 1998.
Recruitment closes November 21, 1997.
For further information contact Duaine Priestley, Department of Commerce.
Tel: 202–482–2410.
Fax: 202–482–2702.

Medical and Dental Devices, Medical Device Components, and Laboratory Instruments Trade Mission to China.
Beijing, Shanghai, Chengdu, and Kunming.
April 19–April 29, 1998.
Recruitment closes February 21, 1997.
For further information contact Lauren Brosler, Department of Commerce.
Tel: 202–482–4431.
Fax: 202–482–0975.

For further information contact Reginald Beckham, Department of Commerce.
Tel: 202–482–5478.
Fax: 202–482–1999.

Dated: August 21, 1997.

David C. Bowie,

Deputy Director, Office of Export Promotion Coordination.

[FR Doc. 97–22637 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Sanctuary Program

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration is withdrawing Norfolk Canyon from consideration as an Active Candidate for designation as a National Marine Sanctuary. Norfolk Canyon is located approximately 60 nautical miles east of the entrance to Chesapeake Bay (offshore Virginia), and is a deep-water site. Norfolk Canyon was identified by NOAA for further evaluation prior to the development of the National Marine Sanctuary Program's Site Evaluation List (SEL). For reasons related to limited agency resources, the remote nature of the site, and the absence of known threats to the Canyon's resources, NOAA has decided to withdraw Norfolk Canyon from Active Candidate status, and terminate consideration of the site for possible designation as a National Marine Sanctuary.

FOR FURTHER INFORMATION CONTACT: Edward Lindelof, Manager, Atlantic, Great Lakes and Gulf Branch, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, at 301–713–3137 (ext. 131), fax: 301–713–0404, e-mail: elindelof@ocean.nos.noaa.gov.

I. Background

The National Marine Sanctuaries Act, as amended, (Act), 16 U.S.C. 1431 et seq., authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries if the designation will fulfill the purposes and policies of the Act (set forth in section 301(b) (16 U.S.C. 1431(b)), and if: (1) The area proposed for designation is of special national significance due to its resource or human-use values; (2) existing state and federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education; (3) designation of the area as a national marine sanctuary will facilitate the coordinated and comprehensive conservation and management of the area; and (4) the area is of a size and nature that will permit comprehensive and coordinated conservation and management. The Act is administered by NOAA through the National Ocean Service (NOS), Office of Ocean and Coastal Resource Management (OCRM), Sanctuaries and Reserves Division (SRD).

II. Administrative History

In January 1982, NOAA published a Program Development Plan (PDP) for the National Marine Sanctuary Program, describing the Program's mission and goals, site identification and selection criteria, and the nomination and designation process. Based on the PDP and Program regulations, NOAA published a proposed SEL recommended to NOAA by regional resource evaluation teams. At the time of development of the SEL, Norfolk Canyon and five other sites were already under consideration by NOAA for possible designation, and the regional resource evaluation teams were instructed to not consider these sites. On August 4, 1983, NOAA published the final SEL (48 FR 35568). The SEL is described in the regulations for the National Marine Sanctuary program at 15 CFR 922.10.

On September 1, 1985, NOAA published notice (50 FR 37760) announcing preliminary consultation and inviting public comment on the possible designation of Norfolk Canyon as a National Marine Sanctuary. Norfolk Canyon became an Active Candidate for National Marine Sanctuary designation

on February 28, 1986 (51 FR 7097). Public scoping meetings were conducted pursuant to notice published on May 19, 1986 (51 FR 18352). The scoping meetings were held to allow NOAA to gather information and determine the range and significance of issues related to the potential Sanctuary designation and management of the Norfolk Canyon site. A preliminary draft resource assessment/environmental impact statement was completed in 1992. No further significant action toward designation has occurred since that time.

III. The Site

Norfolk Canyon is located approximately 60 nautical miles east of the mouth of the Chesapeake Bay (offshore Virginia), and is the southermost of a series of submarine canyons along the Atlantic continental margin. This is a deep-water site, characterized as a non-glaciated area that is influenced by a major drainage system (the Chesapeake Bay), and is habitat for several alcyonarid and scleractinid corals. The area is approximately positioned about the coordinates: 37°03.3n by 74°38.4W.

IV. Action

The SRD has been unuable to actively pursue designation of this site for reasons pertaining to availability of resources and Program priorities. NOAA has decided to focus its limited personnel and budgetary resources on completion of Congressionally-designated sites; on consideration of bio-geographic areas not well represented by the Sanctuary Program; and on sites that are more significantly affected by human activities. NOAA's resources are being directed at bringing the management of designated sanctuaries up to levels consistent with mandates of the Act. NOAA finds, through information gathered for the preliminary draft resource assessment and environmental impact statement, that there appears to be the minimal threat to the Norfolk Canyon site, relative to other proposed and existing sites. Human activites are limited primarily to low levels of commercial and recreational fishing. No mineral mining or ocean disposal activity occurs at the site, and the near-term prospects of such activities are unlikely.

Accordingly, the site is withdrawn from Active Candidate status and further consideration of Norfolk Canyon for designation as a National Marine Sanctuary is discontinued.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 18, 1997.

Captain Evelyn J. Fields,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc 97–22602 Filed 8–25–97 8:45 am.]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

August 20, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting import limits and Guaranteed Access Levels.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limit for Categories 351/651 is being increased for special shift, reducing the limit for 342/642 to account for the increase.

Upon the request of the Government of the Dominican Republic, the U.S. Government has agreed to increase the current Guaranteed Access Levels (GALs) for certain textile products.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66263, published on December 17, 1996). Also see 61 FR 65375, published on December 12, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 20, 1997.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 6, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1997 and extends through December 31, 1997.

Effective on August 26, 1997, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
342/642	348,935 dozen.
351/651	1,076,530 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1996.

The Guaranteed Access Levels (GALs) for Categories 342/642 and 351/651 remain unchanged. You are directed to increase the current GALs for the following categories:

Category	Guaranteed Access Level
338/638	4,150,000 dozen.
347/348/647/648	9,050,000 dozen.
433	81,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–22613 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

August 20, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for Categories 443 and 448 are being increased for swing, reducing the limit for Categories 340/640 to account for the increases. Also, Category 448 is being reduced for carryforward used in 1996.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 61 FR 58038, published on November 12, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 20, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 4, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the twelve-month period which began on January 1, 1997 and extends through December 31, 1997.

Effective on August 26, 1997, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC):

Category	Adjusted twelve-month limit [1]
340/640	1,245,302 dozen.
443	74,967 numbers.
448	44,370 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1996.

The Guaranteed Access Levels for the foregoing categories remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–22612 Filed 8–25–97; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps*National Civilian Community Corps (NCCC)

AGENCY: Corporation for National and Community Service.

ACTION: Notice of Availability for Collaboration.

SUMMARY: The NCCC seeks collaboration in the performance of service projects in the areas of education, the environment, public safety, other unmet human needs, and disaster relief.

DATES: Proposals are accepted and reviewed on an ongoing basis.

FOR FURTHER INFORMATION: See AmeriCorps*National Civilian Community Corps' projects brochure on the World Wide Web at http://www.nationalservice.org.

SUPPLEMENTARY INFORMATION: The National Civilian Community Corps is an AmeriCorps program of the Corporation for National and Community Service. NCCC engages 18- to 24-year-old men and women of diverse social, economic, and educational backgrounds, in teams of approximately 12 with a team leader, to conduct service projects across the nation. Projects are typically six to eight weeks in duration; the period of service for larger, more complex projects can be extended.

Eligibility: Private nonprofit organizations, governmental entities at the Federal, state, and local levels, educational institutions, community-based organizations, and Native American Tribal Councils are eligible to submit proposals. Proposals are accepted, reviewed, and approved with consideration for compelling need, geographical distribution, availability of teams, and NCCC costs related to team deployment. Priority is given to service projects in education, the environment, public safety, other unmet human needs, and disaster relief.

Cost: There is no charge for the services of an NCCC team or its transportation; however, collaborating organizations are expected to provide the necessary materials, equipment, and technical supervision for projects, as well as food and lodging if the project is located 90 minutes or more from an NCCC campus. NCCC does not provide financial grants of any kind in association with this program.

ADDRESSES: For interested organizations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, contact: AmeriCorps*NCCC Northeast Region Campus, Attn: Ms. LaQuine Roberson, Acting Campus Director, P. O. Box 27, Perry Point, MD 21902–0027, (410) 642–2411, Extension 6850.

For interested organizations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands, contact: AmeriCorps*NCCC Southeast Region Campus, Attn: Ms. Ruth Rambo, Director of Projects and Training, 2231 South Hobson Avenue, Charleston, SC 29405, (803) 743–8600, Extension 3007.

For interested organizations in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, contact: AmeriCorps*NCCC Central Region Campus, Attn: Ms. Karen LaBat, Director of Projects and Training, 1059 Yosemite Street, Building 758, Room 213, Aurora, CO 80010, (303) 340–7305.

For interested organizations in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah,

Washington, and the Pacific U.S. territories, contact: AmeriCorps*NCCC Western Region Campus, Attn: Mr. Charles Davenport, Director of Projects and Training, 2650 Truxton Road, San Diego, CA 92106–6001, (619) 524–0749.

For interested organizations in the District of Columbia, Ohio, Pennsylvania, Virginia, and West Virginia, contact: AmeriCorps*NCCC Capital Area Campus, Attn: Ms. Kate Becker, Campus Director, Two D.C. Village Lane, SW, Washington, DC 20032, (703) 806–5523.

Dated: August 20, 1997.

Andrew P. Chambers,

*National Director, AmeriCorps*National Civilian Community Corps.*

[FR Doc. 97–22684 Filed 8–25–97; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Police Record Check; DD Form 369; OMB Number 0704–0007.

Type of Request: Reinstatement.

Number of Respondents: 125,000.

Responses Per Respondent: 1.

Annual Responses: 125,000.

Average Burden Per Response: 27 minutes.

Annual Burden Hours: 56,250.

Needs and Uses: This information is collected to provide the Armed Services with background information on an applicant. History of criminal activity, arrests, or confinement is disqualifying for military service. The respondents will be local and state law enforcement agencies. The DD Form 369, ''Police Record Check,'' is the method of information collection; responses are to reference any records on the applicant. The information will be used to determine suitability of the applicant for the military service.

Affected Public: Individuals or households; State, Local, or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 20, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22629 Filed 8–25–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Task Force on Defense Reform

ACTION: Notice.

SUMMARY: Notice is hereby given of a meeting of the Task Force on Defense Reform (the Task Force). Due to a revision in the schedule, the previously announced closed meeting on this date is now open to the public. One purpose of the meeting is to meet with the labor unions representing federal employees in DoD. In addition, time will be set aside for anyone who wishes to address the Task Force with ideas about streamlining, restructuring, and reengineering OSD and other components or elements of the Department of Defense.

The Task Force on Defense Reform was established to make recommendations to the Secretary of Defense and Deputy Secretary of Defense on alternatives for organizational reforms, reductions in management overhead, and streamlined business practices in the Department of Defense, with emphasis on the Office of the Secretary of Defense, the Defense Agencies and the DoD Field Activities, and the Military Departments.

DATES: Tuesday, September 23, 1997, at 1 p.m.

ADDRESSES: Room 3E869, the Pentagon, Washington, DC. Seating is limited. Must call Ms. Lynn Cline at the number listed in **FOR FURTHER INFORMATION** section below to arrange for access to Pentagon.

FOR FURTHER INFORMATION: Contact Ms. Lynn Cline, Task Force on Defense Reform, Room 3C965, Pentagon, Washington, DC 20301. Telephone: (703) 614–7522. Interested parties should call Ms. Cline before 10 A.M., Tuesday, September 23, 1997.

Dated: August 20, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22630 Filed 8–25–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

National Defense Panel Meeting

AGENCY: DoD, National Defense Panel.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and summary agenda for the meeting of the National Defense Panel of September 4 and 5, 1997. In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this National Defense Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public from 0830–1700, August 18 and 19, 1997 in order for the Panel to discuss classified material.

DATES: September 4 and 5, 1997.

ADDRESSES: Suite 532, 1931 Jefferson Davis Hwy, Arlington, Va.

SUPPLEMENTARY INFORMATION: The National Defense Panel was established on January 14, 1997 in accordance with the Military Force Structure Review Act of 1996, Pub. L. 104–201. The mission of the National Defense Panel is to provide the Secretary of Defense and Congress with an independent, non-partisan assessment of the Secretary's Quadrennial Defense Review and an Alternative Force Structure Analysis. This analysis will explore innovative ways to meet the national security challenges of the twenty-first century.

Proposed Schedule and Agenda

The National Defense Panel will meet in closed session from 0830–1700 on September 4 and from 0830–1700 on September 5, 1997. During the closed session on September 4 the Panel will meet with General Paul Gorman, former Army General and expert on military affairs at the Crystal Mall 3 office. On September 5 during the closed session the National Defense Panel staff will present updates on issue papers, force structure and the Reserves at the Crystal Mall 3 office.

The determination to close the meeting is based on the consideration that it is expected that discussion will involve classified matters of national security concern throughout.

FOR FURTHER INFORMATION CONTACT: Please contact the National Defense Panel at (703) 602–4175/6.

Dated: August 19, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22625 Filed 8–25–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group

AGENCY: Department of Defense, USSTRATCOM.

ACTION: Notice.

SUMMARY: On August 7, 1997, the Department of Defense published a notice of closed meetings scheduled for October 23 and 24, 1997 (62 FR 42521). These meetings have been rescheduled to December 10 and 11, 1997. All other information remain unchanged.

Dated: August 20, 1997.

L.M. Bynum,

Alternate OSA Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22624 Filed 8–25–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review the current status of recommendations and requests for information generated at the 1997 DACOWITS Spring Conference, discuss other issues relevant to women in the Services and conduct business internal to the Committee. All meeting sessions will be open to the public.

DATES: September 8, 1997 8:30 a.m.–4 p.m.

ADDRESSES: SecDef Conference Room 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Kay L. Troutt, USAF, DACOWITS and Military Women Matters, OASD (Force Management Policy) The Pentagon, Room 3D769, Washington, DC 20301–4000, Telephone (703) 697–2122.

Dated: August 18, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22632 Filed 8–25–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Patent for Exclusive, Partially Exclusive or Nonexclusive Licenses

AGENCY: Army Research Laboratory, DOD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive or non-exclusive licenses under U.S. Patent No. 4,867,957, issued 19 Sept. 1989, entitled ''Process for Making Polyphosphaszenes''. Licenses shall comply with 35 U.S.C. 209 and 37 CFR part 404.

FOR FURTHER INFORMATION CONTACT: Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: AMSRL–CS–TT/Bldg. 434, Aberdeen Proving Ground, Maryland 21005–5425, Telephone: (410) 278–5028.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 97–22585 Filed 8–25–97; 8:45 am]

BILLING CODE 3710–08–M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meeting

Pursuant to the provision of the ''Government in the Sunshine Act'' (5 U.S.C. § 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) meeting described below.

TIME AND DATE OF MEETING: 9:00 a.m., September 16, 1997.

PLACE: The Defense Nuclear Facilities Safety Board Public Hearing Room, 625 Indiana Avenue, NW, Suite 300, Washington, DC 20004.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Defense Nuclear Facilities Safety Board will convene the fifth quarterly briefing to receive the Department of Energy's progress report, and DNFSB staff views, on activities associated with the Department's implementation efforts for the Board's Recommendation 95–2, Integrated Safety Management (''ISM'').

DOE is scheduled to brief the Board on the current status of:

- ISM Program development, including implementation at the ten priority sites, with a focus on the status of interim safety management bases and progress on DOE commitments;
- Contract reform commitments and the new Department of Energy Acquisition Regulation (DEAR) clauses implementing Recommendation 95–2, actual use of these DEAR clauses in current contracts or RFPs, enforcement of safety requirements in contracts, specification of financial incentives and penalties in contracts based on safety performance;
- Functions, Responsibilities and Authorities Manuals, including a path forward for issue resolution; and
- Authorization agreement guidance development.

Additionally, DOE is scheduled to brief the Board on:

- Contract enforcement provisions and practices for safety terms in contracts; and
- The bases for provisions in completed Authorization Agreements.

The Board's staff will brief the Board on the staff's views on the content and purposes of Authorization Agreements, and its views on existing DOE Authorization Agreements.

CONTACT PERSON FOR MORE INFORMATION: Richard A. Azzaro, Deputy General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Facilities Safety Board reserves its right to further schedule and otherwise regulate the course of this meeting, to recess, reconvene, postpone or adjourn the meeting, and otherwise exercise its authority under the Atomic Energy Act of 1954, as amended.

Dated: August 22, 1997.

John T. Conway,

Chairman.

[FR Doc. 97–22802 Filed 8–22–97; 1:00 pm]

BILLING CODE 3670–01–M

DEPARTMENT OF ENERGY

[Docket Nos. EA–153 and EA–154]

Applications To Export Electric Energy to Canada; Citizens Power Sales and Plum Street Energy Marketing, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Applications.

SUMMARY: Citizens Power Sales (CP Sales) and Plum Street Energy Marketing, Inc. (PSEM), power marketers, have submitted applications to export electric energy to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before September 25, 1997.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. § 824a(e)).

The Office of Fossil Energy (FE) of the Department of Energy (DOE) has received applications from the following companies for authorization to export electric energy, as power marketers, to Canada, pursuant to section 202(e) of the FPA:

Applicant	Application date	Docket No.
Citizens Power Sales	8/15/97	EA–153
Plum Street Energy Marketing, Inc.	8/15/97	EA–154

These power marketing companies do not own or control any facilities for the generation or transmission of electricity, nor do they have franchised service areas. Each power marketer proposes to transmit to Canada electric energy purchased from electric utilities and other suppliers within the U.S.

The applicants would arrange for the exported energy to be transmitted to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Company, Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. Each of the transmission facilities, as more fully described in these applications, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

PROCEDURAL MATTERS: Any persons desiring to become a party to these proceedings or to be heard by filing comments or protests to these applications should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. Comments on CP Sales request to export to Canada should be clearly marked with Docket EA–153. Additional copies are to be filed directly with Joseph C. Bell and Jolanta Sterbenz, Hogan & Hartson, 555 Thirteenth Street, NW, Washington, DC 20004–1109 *AND* William Roberts, Vice President Utility Contracting, Citizens Power Sales, 160 Federal Street, Boston, MA 02110. Comments on PSEM's request to export to Canada should be clearly marked with Docket EA–154. Additional copies are to be filed directly with: Matthew J. Picardi, General Counsel and Secretary, Plum Street Energy Marketing, Inc., 507 Plum Street, Syracuse, NY 13204 *AND* Scott P. Klurfeld, Swidler & Berlin Chartered, 3000 K Street, NW, Suite 300, Washington, DC 20007.

A final decision will be made on these applications after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed actions will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC on August 20, 1997.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 97–22626 Filed 8–25–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Department of Energy, Los Alamos National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Los Alamos National Laboratory.

DATES: Thursday, August 28, 1997: 6:30 p.m.–9:30 p.m. 7:00 p.m. to 7:30 p.m. (public comment session).

ADDRESS: Northern New Mexico Community College Conference Room, The Joseph Montoya Building, Española, New Mexico.

FOR FURTHER INFORMATION CONTACT: Ms. Carmen M. Rodriquez, Community Involvement and Outreach Office, Los Alamos National Laboratory, Los Alamos, New Mexico 87544, ph: (505) 665–6770, fax: (505) 667–9710, e-mail: carmenr@lanl.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Thursday, August 28, 1997.

6:30 p.m. Call to Order and Welcome.
7:00 p.m. Public Comment.
7:30 p.m. Old Business—Current Status of the Board.
8:15 p.m. New Business—Budget for the Board.
9:30 p.m. Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ms. Carmen M. Rodriquez, at (505) 665-6770. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and

copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Herman Le-Doux, Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87185–5400.

Issued at Washington, DC on August 19, 1997.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 97–22627 Filed 8–25–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site.

DATES AND TIMES: Monday, September 22, 1997: 4:00 p.m.–9:00 p.m.; Tuesday, September 23, 1997: 8:30 a.m.–4:00 p.m.

ADDRESSES: Marine Corps Air Station—Beaufort, U.S. Highway 21, Beaufort, South Carolina.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Public Accountability Specialist, Environmental Restoration and Solid Waste Division, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, (803) 725–5374.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

Monday, September 22, 1997

4:00 p.m.—Executive committee meeting
6:00 p.m.—Public comment session (5-minute rule)
6:30 p.m.—Board Overview—Presentation
7:00 p.m.—Issues-based subcommittee meetings
9:00 p.m.—Adjourn

Tuesday, September 23, 1997

8:30 a.m. Approval of minutes, agency updates (15 minutes) Public comment session (5-minute rule) (30 minutes), Environmental restoration and waste management subcommittee report (2 hours), Nuclear materials management subcommittee (45 minutes)
12:00 p.m.—Lunch
1:00 p.m.—DOE Emergency Preparedness Program (30 minutes) Administrative subcommittee report (45 minutes)—Includes by-laws amendment proposal (membership selection), Risk management & future use subcommittee report (30 minutes), National Dialogue discussion (30 minutes), Facilitator update (15 minutes), Outreach subcommittee report (15 minutes)
4:00 p.m.—Adjourn

If necessary, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, September 22, 1997.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, between 9:00 a.m. and 4 p.m., Monday–Friday except Federal holidays. Minutes will also be available by writing to Gerri Flemming, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling her at (803) 725–5374.

Issued at Washington, DC, on August 20, 1997.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 97–22628 Filed 8–25–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR97–9–000]

AIM Pipeline Company; Notice of Informal Settlement Conference

August 20, 1997.

Take notice that an informal settlement conference in the above-captioned proceeding will be held on Thursday, September 4, 1997, at 10:00 A.M. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Attendance will be limited to the parties and staff. For additional information, please contact Fred Ni at (202) 208–2218.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22595 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–451–000]

Questar Pipeline Company; Notice of Tariff Filing

August 20, 1997.

Take notice that on August 15, 1997, Questar Pipeline Company, tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet Nos. 75B and 75C to be effective September 15, 1997.

Questar states that through this tariff filing, Section 11.1(i) of Part 1 of the General Terms and Conditions of its tariff will be revised by implementing a second batch period for acceptance and processing of intra-day nominations received after 4:01 p.m. each gas day.

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Wyoming Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make Protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22592 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–411–001]

Sea Robin Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

August 20, 1997.

Take notice that on August 15, 1997, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the revised tariff sheets set forth on Appendix A to the filing pursuant to § 154.203 of the Commission's Regulations and Section 4 of the Natural Gas Act to become effective August 1, 1997.

On July 1, 1997, Sea Robin submitted a filing with the Commission in the above-captioned docket to create a new rate schedule on Sea Robin's system to provide a new, flexible firm service for any eligible shipper. Such new, firm service, Rate Schedule FTS–2, provides firm transportation at a volumetric rate provided that shippers maintain a throughput level of 80% of Maximum Daily Quantity (MDQ). In the Commission's ''Order Accepting and Suspending Tariff Sheets Subject to Conditions'' dated July 31, 1997, the Commission accepted Sea Robin's filing subject to certain conditions. Specifically, the Commission required Sea Robin to clarify the following to its tariff language in its new Rate Schedule FTS–2:

(i) That FTS–2 shippers are eligible for permanent releases under Sea Robin's capacity release program;

(ii) How the billing mechanism for FTS–2 shippers billed a reservation charge will work to allow these shippers time to release capacity;

(iii) To incorporate certain handwritten language which was filed and served but not included in its electronic filing; and

(iv) That Sea Robin will consider at minimum the guaranteed revenue (the 80% throughput level) when evaluating requests under Rate Schedule FTS–2 to determine net present value when allocating capacity.

In addition, the Commission required Sea Robin to submit workpapers consistent with the requirement set forth in § 154.202(a)(1)(viii) of the Commission's Regulations.

In addition to the sheets clarifying the issues contained in the Order and the workpapers required by the Order, Sea Robin states that it has filed four revised sheets which contain Sea Robin's allocation procedures under Sections 3 and 2 of the General Terms and Conditions to its existing tariff. Sea Robin has included these sheets in order to insure that the new service is included under those procedures.

Sea Robin has requested to place the tariff sheets into effect August 1, 1997.

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 §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22594 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–450–000]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

August 20, 1997.

Take notice that on August 15, 1997, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Sheet No. 324. Tennessee states that this filing is in compliance with Ordering Paragraph (B) of the Commission's February 27, 1997 Order on Remand in Docket Nos. RM91–11–006 and RM87–34–072. Order No. 636–C, 78 FERC ¶61,186 (1997).

Tennessee further states that the revised tariff sheet establishes a new contract term cap of five years for its right-of-first-refusal tariff provisions consistent with the new cap established in Order No. 636–C. Tennessee requests an effective date of September 15, 1997.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with 18 CFR ons §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in § 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 this 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 available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22593 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2977–001, et al.]

Commonwealth Edison Company, et al.; Electric Rate and Corporate Regulation Filings

August 19, 1997.

Take notice that the following filings have been made with the Commission:

1. Commonwealth Edison Company

[Docket No. ER97–2977–001]

Take notice that on July 25, 1997, Commonwealth Edison Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Montaup Electric Company

[Docket No. ER97–3358–000]

Take notice that on August 7, 1997, Montaup Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Northern Electric Power Co., L.P.

[Docket No. ER97–3956–000]

Take notice that on July 30, 1997, Northern Electric Power Co. (Northern), tendered for filing, pursuant to 18 CFR 35.13, a proposed amendment to its Rate Schedule FERC No. 1. Proposed

Supplement No. 3 is a letter agreement dated February 24, 1994 between Northern and Niagara Mohawk pursuant to which electric energy in excess of 36.1 megawatts generated by the Hudson Falls Hydroelectric Project will be sold at energy-only rates established by the New York Public Service Commission.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Western Resources, Inc.

[Docket No. ER97–3970–000]

Take notice that on July 30, 1997, Western Resources, Inc., tendered for filing a non-firm transmission agreement between Western Resources and Noram Energy Services, Inc. Western Resources states that the purpose of the agreement is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreement is proposed to become effective July 10, 1997.

Copies of the filing were served upon NorAm Energy Services, Inc., and the Kansas Corporation Commission.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. PacifiCorp

[Docket No. ER97–3971–000]

Take notice that PacifiCorp, on July 30, 1997, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a revised Exhibit 2 of the Amendment of Agreements between PacifiCorp and Moon Lake Electric Association (Moon Lake).

Copies of this filing were supplied to Moon Lake Electric Association, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Kentucky Utilities Company

[Docket No. ER97–3972–000]

Take notice that on July 30, 1997, Kentucky Utilities Company (KU) tendered for filing a service agreement with NP Energy Inc. under its Power Services (PS) Tariff.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Virginia Electric and Power Company

[Docket No. ER97–3973–000]

Take notice that on July 30, 1997, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement between Virginia Electric and Power Company and Ontario Hydro under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreements Virginia Power agrees to provide services to Ontario Hydro under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Oklahoma Gas & Electric Company

[Docket No. OA96–17–003]

Take notice that on July 25, 1997, Oklahoma Gas and Electric Company (OG&E) tendered for filing in accordance with a June 11, 1997, Order of the Commission.

Copies of this filing have been sent to all parties with service agreements pursuant to the tariff, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission.

Comment date: September 2, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22590 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER93–493–009, et al.]

Milford Power Limited Partnership, et al.; Electric Rate and Corporate Regulation Filings

August 15, 1997.

Take notice that the following filings have been made with the Commission:

1. Milford Power Limited Partnership

[Docket No. ER93–493–009]

Take notice that on July 7, 1997, and July 31, 1997, Milford Power Limited Partnership tendered for filing Semi-Annual Service Reports for the period January 1, 1997 through June 30, 1997.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Dayton Power & Light Company

[Docket No. ER97–3040–000]

Take notice that on August 1, 1997, Dayton Power & Light Company tendered for filing an amendment in the above-referenced docket.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Dayton Power & Light Company

[Docket No. ER97–3041–000]

Take notice that on August 1, 1997, Dayton Power & Light Company tendered for filing an amendment in the above-referenced docket.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Allegheny Power Service Corporation

[Docket No. ER97–3304–000]

Take notice that on July 21, 1997, Allegheny Power Service Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. First Power, LLC

[Docket No. ER97–3580–000]

Take notice that on August 4, 1997, First Power, LLC tendered for filing an amendment in the above-referenced docket.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Golden Spread Electric Coop., Inc.

[Docket No. ER97–3683–000]

On August 7, 1997, Golden Spread Electric Cooperative, Inc., tendered for filing Agreements to Amend Exhibit C with the Federal Energy Regulatory Commission pursuant to Section 35.13 of the Commission's Regulations. This filing seeks acceptance of the ten Member Agreements to Amend Exhibit C of the Wholesale Power Contracts, which will not result in a rate increase or rate decrease to the Members and will supersede the existing Exhibit C.

The Amendment to Exhibit C, entitled Agreement to Amend Exhibit C of Wholesale Power Contract, contains a description of the members' obligation to make payments to Golden Spread for power purchases with a term in excess of ten years. Identified on Amended Exhibit C are the purchase power contracts with GS Electric Generating Cooperative (GSE) and Denver City Energy Associates, L.P. (DCEA), that each member has agreed to support, along with certain additional amending provisions as set forth in the Amendment.

Copies of this filing were served upon Golden Spread's jurisdictional customers and the Public Utility Commission of Texas.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Cambridge Electric Light Company

[Docket No. ER97–3922–000]

Take notice that on July 28, 1997, Cambridge Electric Light Company (Cambridge), pursuant to Article XIII(A)(3) of its FERC Electric Tariff First Revised Volume No. 3, tendered for filing with the Federal Energy Regulatory Commission its annual informational filing to set forth the actual Net Annual Costs of constructing, owning and maintaining its Transmission System for the twelve month period ending December 31, 1996.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Infinite Energy, Inc.

[Docket No. ER97–3923–000]

Take notice that on July 28, 1997, Infinite Energy, Inc. (Infinite), tendered for filing pursuant to § 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective no later than sixty (60) days from the date of its filing.

Infinite intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Infinite sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither Infinite nor any of its affiliates are in the business of generating, transmitting, or distributing electric power.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices. Rate Schedule No. 1 also provides that no sales may be made to affiliates.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Pool

[Docket No. ER97–3924–000]

Take notice that on July 29, 1997, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by NorAm Energy Services, Inc. (NorAm). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature page would permit NorAm to join the over 120 Participants that already participate in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make NorAm a Participant in the Pool. NEPOOL requests an effective date on or before September 1, 1997, or as soon as possible thereafter for commencement of participation in the Pool by NorAm.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Consolidated Edison Company of New York, Inc.

[Docket No. ER97–3925–000]

Take notice that on July 28, 1997, the Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a Supplement to its Rate Schedule, Con Edison Rate Schedule FERC No. 127, a facilities agreement with the New York Power Authority (NYPA). The Supplement provides for a decrease in the monthly carrying charges. Con Edison has requested that this decrease take effect as of July 1, 1997.

Con Edison states that a copy of this filing has been served by mail upon NYPA.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Niagara Mohawk Power Corporation

[Docket No. ER97–3932–000]

Take notice that on July 28, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and the New York Power Authority to serve 4 MW of New York Power Authority power to Olin. This Transmission Service Agreement specifies that the New York Power Authority has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and the New York Power Authority to enter into separately scheduled transactions under which NMPC will provide transmission service for the New York Power Authority as the parties may mutually agree.

NMPC requests an effective date of May 23, 1997. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and the New York Power Authority.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Kansas Gas and Electric Company

[Docket No. ER97–3933–000]

Take notice that on July 28, 1997, Kansas Gas and Electric Company (KGE), tendered for filing an amendment to the Electric Interconnection Agreement (the Operating Agreement) between KGE and Western Resources, Inc., (Western Resources). KGE states that the amendment modifies the amount of capacity made available to Western Resources under the Operating Agreement.

Copies of the filing were served upon Western Resources, Inc., and the Kansas Corporation Commission.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER97–3934–000]

Take notice that on July 28, 1997, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, Service Agreements with The Town of Eagle Mountain and Tillamook People's Utility District under PacifiCorp's FERC

Electric Tariff, Fourth Revised Volume No. 3.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Niagara Mohawk Power Corporation

[Docket No. ER97–3936–000]

Take notice that on July 28, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and the New York Power Authority to serve 7.5 MW of New York Power Authority power to Encore Paper. This Transmission Service Agreement specifies that the New York Power Authority has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and the New York Power Authority to enter into separately scheduled transactions under which NMPC will provide transmission service for the New York Power Authority as the parties may mutually agree.

NMPC requests an effective date of May 23, 1997. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and the New York Power Authority.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Niagara Mohawk Power Corporation

[Docket No. ER97–3937–000]

Take notice that on July 28, 1997, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and the New York Power Authority to serve 0.5 MW of New York Power Authority power to BOC Gases-Selkirk. This Transmission Service Agreement specifies that the New York Power Authority has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and the New York Power Authority to enter into separately scheduled transactions under which NMPC will provide transmission service for the New York Power Authority as the parties may mutually agree.

NMPC requests an effective date of July 1, 1997. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and the New York Power Authority.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Northern States Power Company (Minnesota Company)

[Docket No. ER97–3938–000]

Take notice that on July 29, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Short-Term Firm Point-to-Point Transmission Service Agreement between NSP and Wisconsin Electric Power Company.

NSP requests that the Commission accept the agreement effective July 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 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Northeast Utilities Service Company

[Docket No. ER97–3939–000]

Take notice that on July 29, 1997, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement with Dayton Power and Light under the NU System Companies' Sale for Resale, Tariff No. 7.

NUSCO states that a copy of this filing has been mailed to the Dayton Power and Light.

NUSCO requests that the Service Agreement become effective June 15, 1997.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Virginia Electric and Power Company

[Docket No. ER97–3940–000]

Take notice that on July 29, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing executed Service Agreements between Virginia Electric and Power Company and (1) Florida Power and Light Company, (2) Southern Indiana Gas & Electric Company, and (3) Entergy Services, Inc., under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreements Virginia Power agrees to provide services to (1) Florida Power and Light Company, (2) Southern Indiana Gas & Electric Company, and (3) Entergy Services, Inc., under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Florida Public Service Commission, the Indiana Utility Regulatory Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, the Arkansas Public Service Commission, the Texas Public Utility Commission, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Virginia Electric and Power Company

[Docket No. ER97–3941–000]

Take notice that on July 29, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing six Service Agreements for Firm Point-to-Point Transmission Service with The Wholesale Power Group under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide firm point-to-point service to The Wholesale Power Group as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Virginia Electric and Power Company

[Docket No. ER97–3942–000]

Take notice that on July 29, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between The Energy Authority and Virginia Power under the Open Access Transmission Tariff to Eligible

Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide non-firm point-to-point service to The Energy Authority as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. PECO Energy Company

[Docket No. ER97–3943–000]

Take notice that on July 29, 1997, PECO Energy Company (PECO), filed a summary of transactions made during the second quarter of calendar year 1997 under PECO's Electric Tariff Original Volume No. 1 accepted by the Commission in Docket No. ER95–770, as subsequently amended and accepted by the Commission in Docket No. ER97–316.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. New York State Electric & Gas Corporation

[Docket No. ER97–3944–000]

Take notice that on July 29, 1997, New York State Electric & Gas Corporation (NYSEG), filed a Service Agreement between NYSEG and New York State Electric & Gas Corporation, (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the NYSEG open access transmission tariff filed and effective on January 29, 1997 with revised sheets effective on February 7, 1997, in Docket No. OA97–571–000 and OA96–195–000.

NYSEG requests waiver of the Commission's sixty-day notice requirements and an effective date of July 1, 1997 for the New York State Electric & Gas Corporation Service Agreement. NYSEG has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. New York State Electric & Gas Corporation

[Docket No. ER97–3945–000]

Take notice that on July 21, 1997, New York State Electric & Gas Corporation (NYSEG), tendered for filing a Notice of Cancellation of Transmission Service Agreement # 31 under NYSEG's Open Access Transmission Tariff.

NYSEG requests that this cancellation become effective June 30, 1997.

Comment date: August 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. New York State Electric & Gas Corporation

[Docket No. OA96–195–005]

Take notice that on July 24, 1997, New York State Electric & Gas Corporation tendered for filing its refund report in the above-referenced docket.

Comment date: August 29, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22589 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL97–52–000, et al.]

Niagara Mohawk Power Corporation, et al.; Electric Rate and Corporate Regulation Filings

August 18, 1997.

Take notice that the following filings have been made with the Commission:

1. Niagara Mohawk Power Corporation

[Docket No. EL97–52–000]

Take notice that on August 12, 1997, Niagara Mohawk Power Corporation (Niagara Mohawk) filed a Petition for a Declaratory Order that new or modified transmission service of Replacement Power must be under Niagara Mohawk's Open Access Tariff.

A copy of this filing has been served on the New York State Public Service Commission, the Power Authority of the State of New York, and customers taking service under Niagara Mohawk Rate Schedule No. 19.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Western Systems Power Pool

[Docket No. ER91–195–029]

Take notice that on August 8, 1997, the Western Systems Power Pool (WSPP) filed certain information to update its July 30, 1997, quarterly filing. This data is required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992, Order On Rehearing Denying Request Not To Submit Information, And Granting In Part And Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

3. Illinois Power Company

[Docket No. ER97–3946–000]

Take notice that on July 29, 1997, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Pennsylvania Power & Light Company will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of July 1, 1997.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Ohio Edison Company, Pennsylvania Power Company

[Docket No. ER97–3947–000]

Take notice that on July 29, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, Service Agreements for Non-Firm Point-to-Point Transmission Service with GPU Energy, Wabash Valley Power Association, Inc., Allegheny Power and MidCon Power Services Corp., and Ohio Edison Company pursuant to Ohio Edison's Open Access Tariff. These Service Agreements will enable the parties to

obtain Non-Firm Point-to-Point Transmission Service in accordance with the terms of the Tariff.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Boston Edison Company

[Docket No. ER97–3948–000]

Take notice that on July 29, 1997, Boston Edison Company (Boston Edison), tendered for filing a Standstill Agreement between itself and The Boylston Municipal Light Department, City of Holyoke Gas & Electric Department, Hudson Light and Power Department, Littleton Electric Light & Water Departments, Marblehead Municipal Light Department, Middleborough Gas and Electric Department, North Attleborough Electric Department, Peabody Municipal Light Plant, Shrewsbury's Electric Light Plant, Templeton Municipal Light Plant, Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, and Westfield Gas & Electric Light Department (Municipals). The Standstill Agreement extends through September 30, 1997, the time in which the Municipals may institute a legal challenge to the 1995 true-up bill under their respective contracts to purchase power from Boston Edison's Pilgrim Nuclear Station.

Boston Edison requests waiver of the Commission's notice requirement to allow the Standstill Agreement to become effective August 1, 1997.

The Standstill Agreement relates to the following Boston Edison FERC Rate Schedules:

(1) Supplement to Rate Schedule No. 77—Standstill Agreement with Boylston Municipal Light Department
(2) Supplement to Rate Schedule No. 79—Standstill Agreement with Holyoke Gas and Electric Department
(3) Supplement to Rate Schedule No. 81—Standstill Agreement with Westfield Gas and Electric Light Department
(4) Supplement to Rate Schedule No. 83—Standstill Agreement with Hudson Light and Power Department
(5) Supplement to Rate Schedule No. 85—Standstill Agreement with Littleton Electric Light and Water Department
(6) Supplement to Rate Schedule No. 87—Standstill Agreement with Marblehead Municipal Light Department
(7) Supplement to Rate Schedule No. 89—Standstill Agreement with North Attleborough Electric Department
(8) Supplement to Rate Schedule No. 91—Standstill Agreement with Peabody Municipal Light Plant
(9) Supplement to Rate Schedule No. 93—Standstill Agreement with Shrewsbury's Electric Light Plant
(10) Supplement to Rate Schedule No. 95—Standstill Agreement with Templeton Municipal Light Plant
(11) Supplement to Rate Schedule No. 97—Standstill Agreement with Wakefield Municipal Light Department
(12) Supplement to Rate Schedule No. 99—Standstill Agreement with West Boylston Municipal Lighting Plant
(13) Supplement to Rate Schedule No. 102—Standstill Agreement with Middleborough Gas and Electric Department

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Company

[Docket No. ER97–3949–000]

Take notice that on July 29, 1997, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission Service Agreements under Idaho Power Company FERC Electric Tariff No. 5, Open Access Transmission Tariff, between Idaho Power Company and Constellation Power Source, Inc., and Idaho Power Company and Western Resources.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Houston Lighting & Power Company

[Docket No. ER97–3950–000]

Take notice that on July 29, 1997, Houston Lighting & Power Company (HL&P), tendered for filing an executed transmission service agreement (TSA) with Tex-La Electric Cooperative of Texas, Inc. (Tex-La) for Firm Transmission Service under HL&P's FERC Electric Tariff, Second Revised Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections. HL&P has requested an effective date of August 1, 1997.

Copies of the filing were served on Tex-La and the Public Utility Commission of Texas.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Yadkin, Inc.

[Docket No. ER97–3951–000]

Take notice that on July 29, 1997, Yadkin, Inc., tendered for filing a summary of activity for the quarter ending June 30, 1997.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Northern Indiana Public Service Company

[Docket No. ER97–3952–000]

Take notice that on July 29, 1997, Northern Indiana Public Service Company, tendered for filing its Transaction Report for short-term transactions for the second quarter of 1997 pursuant to the Commission's order issued January 10, 1997 in Northern Indiana Public Service Company, 78 FERC ¶ 61,015 (1997).

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Boston Edison Company

[Docket No. ER97–3953–000]

Take notice that on July 29, 1997, Boston Edison Company (Boston Edison), tendered for filing a Standstill Agreement between itself and Commonwealth Electric Company (Commonwealth). The Standstill Agreement extends through September 30, 1997 the time in which Commonwealth may institute a legal challenge to the 1995 true-up bill under Boston Edison's FERC Rate Schedule No. 68, governing sales to Commonwealth from the Pilgrim Nuclear Station.

Boston Edison requests waiver of the Commission's notice requirement to allow the Standstill Agreement to become effective August 1, 1997.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Unicom Power Marketing, Inc.

[Docket No. ER97–3954–000]

Take notice that on July 28, 1997, Unicom Power Marketing, Inc. (PMI), filed with the Federal Energy Regulatory Commission its FERC Electric Rate Schedule No. 1, an application for blanket authorizations and for certain waivers of the Commission's Regulations. PMI is not currently in the business of generating, transmitting or distributing electricity. PMI intends to engage in transactions in which PMI sells electricity at rates and on terms and conditions that are negotiated with the purchasing party.

PMI has requested expedited action on its filing so that the Commission may accept PMI's rate schedule for filing to become effective as soon as possible. PMI has also served a copy of the application on the state utility commissions that regulate its public utility affiliates, the Illinois Commerce Commission and the Indiana Utility Regulatory Commission.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Maine Public Service Company

[Docket No. ER97–3958–000]

Take notice that on July 25, 1997, Maine Public Service Company submitted a Quarterly Report of Transactions for the period April 1 through June 30, 1997. This filing was made in compliance with Commission

orders dated May 31, 1995 (Docket No. ER95–851) and April 30, 1996 (Docket No. ER96–780).

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Illinois Power Company

[Docket No. ER97–3959–000]

Take notice that on July 29, 1997, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which NP Energy, Inc., will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of July 21, 1997.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Commonwealth Edison Company

[Docket No. ER97–3960–000]

Take notice that on July 29, 1997, Commonwealth Edison Company (ComEd) submitted for filing a Short-Term Firm Service Agreement with Wisconsin Electric Power Company (WEPCO), a Non-Firm Service Agreement with Constellation Power Source, Inc., (CPS), and a Non-Firm Service Agreement with The Energy Authority, Inc. (TEA), under the terms of ComEd's Open Access Transmission Tariff (OATT). ComEd also submitted a revised Index of Customers reflecting the three new additions and a name change for current customer, LG&E Power Marketing, Inc.

ComEd requests an effective date of July 3, 1997, for the service agreement with WEPCO, and an effective date of June 27, 1997, for the service agreements with CPS and TEA, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon WEPCO, CPS, TEA, LG&E Energy Marketing, Inc., and the Illinois Commerce Commission.

Comment date: September 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Southwestern Public Service Company

[Docket No. ER97–3961–000]

Take notice that on July 29, 1997, Southwestern Public Service Company (Southwestern) submitted a Quarterly Report under Southwestern's market-based sales tariff. The report is for the period of April 1, 1997 through June 30, 1997.

Comment date: September 2, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22591 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing With the Commission and Ready for Environmental Analysis

August 20, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Exemption From Licensing.

b. Project No.: P–11549–001.

c. Date Filed: January 21, 1997.

d. Applicant: Dunkirk Water Power Company, Inc.

e. Name of Project: Dunkirk Hydro Project.

f. Location: On the Yahara River, near Dunkirk, Dane County, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)–825.

h. Applicant Contact: Mr. Thomas J. Reiss, P.O. Box 353, 319 Hart Street, Watertown, WI 53094, (414) 261–7975.

i. FERC Contact: Chris Metcalf (202) 219–2810.

j. Deadline Date: See paragraph D4.

k. Status of Environmental Analysis: This application has been accepted, and is ready for environmental analysis at this time—see attached paragraph D4.

1. Description of Project: The proposed run-of-river project consists of: (1) an existing 20-foot-high and 800-foot-long concrete dam; (2) an existing 70-acre reservoir with storage capacity of 270 acre-feet at normal pool elevation 832.0 ± 0.3 feet National Geodetic Vertical Datum; (3) a concrete headrace canal approximately 20-foot-wide and 100-foot-long; (4) a 35-foot by 60-foot concrete and brick powerhouse housing one 125-kilowatt (kW) generator and one 220-kW generator for a total project installed capacity of 345–kW; (5) a new underground transmission line; and (6) appurtenant facilities. The applicant estimates that the total average annual generation would be 1.0 million kilowatthours. The applicant has secured a long term lease from the owner of the dam, Dunkirk Dam Lake District, PO Box 83, Stoughton, WI 53589, which provides all necessary real property interests to develop and operate the project.

m. Purpose of Project: Project power would be sold to a local utility company.

n. This notice also consists of the following standard paragraphs: A2, A9, B1, and D4.

o. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files and Maintenance Branch, located at 888 First Street, N.E., Room 2A–1, Washington, D.C. 20426, or by calling (202) 208–2326. A copy is also available for inspection and reproduction at Dunkirk Water Power Company, Inc., P.O. Box 353, 319 Hart Street, Watertown, WI 53094, (414) 261–7975.

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be

served on the applicant(s) named in this public notice.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

D4. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulation to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22596 Filed 8–25–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–1]

Agency Information Collection Activities; Proposed Collection; Comment Request; New York City Education Pilot Project.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): New York City Education Pilot Project, EPA ICR number 1817.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 24, 1997.

ADDRESSES: Ginger Gotliffe (2224A), U.S. EPA, 401 M St., S.W., Washington D.C. 20460. Interested persons may obtain a copy of the ICR without charge by calling Ginger Gotliffe at (202) 564–7072.

FOR FURTHER INFORMATION CONTACT: Ginger Gotliffe, (202) 564–7072. Facsimile number: (202) 564–0009.

SUPPLEMENTARY INFORMATION: Affected entities: Entities potentially affected by this action are Service Providers and printers in the New York City area. The Service Providers are comprised of trade associations and foundations, community groups, and State and Local government agencies that provide outreach, and education to printers in New York City. These various types of service groups provide different types of services, all of which may be needed by a printer. These services include training in technical, financial, pollution prevention and compliance areas, and community relations. They in turn will be asking the printers who request their services a set of questions. This is a voluntary program.

Title: New York City Education Pilot Project, EPA ICR No. 1817.01.

Abstract: The Environmental Protection Agency (EPA), in conjunction with the other stakeholders of the Common Sense Initiative Printing Sector, is developing a pilot project to identify the most effective methods for encouraging printers to adopt pollution prevention methodology. The Common Sense Initiative is a Federal Advisory Committee made up of industry, environmental justice groups, environmental groups, labor, and Federal, State and local government representatives. The New York City Education Project is aimed at incorporating pollution prevention into everyday work practices of small printers. The goal of the project is to see how best to inform local printers about pollution prevention measures and build community understanding of pollution prevention techniques in local printing businesses. The project will identify the most effective methods of education and outreach. The project builds upon existing relationships with trade groups, community groups, and state and local governments to provide information about pollution prevention, environmental compliance, and cost reduction to small printers and about environmental benefits to the community. Education and outreach are critical elements of the workgroup's efforts.

To achieve this goal, EPA and other CSI members will analyze: (1) what kinds (type, size) of printers ask for assistance, how printers seek out assistance, and from whom; (2) the types of assistance they request (seminars, handbooks, on-site assistance, etc.) and the subject areas they are interested in (pollution prevention, compliance, etc.); (3) how effective the technical assistance directory was in directing them to the assistance provider they needed; (4) which mix of providers, services, and referrals led to the adoption of pollution prevention opportunities; and (5) anecdotal information and results

achieved by the technical service providers and the community groups. Several of the above areas will require follow up information collection by service providers. This will also be voluntary on the part of the printers and service providers.

To identify the most effective methods of outreach and education and assistance, EPA and CSI members will develop a survey tool for participating technical service providers, compliance assistance providers, and community groups. The survey will seek responses regarding how printers get their information, what they ask for, what information they need that is missing, and what mix of services promotes pollution prevention changes the most. Many of these questions are routinely asked by service providers for their own internal assessments. The CSI Printing Sector FACA hopes to make recommendations to EPA concerning the most effective outreach and education methods for promoting pollution prevention opportunities. This information will also be important for the service providers in planning their future resources for education and outreach.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA is soliciting comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: There are two different types of entities that will be burdened by this request. First are the service providers. There are 10 non-EPA technical service providers in NYC. There are also approximately 4 community service providers who will also be doing outreach and referrals for printers to technical service providers. Then there are the third party reporting entities, the printers, who will be requesting assistance. There will be three potential information collection points: (1) as part of the assistance provided to printers; (2) follow up calls concerning the assistance that was provided; and (3) more in-depth follow up for printers who have made operations changes due to the assistance.

It is estimated that 105 printers will expend 30 minutes each responding to survey questions and an additional 16 printers will spend 2 hours each responding to in depth interviews for a total of 84.5 printer facility hours. The services providers will spend 209 hours to provide this information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: August 4, 1997.

Elaine Stanley,

Director, Office of Compliance.

[FR Doc. 97–22655 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–3]

Agency Information Collection Activities: Proposed Collection; Comment Request; Exports From and Imports to the United States Under the OECD Decision RCRA ICR No. 1647.01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): ''Exports From and Imports To the United States Under the OECD Decision,'' EPA ICR Number 1647.01, OMB Control Number 2050–0143, which expires on January 31, 1998. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 27, 1997.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–97–EIIP–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–97–EIIP–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. For information on accessing paper and/or electronic copies of the document, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline, at (800) 424–9346 (toll-free) or (703) 412–9810, in the Washington, DC metropolitan area. The TDD Hotline number is (800) 553–7672 (toll-free) or (703) 486–3323, locally. For specific information on this notice, contact Anna Tschursin at (703) 308–

8805, or e-mail: tschursin.anna@epamail.epa.gov or Haile Mariam at (703) 308–8439, or e-mail: mariam.haile@epamail.epa.gov, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which export hazardous waste from or import hazardous waste to the U.S.

Title: Exports from and imports to the United States under the OECD Decision OMB Control Number 2050–0143; EPA ICR No. 1647.01, expiring 01/31/98.

Abstract: Authority to promulgate this rule is found in sections 2002(a) and 3017(a)(2) and (f) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6901 *et seq.*

The OECD Decision is considered legally binding on the United States under Articles 5(a) and 6(2) of the OECD Convention, 12 U.S.T. 1728. In addition, the OECD Decision and the rule implementing the OECD Decision (61 FR 16290–16316, April 12, 1996) ensure that exports and imports of recoverable hazardous waste between the U.S. and OECD member countries may proceed even though the U.S. is not yet a ''Party'' to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The Office of Enforcement and Compliance Assurance, U.S. EPA, uses the information provided by each U.S. exporter and U.S. importer to determine compliance with the applicable OECD regulatory provisions. In addition, the information will be used to determine the number, origin, destination, and type of exports from and imports to the U.S. for tracking purposes and for reporting to the OECD. This information also will be used to assess the efficiency of the program.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Ch. 15. In requesting to continue this information collection, the EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The U.S. exporter burden for this generic collection is estimated to average 8.74 hours per exporter. The U.S. importer burden for this generic collection is estimated to average 5.83 hours per importer. These estimates include all aspects of the information collection including the time necessary to obtain and read the regulations and assess applicability, to complete a notification of intent to export hazardous waste, to complete the tracking document, sign and transmit copies of the tracking document, as well as the reduced response time (3 working days as compared to 30 days) to transmit a signed copy of a tracking document. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Estimated Number of Notification of Intent to Export: [437].

Estimated Number of Notification of Intent to Import: [771].

Estimated Total Annual Burden for US importer and US exporter respondents: [8,314] hours.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in **''ADDRESSES''** at the beginning of this document.

Dated: August 15, 1997.

Elizabeth Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 97–22657 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–8]

National Drinking Water Advisory Council; Request For Nominations

The Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve a three year term as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the Safe Drinking Water Act as amended. The Council consists of fifteen members, including a Chairperson. Five members represent the general public; five members represent appropriate state and local agencies concerned with water hygiene and public water supply; and five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. On December 15 of each year, five members complete their appointment. Due to a declined appointment last year, an additional vacancy is available to fill a term expiring December 16, 1999. Therefore, this notice solicits names to fill six vacancies as of December 16, 1997.

Any interested person or organization many nominate qualified individuals for membership. Nominees should be identified by name, occupation, position, address and telephone number. Nominations must include a current resume providing the nominee's background, experience, and qualifications.

Persons selected for membership will receive compensation for travel and a nominal daily compensation while attending meetings.

Nominations should be submitted to Charlene E. Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (4601), 401 M Street SW., Washington, DC 20460, no later than September 26, 1997. The agency will not formally acknowledge

or respond to nominations. E-Mail your questions to shaw.charlene@epamail.epa.gov or call 202/260–2285.

Dated: August 18, 1997.

Charlene E. Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 97–22660 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–4]

Common Sense Initiative Council (CSIC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory CSIC Printing, Computers and Electronics, Metal Finishing, and Iron and Steel Sector Subcommittee Meetings; Open Meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Printing, Computers and Electronics, Metal Finishing, and Iron and Steel Sector Subcommittees of the Common Sense Initiative Council will meet on the dates and times described below. All meetings are open to the public. Seating at all three meetings will be on a first-come basis and limited time will be provided for public comment. For further information concerning specific meetings, please contact the individuals listed with the three announcements below.

(1) Printing Sector Subcommittee—September 12, 1997

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Printing Sector Subcommittee on Friday, September 12, 1997, from 8:30 a.m. CDT until approximately 4 p.m. CDT. The Multi-media Flexible Permitting Team and the New York City Education Project Team (NYCEPT) will hold workgroup meetings from 9 a.m. CDT to 5 p.m. CDT on Thursday, September 11, 1997. All Printing Sector Subcommittee and Workgroup Meetings will be held at Lawry's (banquet room), 100 E. Ontario Street, Chicago, Illinois 60611. The telephone number is (317) 787–5000.

The purpose of the Subcommittee meeting is to discuss the continued progress of the two project teams. The NYCEPT will be reporting on project developments in technical assistance and community involvement. The Multi-media Flexible Permit Project Team will be reporting on the results of exploring major sources, public participation, and thresholds for the proposed permit.

For further information concerning this Printing Sector Subcommittee meeting, please contact either Frank Finamore, Designated Federal Officer (DFO), at EPA, by telephone on (202) 564–7039, or Mick Kulik, Alternate DFO, at EPA Region 3 in Philadelphia, PA on (215) 566–5337.

(2) Computers and Electronics Sector Subcommittee—September 22 and 23, 1997

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Computers and Electronics Sector Subcommittee on Monday, September 22, 1997, from 9 a.m. EDT until 5:30 p.m. EDT (registration from 8 a.m. to 9 a.m.) and on Tuesday, September 23, 1997, from 8:30 a.m. EDT to 3 p.m. EDT, at the Sheraton City Centre Hotel, 1143 New Hampshire Avenue, NW, Washington, DC 20036. The telephone number is (202) 755-0800 or (800) 526–7495.

Both days, September 22 and 23, will be devoted partly to breakout sessions for the three subcommittee workgroups (Reporting and Information Access; Overcoming Barriers to Pollution Prevention, Product Stewardship, and Recycling; and Integrated and Sustainable Alternative Strategies for Electronics) and partly to plenary sessions. In addition to discussing ongoing projects, the Subcommittee will focus on selecting projects to initiate during the coming year.

The Subcommittee is considering undertaking the following new projects: Design of a voluntary program for life cycle management of electronic products; state-level multistakeholder conference/dialogue on removing electronic products from the waste stream; definition of ''legitimate recycling'' of electronic products re: RCRA; evaluation of models and development of best practices for electronic equipment recovery; development of baseline data on the recovery and recycling of electronic equipment; continuation of collection pilots; data collection/analysis of results of the city of San Francisco's Municipal curbside collection pilot project; efforts to integrate the computerized emergency response reporting and access system developed for Phoenix, AZ into the EPA's ''One Plan'' program, and to further test that system in two other cities; greentrack; community engagement; and worker health.

For further information concerning this meeting of the Common Sense Initiative's Computers and Electronics Sector Subcommittee, please contact John J. Bowser, Acting DFO, U.S. EPA on (202) 260–1771, by fax on (202) 260–1096, by e-mail at bowser.john@epamail.epa.gov., or by mail at U.S. EPA (MC 7405), 401 M Street, S.W., Washington, DC 20460; Mark Mahoney, U.S. EPA Region 1 on (617) 565–1155; or David Jones, U.S. EPA Region 9 on (415) 744–2266.

(3) Metal Finishing Sector Subcommittee—September 24 and 25, 1997

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Metal Finishing Sector Subcommittee on Wednesday, September 24 and Thursday, September 25, 1997, at the Radisson Barcelo Hotel, 2121 P Street, NW (near DuPont Circle) Washington, DC. The telephone number is (202) 293–3100. The Subcommittee will meet both days from approximately 9 a.m. EDT to approximately 4 p.m. EDT.

It is anticipated that most of the Subcommittee meeting will focus on the Metal Finishing Sector's Strategic Goals Initiative. During this time, there will likely be breakout sessions for different stakeholder groups to discuss the Sector's Strategic Goals. It is further anticipated that there will be breakout sessions for small plenary groups, workgroups, and stakeholder groups to discuss ongoing sector issues such as Research and Technology, Regulatory and Reporting, and Performance Tier-Oriented projects. A formal agenda will be available later this month.

For further information concerning meeting times and agenda of the Metal Finishing Sector Subcommittee, please contact Bob Benson, DFO, at EPA by telephone on (202) 260–8668 in Washington, DC, by fax on (202) 260–8662, or by e-mail at benson.robert@epamail.epa.gov.

(4) Iron and Steel Sector Subcommittee—October 8 and 9, 1997

Notice is hereby given that the Environmental Protection Agency is convening an open meeting of the Iron and Steel Sector Subcommittee on Wednesday and Thursday, October 8 and 9, 1997. On Wednesday, the meeting will begin at 10 a.m. EDT and run until 5 p.m. EDT. On Thursday, October 9, 1997, the meeting will begin at 8 a.m. EDT and end at 4 p.m. EDT. The meeting will be held at the Ramada Plaza Pentagon Hotel, 4641 Kenmore Avenue, Alexandria, Virginia, both days. The telephone number is (703)

751–4510. At its July meeting, the Subcommittee discussed an iron and steel compliance problems report that had been prepared by EPA's Office of Enforcement and Compliance Assurance and the Iron and Steel sector. A small group was formed to work with EPA to review the data presentation and identify what inferences may be made based on the data. The Subcommittee also discussed at the July meeting the development of potential sector goals. It decided that each stakeholder group would identify specific goals that it hoped to achieve out of CSI and what it was willing to give in order to achieve them. These goals would then be shared among the entire Subcommittee to see what agreements can be made and worked towards.

At the October 8 and 9, 1997, meeting, the Subcommittee will review the findings of the compliance group and determine the next steps it wants to take. It will also discuss the goals that have been identified, areas where CSI can promote those goals, and projects to carry out in support of those goals. Task groups will be created as necessary to carry out the projects. The Subcommittee will also hear brief reports on any major events in the ongoing projects (Brownsfields, Iron and Steel Web Site, Community Advisory Committee, Consolidated Reporting, and Alternative Compliance Strategy) and, time permitting, may continue discussions on the economic environment in which the industry operates. Several hours will also be devoted to allowing the newly formed task forces time to organize and begin work.

For further information concerning this Iron and Steel Sector Subcommittee Meeting, please call Ms. Judith Hecht at EPA in Washington, DC on (202) 260–5682, Mr. Bob Tolpa at EPA Region 5 in Chicago, Illinois, on (312) 886–6706, or Dr. Mahesh Podar at EPA, Washington, DC on (202) 260–5387.

INSPECTION OF SUBCOMMITTEE DOCUMENTS: Documents relating to the above Sector Subcommittee announcements, will be publicly available at the meeting. Thereafter, these documents, together with the official minutes for the meetings, will be available for public inspection in room 2821M of EPA Headquarters, Common Sense Initiative Staff, 401 M Street, SW, Washington, DC 20460, telephone number (202) 260–7417. Common Sense Initiative information can be accessed electronically on our web site at http./ /www.epa.gov/commonsense.

Dated: August 20, 1997.

Gregory Ondich,

Acting Designated Federal Officer.

[FR Doc. 97–22658 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–9]

Stakeholders Meeting on Drinking Water Regulation Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of Stakeholders meeting on EPA's revision to the public notification rule under the 1996 Safe Drinking Water Act (SDWA) amendments.

SUMMARY: The U.S. Environmental Protection Agency (EPA) will hold a public meeting on September 18, 1997 in Washington, D.C. The purpose of the meeting will be to gather information and collect opinions from parties who will be affected by provisions of the Public Notification Rule of the new Safe Drinking Water Act (SDWA), amended in 1996. Comments and views expressed will be used to help develop the new Federal and State program requirements. EPA is seeking input from State drinking water programs, the regulated community (public water systems), public health and safety organizations, environmental and public interest groups, and other stakeholders on a number of issues related to developing the drinking water regulation. EPA encourages the full participation of all stakeholders throughout this process.

DATES: The stakeholder meeting on the drinking water regulation for public notification will be held on September 18, 1997, from 9:30 a.m. to 3:30 p.m. Eastern Daylight Savings Time.

ADDRESSES: The meeting will be held at the Holiday Inn Central; 1501 Rhode Island Ave., N.W.; Washington, D.C. 20005; Phone No.: (800) 248–0016/(202) 483–2000. For information on meeting logistics or if you want to register for the meeting, please contact the EPA Safe Drinking Water Hotline at 1–800–426–4791, or Carl Reeverts of EPA's Office of Ground Water and Drinking Water at (202) 260–7273. Participants registering in advance will be mailed a packet of materials before the meeting.

FOR FURTHER INFORMATION CONTACT: Carl Reeverts, U.S. EPA, at (202) 260–7273.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency is developing revised Public Notification regulations (under existing 40 CFR 141.32) to incorporate the new provisions enacted under the 1996 Safe Drinking Water Amendments (SDWA), specifically the amended sections 1414 (c)(1) and (c)(2) of the SDWA. The 1996 SDWA amendments completely replaced the language in the statute under 1414(c). There is no statutory deadline for implementing the amended sections 1414 (c)(1) and (c)(2).

The Administrator is required by statute to prescribe by regulation the manner, frequency, form, and content that public water systems must follow for giving public notice. The 1996 SDWA amendments amended this EPA obligation to require consultation with the States prior to rulemaking. Public Water Systems are currently required to notify their customers whenever: (1) A violation of any drinking water regulation occurs (including MCL, treatment technique, and monitoring/ reporting requirements); (2) a variance or exemption (V&E) to those regulations is in place or the conditions of the V&E are violated; (3) or results from unregulated contaminant monitoring required under section 1445 of the SDWA are received. This coverage was not changed by the 1996 SDWA Amendments.

The current rule sets different requirements based on the type of violation and type of system. The 1996 SDWA amendments substantially alter what is currently in place: (1) SDWA section 1414(c)(2)(C) requires notice within 24 hours and sets other new, more prescriptive notice requirements for violations with ''Potential to Have Serious Adverse Health Risks to Human Health''; (2) SDWA section 1414(c)(2)(D) gives EPA more discretion to set less prescriptive notice requirements for all other violations, including requiring the notice in an annual report; and (3) SDWA section 1414(c)(2)(B) allow the State to prescribe alternative notification requirements by rule to the form and content of the notice, consistent with the current primacy requirements.

To meet the letter and spirit of the new statutory provisions, EPA will hold three or more public stakeholder meetings prior to drafting the regulation. This is the second of the scheduled stakeholder meetings that are planned over the next several months, to exchange information on our mutual experience with the current regulation and the elements needed in the new regulation to meet the intent of Congress. The legislative changes provide an excellent opportunity to streamline the existing regulations by focusing the notices on situations that

have potential to have serious adverse effects on human health. EPA will also solicit from the stakeholders existing public notification programs that work, and seek to share these experiences through our rulemaking communication. The reports from these meetings will be presented to the public notification workgroup to define the issues and to develop options for their resolution.

William R. Diamond,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 97–22665 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–2]

Gulf of Mexico Program's Citizens Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting of the Citizens Advisory Committee of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Citizens Advisory Committee will hold a meeting at The Pontchartrain Hotel, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT:

James D. Giattina, Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–1172.

SUPPLEMENTARY INFORMATION: A meeting of the Citizens Advisory Committee of the Gulf of Mexico Program will be held at The Pontchartrain Hotel, 2031 St. Charles Street, New Orleans, LA. The committee will meet from 10:00 a.m. to 4:00 p.m. on September 30, 1997. Agenda items will include: Update on Focus Teams: Habitat, Nutrients (Hypoxia), Shellfish, Non-indigenous Species; Public Education and Outreach Activities; 1999 Symposium; Coastal America Merger with Gulf Program; Future Opportunities for Citizen Involvement; Review of Bylaws; and Election of CAC Co-Chairs. The meeting is open to the public.

Bryon O. Griffith,

Acting Director, Gulf of Mexico Program.

[FR Doc. 97–22656 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–5883–1]

Industrial Combustion Coordinated Rulemaking Federal Advisory Committee Notice of Upcoming Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Industrial Combustion Coordinated Rulemaking (ICCR) Federal Advisory Committee notice of upcoming meeting.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, section 9(c), EPA gave notice of the establishment of the ICCR Federal Advisory Committee (hereafter referred to as the ICCR Coordinating Committee) in the **Federal Register** on August 2, 1996 (61 FR 40413).

The public can follow the progress of the ICCR through attendance at meetings (which will be announced in advance) and by accessing the Technology Transfer Network (TTN), which serves as the primary means of disseminating information about the ICCR.

DATES: The next meeting of the ICCR Coordinating Committee is scheduled for September 16–17, 1997. Also, the ICCR Work Groups—which report to the Coordinating Committee—have meetings scheduled in September and November, 1997. The dates of these Work Group meetings are summarized below. Further information on the dates of the Coordinating Committee meeting and the Work Group meetings may be obtained by accessing the TTN or by calling EPA (see **FOR FURTHER INFORMATION CONTACT:**).

ADDRESSES: The Coordinating Committee meeting on September 16–17, 1997 will be held at the Omni Durham Hotel, 201 Foster Street, Durham, North Carolina (919–683–6664). The locations of the Work Group meetings are summarized below. Further information on the locations of the Coordinating Committee meeting and the Work Group meetings may be obtained by accessing the TTN or by calling EPA (see **FOR FURTHER INFORMATION CONTACT:**).

INSPECTION OF DOCUMENTS: Docket. Minutes of the meetings, as well as other relevant materials, will be available for public inspection at U.S. EPA Air and Radiation Docket and Information Center, Docket No. A–96–17. The docket is open for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street SW, Washington, DC 20460; telephone: (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Fred Porter or Sims Roy, U.S. Environmental Protection Agency, Emission Standards Division, Combustion Group, (MD–13), Research Triangle Park, North Carolina 27711, telephone numbers (919) 541–5251 and 541–5263, respectively.

SUPPLEMENTARY INFORMATION:

Technology Transfer Network (TTN)

The TTN is one of the EPA's electronic bulletin boards. The TTN can be accessed through the Internet at:

FTP: ttnftp.rtpnc.epa.gov
WWW: ttnwww.rtpnc.epa.gov

When accessing the WWW site, select TTN BBS Web from the first menu, then select Gateway to Technical Areas from the second menu, and finally, select ICCR-Industrial Combustion Coordinated Rulemaking from the third menu.

Access to the TTN through FTP is a streamlined approach for downloading files, but is only useful, if the desired filenames are known.

If more information on the TTN is needed, call the help desk at (919) 541–5384.

Meetings of the ICCR Coordinating Committee and Work Groups are open to the public. All Coordinating Committee meetings will be announced in the **Federal Register** and on the TTN. Work Group meetings will be announced on the TTN and in the **Federal Register**, when possible.

The next meeting of the Coordinating Committee will be held September 16–17, 1997 at the Omni Durham Hotel located at 201 Foster Street, Durham, North Carolina from about 8 a.m. to about 6 p.m. The agenda for this meeting will include reports from the Work Groups on their progress, testing needs and prioritization issues, discussion of data gathering efforts to support the ICCR, and a discussion of direction and guidance from the Coordinating Committee to the Work Groups. An opportunity will be provided for the public to offer comments and address the Coordinating Committee.

The Work Groups have currently scheduled the following meetings:

Work group	Date	Location
Incinerators	September 3,1997	Arlington, VA.
	September 18, 1997	Durham, NC.
	October 28, 1997	RTP, NC.
	November 20, 1997	Houston, TX.
IC Engines	September 18, 1997	Durham, NC.
	November 20, 1997	Houston, TX.
Boilers	September 18, 1997	Durham, NC.
	November 20, 1997	Houston, TX.
Stationary	September 18, 1997	Durham, NC.
Combustion Turbines	November 20, 1997	Houston, TX.
Process Heaters	September 18, 1997	Durham, NC.
	November 20, 1997	Houston, TX.
Testing and Monitoring Protocol	September 19, 1997	RTP, NC.
	November 21, 1997	To be determined.

The agendas for these meetings include review and revision of the ICCR databases, data and information gathering efforts, possible emission testing, and potential subcategorization. An opportunity will be provided at each meeting for the public to offer comments and address the Work Group.

Individuals interested in Coordinated Committee meetings, Work Group meetings, or any aspect of the ICCR for that matter, should access the TTN on a regular basis for information.

Two copies of the ICCR Coordinating Committee charter are filed with appropriate committees of Congress and the Library of Congress and are available upon request to the Docket (ask for item #I–B–1). The purpose of the ICCR Coordinating Committee is to assist EPA in the development of regulations to control emissions of air pollutants from industrial, commercial, and institutional combustion of fuels and non-hazardous solid wastes. The Coordinating Committee will attempt to develop recommendations for national emission standards for hazardous air pollutants (NESHAP) implementing section 112 and solid waste combustion regulations implementing section 129 of the Act, and may review and make recommendations for revising and developing new source performance standards (NSPS) under section 111 of the Act. The recommendations will cover boilers, process heaters, industrial/commercial and other incinerators, stationary internal combustion engines, and stationary combustion turbines.

Lists of Coordinating Committee and Work Group members are available from the TTN for the purpose of giving the public the opportunity to contact members to discuss concerns or information they would like to bring forward during the ICCR process.

It is anticipated that the next meeting of the Coordinating Committee, following the meeting in September, will be November 18–19, 1997 in Houston, Texas.

Dated: August 20, 1997.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 97–22662 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5883–2]

National Drinking Water Advisory Council Drinking Water State Revolving Fund Working Group; Open Meeting

Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the Drinking Water State Revolving Fund Working Group of the National Drinking Water Advisory Council, established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on September 17, 1997, from 8:30 a.m. to 5 p.m., at the Holiday Inn Central, 1501 Rhode Island Avenue, NW, Washington, DC. The meeting is open to the public, but due to past experience, seating will be limited.

The purpose of this meeting is to discuss policy issues related to the Drinking Water State Revolving Fund (DWSRF). The meeting is open to the public to observe. The working group members are meeting to analyze relevant issues and facts facing the DWSRF program. Statements from the public will be taken at the end of the meeting if time allows.

For more information, please contact Richard Naylor, Designated Federal Officer, U.S. EPA, Office of Ground Water and Drinking Water (4606), 401 M Street, SW, Washington, D.C. 20460. The telephone number is (202) 260–5135 and the e-mail address is naylor.richard@epamail.epa.gov.

Dated: August 19, 1997.

Charlene Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 97–22661 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5882–5]

Science Advisory Board Executive Committee; Public Teleconference Meeting; September 22, 1997

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Science Advisory Board's (SAB) Executive Committee, will conduct a public teleconference meeting on Monday, September 22, 1997, between the hours of 1 and 3 pm, Eastern Time. The meeting will be coordinated through a conference call connection in Room 2103 of the Mall at the Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. The public is welcome to attend the meeting physically or through a telephonic link. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Priscilla Tillery-Gadsen at (202) 260–8414 by September 15, 1997.

In this meeting the Executive Committee plans to review reports from several of its Committees. Expected reports include: (1) *Environmental Health Committee (EHC)*—Review of the Agency's Cancer Risk Assessment Guidelines; (2) *Environmental Engineering Committee (EEC)*—Review of the Use of Toxicity Weighting Factors in the Sector Facility Indexing Project (SFIP); (3) *Radiation Advisory Committee (RAC)*—Review of the Multi-

Agency Radiation Survey & Site Investigation Manual (MARSSIM); (4) *Ecological Processes and Effects Committee (EPEC)*—(a) Advisory on development of Phase II of the Index of Watershed Indicators, (b) Review of EMAP Research Strategy & Plan; and (c) Advisory on Potential EcoRisk Management Guidelines; and (5) *Executive Committee*—Commentary on the Question of Agency Consensus for Benchmark Values for Ecological Toxicity. Please contact Ms. Tillery-Gadsen a week prior to the meeting to confirm that a given report will be reviewed.

Any member of the public wishing further information concerning the meeting or wishing to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee, Science Advisory Board (1400), U.S. Environmental Protection Agency, Washington DC 20460; telephone (202) 260–4126; FAX (202) 260–9232; and via the INTERNET at barnes.don@epamail.epa.gov. Copies of the relevant documents are available from the same source.

Dated: August 18, 1997.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 97–22659 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 87–313, FCC 97–168]

Policy Concerning Rates for Dominant Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On May 30, 1997, the Commission released a Memorandum Opinion and Order (''Order'') establishing sufficient reporting requirements for incumbent local exchange carriers (ILEC's) to enable the Commission and the industry to monitor the service quality provided to ILEC's competitors. In the *Order,* we addressed the issues raised in the petitions filed by TCA, ICA, CFA and the ILECs. We also make modifications to our service quality and infrastructure reporting requirements consistent with the provisions of the Telecommunications Act of 1996 (''1996 Act'').

FOR FURTHER INFORMATION CONTACT: Janice Jamison, Attorney/Advisor, Accounting and Audits Division, Common Carrier Bureau, (202) 418–2290.

SUPPLEMENTARY INFORMATION: The 1996 Act requires that ''quality services should be available at just, reasonable and affordable rates.'' It also requires ILEC's to make available quality services to competing local exchange carriers (CLECs) without discrimination and with reasonable access to ILEC networks. Section 259 of the Act directs ILECs to make available, under certain conditions, public switched network infrastructure and other capabilities to qualifying carriers that are providing universal service outside the providing ILEC's telephone exchange. Additionally, Section 259 of the 1996 Act directs ILEC's to make available, under certain conditions, public switched network infrastructure and other capabilities to qualifying carriers that are providing universal service outside the area in which the ILEC providing the support operates. The Commission recognizes that local competition will begin through interconnection, resale, and infrastructure sharing. These methods involve facilities and services that ILEC's will provide to their competitors. For competition to flourish, there must be assurances that competitors receive the same level of service quality and facility maintenance that an incumbent carrier provides itself. A primary objective of this proceeding is to establish sufficient reporting requirements for ILEC's to enable the Commission and the industry to monitor the service quality provided to ILECs' competitors. Prior to the enactment of the 1996 Act, the Common Carrier Bureau (''Bureau'') released the *Service Quality Modifications Order.* In that Order, the Bureau deferred decisions about whether to modify the Automated Reporting Management Information System (''ARMIS'') reports that the Commission has used to monitor service quality of, and infrastructure development by, mandatory price cap carriers. Specifically, the Order deferred decisions on the modifications to ARMIS Reports 43–05, 43–06, and 43–07.

ARMIS is an automated system developed in 1987 for collecting common carrier financial and operating information. Additional reports were added to the ARMIS system in 1991 specifically to monitor service quality and network infrastructure development under price cap regulation. Today, ARMIS consists of ten reports. Two of these ARMIS reports, the Service Quality Quarterly Report 43–05 and the Service Quality Semi-annual Report 43–06, originally filed four times a year have become annual filings as required by section 402(b)(2)(B) of the 1996 Act. As modified the ARMIS Service Quality Report (43–05) collects data designed to capture trends in service quality under price cap regulation and improves and standardizes reporting requirements for this purpose. The ARMIS Service Quality Report (43–06) collects data designed to capture trends in service quality under price cap regulation. The ARMIS Report (43–07) collects data designed to capture trends in telephone industry infrastructure development under price cap regulation.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–22549 Filed 8–25–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Termination of FEMA Advisory Board

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: The Director of FEMA (Director) gives notice of the termination of the FEMA Advisory Board (Board) in order to adopt a more inclusive process than previously used for involving constituents and stakeholders in policy development.

EFFECTIVE DATE: The Board charter expired July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Rachael A. Rowland, Intergovernmental Affairs, Federal Emergency Management Agency, 500 C Street SW., room 801, Washington, DC 20472, (202) 646–2889.

SUPPLEMENTARY INFORMATION: The Board was an independent advisory body to the Director, which advised the Director on FEMA plans and programs for emergency management and on the Director's responsibilities under the National Security Act of 1947. It consisted of 16 members appointed by the Director, with broad, balanced representation, including former Federal, State and local government officials, respected representatives from State and local voluntary emergency preparedness and response organizations, and nonprofit and private sector entities. The Board is currently an inactive body that was last renewed for a period of two years on August 1, 1994. The Board charter lapsed on July 31, 1996.

Termination of the Board is in the public interest in connection with the performance of duties imposed on the agency by law, to ensure an inclusive advisory process for FEMA plans and programs. FEMA will adopt a more inclusive process than previously used for involving constituents and stakeholders in policy development.

Dated: August 15, 1997.

James L. Witt,

Director.

[FR Doc. 97–22678 Filed 8–25–97; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 19, 1997.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Mutual Bancorp of the Berkshires, Inc., Pittsfield, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Lee National Banc Corp., Lee, Massachusetts, and thereby indirectly acquire First National Bank of the Berkshires, Lee, Massachusetts, and City Savings Bank of Pittsfield, Pittsfield, Massachusetts.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. First Commercial Corporation, Little Rock, Arkansas; to merge with First Charter Bancshares, Inc., North Little Rock, Arkansas, and thereby indirectly acquire Charter State Bank, Beebe, Arkansas, Beebe, Arkansas.

Board of Governors of the Federal Reserve System, August 20, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22600 Filed 8–25–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 10, 1997.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Santander Holding Internacional, S.A., and Santusa Holding, S.L., both of Madrid, Spain; to become bank holding companies by acquiring 100 percent of the voting shares of Banco Santander Puerto Rico, San Juan, Puerto Rico. Santander Holding Invernacional, S.A., Santusa Holding, S.L., and Banco Santander Puerto Rico all currently are subsidiaries of Banco Santander, S.A., Madrid, Spain.

Board of Governors of the Federal Reserve System, August 21, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22642 Filed 8–25–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 9, 1997.

A. Federal Reserve Bank of Cleveland (Jeffery Hirsch, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. National City Corporation, Cleveland, Ohio, acting through its wholly-owned subsidiary, National Processing, Inc., Louisville, Kentucky, to acquire Caribbean Data Services, Ltd., Dallas, Texas, and thereby engage in

processing the payment of health insurance claims by performing data entry of customer provided information and information relating to the cost of medical treatment, and by utilizing the customer's database to match membership and provider information to facilitate payment between the provider and the insurer, and in collection of financial and other data from hard copies and electronic images of airline tickets that is provided to customers for billing purposes, pursuant to § 225.28(b)(14) of the Board's Regulation Y. *See, Banc One Corporation*, 80 Fed. Res. Bull. 139 (1994).

B. Federal Reserve Bank of San Francisco (Pat Marshall, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. BankAmerica Corporation, San Francisco, California; to acquire all of the assets, and assume all of the liabilities of Robertson Stephens & Company Group (''Group''), and Robertson Stephen & Company, Inc. (''RS&Co., Inc.''), and thereby engage worldwide in underwriting and dealing in, to a limited extent, all types of debt and equity securities other than interests in open end investment companies *See J.P. Morgan & Co., Inc., Citicorp and Security Pacific Corp.*, 75 Fed. Res. Bull, 192 (1989); in underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state members banks of the Federal Reserve System may be authorized to underwrite and deal in under 12 U.S.C. 24 and 335, pursuant to § 225.28(b)(8) of the Board's Regulation Y; in acting as investment or financial advisor, pursuant to § 225.28(b)(6) of the Board's Regulation Y; in providing securities brokerage services (including securities clearing and securities execution services on an exchange), alone and in combination with investment advisory services, and incidental activities (including related securities credit activities and custodial services), pursuant to § 225.28(b)(7) of the Board's Regulation Y; in buying and selling in the secondary market all types of securities on the order of customers as a riskless principal to the extent of engaging in a transaction in which the company, after receiving an order to buy (or sell) a security from a customer, purchases (or sells) the security for its own account to offset a contemporaneous sale to (or purchase from) the customer, pursuant to § 225.28(b)(76) of the Board's Regulation Y; in acting as agent for the private placement of securities in accordance with the requirements of the Securities Act of 1933 and the rules of the Securities and Exchange Commission, pursuant to § 225.28(b)(7) of the Board's Regulation Y; and in providing administrative and other services to investment companies, including open-end investment companies (''mutual funds''). *See Bankers Trust* 83 Fed. Res. Bull. ——— (Order dated July 21, 1997); *Barclays PLC*, 82 Fed. Res. Bull. 158 (1996); *Bank of Ireland*, 82 Fed. Res. Bull. 1129 (1996). BankAmerica would engage in these activities in accordance with the limitations and conditions previously established by the Board by regulation or order, with certain exceptions relating to the proposed provision of advisory and administrative services to mutual funds that are discussed in the notice. BankAmerica also intends to acquire certain offshore subsidiaries, companies engaged in providing services to Group and RS & Co. and its affiliates, and proprietary investments currently owned by Group and RS & Co. Inc.

Board of Governors of the Federal Reserve System, August 20, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22601 Filed 8–25–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Tuesday, September 2, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 22, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22867 Filed 8–22–97; 3:44 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ''Federal Means-Tested Public Benefit''

AGENCY: Office of the Secretary, HHS.

ACTION: Notice with comment period.

SUMMARY: This notice with comment period interprets the term ''Federal means-tested public benefit[s]'' as used in Title IV of the Personal Responsibility and work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. 104–193, to include only mandatory spending programs of the Federal Government in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the eligibility unit seeking the benefit. At HHS, the benefit programs that fall within this definition (and are not explicitly excepted from the definition by Section 403(c)) are Medicaid and Temporary Assistance for Needy Families (TANF).

DATES: *Effective Date:* This notice is effective on August 26, 1997.

COMMENT PERIOD: Written comments will be considered if we receive them at the appropriate address, as provided in the **ADDRESSES** section below, no later than 5 p.m. on October 27, 1997.

ADDRESSES: Mail comments (1 original and 3 copies) to the following address: Division of Economic Support for Families, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Room 404E, 200 Independence Ave., SW, Washington, DC 20201, Attention: David Nielsen.

FOR FURTHER INFORMATION CONTACT: David Nielsen, (202) 690–7148.

Copies of comments may be inspected at the above address. Inquiries regarding how a particular program is affected by this notice should be submitted to DHHS program staff responsible for managing the program at either the appropriate Regional Office, or Headquarters in Washington, DC. The above contact should be used only to submit general comments regarding the policy interpretation contained in this notice.

SUPPLEMENTARY INFORMATION:

I. Background

Title IV of PRWORA contains several references to the term ''Federal means-tested public benefit[s].'' The most significant of these references are found in Sections 403 and 421. Section 403 denies ''Federal means-tested public benefit[s]'' to aliens who entered the United States with a qualified alien status ''on or after the date of the enactment of this Act'' for 5 years beginning on the date of the aliens' entry into the United States. Section 421 provides that new sponsor-to-alien deeming rules apply to ''any Federal means-tested public benefits program.'' In the absence of a statutory definition of ''Federal means-tested public benefit'', HHS is interpreting the term to include only benefits provided by means-tested, mandatory spending programs.

Early versions of PRWORA contained a definition of ''Federal means-tested public benefit'' that could have encompassed benefits provided by both discretionary spending programs and mandatory spending programs. (These early versions provided that, with certain exceptions, ''the term 'Federal means-tested public benefit' meant a public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.'' 142 Cong. Rec. S8481 (daily ed. July 22, 1996).) During debate over the bill in the Senate, a member of the Senate raised a point of order pursuant to the Byrd Rule, and the definition was struck. The Senate Parliamentarian upheld the Byrd Rule objection, the Senate did not appeal the ruling, and PRWORA was ultimately enacted without defining the term.

PRWORA was subject to Section 313 of the Congressional Budget Act of 1974, also known as the ''Byrd Rule,'' because it was enacted as a budget reconciliation bill. Under the Byrd Rule, a Senator may raise a point of order to strike or prevent the incorporation of ''extraneous'' material. A provision in a reconciliation bill will be considered ''extraneous'' and subject to a point of order if, among other things, ''it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision.'' 2 U.S.C. § 644(b)(1)(D). The legislative history of PRWORA indicates that the Senate understood the significance of the Byrd Rule objection in terms of limiting the scope of the definition of ''Federal means-tested public benefit'' to mandatory spending programs, while leaving discretionary programs unaffected. *See* 142 Cong. Rec. at S9403 (daily ed. August 1, 1996) (statement of Senator Chafee); 142 Cong. Rec. at S9400 (statements of Senators Graham, Kennedy and Exon). Therefore, to the extent the definition of ''Federal means-tested public benefit'' included benefits provided by discretionary spending programs, it was subject to a Byrd Rule objection.

II. Interpretation

In light of the statutory language and legislative history, HHS is defining ''Federal means-tested public benefit'' to apply only to benefits provided by Federal means-tested, mandatory spending programs, and not to any discretionary spending programs or to any mandatory spending programs that are not means-tested. For purposes of this **Federal Register** notice, a program is considered ''means-tested'' if eligibility for the program's benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the eligibility unit seeking the benefit.

The following HHS programs are means-tested, mandatory spending programs: Medicaid, Temporary Assistance for Needy Families (TANF), Foster Care, Adoption Assistance, and part of the Child Care Development Block Grant. Foster Care and Adoption Assistance, however, are explicitly exempted from the term ''Federal means-tested public benefit'' under Section 403(c)(2)(F). The Child Care Development Block Grant program is unique in that it is funded from both mandatory and discretionary parts of the budget. Since the funds are operationally commingled at the state and local level, and since the mixed nature of the funding results in budgetary effects more closely akin to those of a discretionary spending program, we are treating Child Care as a discretionary spending program for purposes of interpreting ''Federal means-tested public benefit.'' Therefore, the HHS programs that constitute ''Federal means-tested public benefits'' under PRWORA are Medicaid and TANF.

This interpretation pertains only to HHS and its benefit programs. Other Executive Branch agencies whose programs may be subject to PROWORA will make independent determinations about the scope of the term.

III. Comment Period and Effective Date

Although HHS is soliciting public comment on this interpretation, we believe that it is necessary to apply this interpretation to HHS programs immediately, prior to receipt and consideration of any comments.

PRWORA was enacted in August, 1996, and since that time HHS has received numerous inquiries regarding the application of the term ''Federal means-tested public benefit.'' Additional delay will cause unnecessary or incorrect administrative actions by agencies or entities that administer our programs. We also believe it is possible that due to confusion about the application of the term ''Federal means-tested public benefit'' people may have been denied critical benefits and services who, according to the interpretation in this notice, are otherwise eligible. Without prompt issuance of this interpretation, state and local governments and other public and private benefit providers will remain confused over how to implement the requirements of Title IV of PRWORA. Finally, some states have indicated their intention to define the term ''Federal means-tested public benefit'' on their own if Federal guidance is not forthcoming soon. Independent interpretations by states will only compound the confusion on this issue since there is no certainty that each state will arrive at the same definition of the term. In sum, although we are providing a 60-day period for public comment, as indicated at the beginning of this notice, this interpretation is effective immediately.

IV. Economic Impact

The Department has analyzed the costs and benefits of this notice to determine whether it has a substantial economic effect on the economy as a whole, on states, or on small entities. The purpose of this analysis was to identify less burdensome or more beneficial alternatives and thereby to influence the requirements imposed by the notice.

PRWORA creates major economic effects, a large portion of which results from changes in the law relating to immigrants' eligibility for Federal benefits. We estimated the 1997–2002 Federal budget savings to Medicaid due to the immigrant restrictions would be $5.1 billion. There were no Federal budget savings estimated for TANF because, as a block grant, its spending levels were fixed regardless of caseload size. These Medicaid budget effects are essentially due to the eligibility restrictions contained in the statute.

This notice provides HHS' interpretation as to whether any other HHS programs are subject to the PRWORA requirements regarding immigrants' eligibility for ''Federal means-tested'' benefits, and thereby serves to prevent confusion among administering agencies, grantee agencies, benefit providers, and the public. This interpretation has no effect on overall spending levels for any discretionary-funded HHS programs. Nor does this interpretation create burdens or mandates on states or small entities.

As a result of the PRWORA eligibility restrictions, this notice is classified as economically ''significant'' under Executive Order 12866's criterion of an economic effect of more than $100 million. For the same reason, it is classified as a ''major rule'' for purposes of Congressional review under 5 U.S.C. § 801 et. seq., Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121). And, for the same reasons noted in section III above, this notice is effective immediately under the exception procedures of § 808 of that statute because we have determined for good cause that delayed implementation is impractical and contrary to the public interest.

Dated: August 21, 1997.

Donna E. Shalala,

Secretary.

[FR Doc. 97–22683 Filed 8–25–97; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Contract Review Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), announcement is made of the following technical review committee to meet during the month of September 1997:

Name: Committee on the Agency for Health Care Policy and Research Health Insurance Plan Abstraction Data Base Project.

Date and Time: September 3, 1997, 10:00–12:00 p.m.

Place: Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 500, Rockville, Md 20852.

This meeting will be closed to the public.

Purpose: The Technical Review Committee's charge is to provide, on behalf of the Agency for Health Care Policy and Research (AHCPR) Contracts Review Committee, recommendations to the Administrator, AHCPR, regarding the technical merit of the contract proposals submitted in response to a specific Request for Proposals regarding the AHCPR Health Insurance Plan Abstraction Data Base Project.

The purpose of this contract is to create a data base of health insurance benefits information. These data describe the health benefits included in health insurance policy booklets that are collected as part of the Medical Expenditure Panel Survey. In order to develop a uniform set of benefits data, policy booklets are read, reviewed for completeness, and information is abstracted into an electronic data base. To support this effort, the contract also provides support for programming the required software and for implementing a training component. The training component is needed to instruct personnel in a uniform set of standards to be applied during the abstraction of information from health insurance policy booklets.

Agenda: The Committee meeting will be devoted entirely to the technical review and evaluation of the contract proposals submitted in response to the above referenced Request for Proposals. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This action is necessary to protect the free and full exchange of views in the contract evaluation process and safeguard confidential proprietary information, and personal information concerning individuals associated with the proposals that may be revealed during the meeting. This action is taken in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C., Appendix 2, 5 USC (b)(c)(6), 41 CFR Section 101–6.1023 and Department procurement regulations, 48 CFR section 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Jessica Vistnes, Center for Cost and Financing Studies, Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 500, Rockville, Maryland 20852, 301/594–1406.

Dated: August 20, 1997.

John M. Eisenberg,

Administrator.

[FR Doc. 97–22620 Filed 8–25–97; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–22–97]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Office on (404) 639–7090. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1998 National Health Interview Survey, Basic Module (0920–0214)—Revision—The annual National Health Interview Survey (NHIS) is a basic source of general statistics on the health of the U.S. population. Due to the integration of health surveys in the Department of Health and Human Services, the NHIS also has become the sampling frame and first stage of data collection for other major surveys, including the Medical Expenditure Panel Survey, the National Survey of Family Growth, and the National Health and Nutrition Examination Survey. By linking to the NHIS, the analysis potential of these surveys increases. The NHIS has long been used by government, university, and private researchers to evaluate both general health and specific issues, such as cancer, AIDS, and childhood immunizations. Journalists use its data to inform the general public. It will continue to be a leading source of data for the Congressionally-mandated ''Health US'' and related publications, as well as the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, ''Healthy People 2000.''

Because of survey integration and changes in the health and health care of the U.S. population, demands on the NHIS have changed and increased, leading to a major redesign of the annual core questionnaire, or Basic Module, and a redesign of the data collection system from paper questionnaires to computer assisted personal interviews (CAPI). Those redesigned elements were partially implemented in 1996 and fully implemented in 1997. This clearance is for the second full year of data collection using the Basic Module on CAPI, and for implementation of the first ''Topical Module'' (or supplement), which is on Health People 2000 Objectives. Ad hoc Topical Modules on various health issues are provided for in the redesigned NHIS. This data collection, planned for January–December 1998, will result in publication of new national estimates of health statistics, release of public use micro data files, and a sampling frame for other integrated surveys. In

particular, the topical module will provide end-point estimates for many of the Healthy People 2000 Objectives. The Basic Module of the new data system is expected to be in the field at least until 2006. The total annual burden hours are 57,000.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hrs.)
Family Core (adult family member)	42,000	1	0.5
Adult Core (sample adult)	42,000	1	0.5
Child Core (sample child)	18,000	1	0.25
Prevention Module (sample adult)	42,000	1	0.25

Dated: August 20, 1997.

Wilma G. Johnson,

Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–22614 Filed 8–25–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Draft Document: Reporting of Pregnancy Success Rates From Assisted Reproductive Technology Programs; Notice of Comment Period

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice; request for comment.

SUMMARY: This notice is a request for comment and review of the draft document for the Reporting of Pregnancy Success Rates from Assisted Reproductive Technology (ART) Programs as required by the Fertility Clinic Success Rate and Certification Act of 1992 (FCSRCA).

DATES: This notice is effective for the calendar year 1997 and beyond. In order to report outcomes of pregnancies during a calendar year, clinic specific data will be collected through October of the following calendar year (e.g., outcomes of pregnancies occurring during calendar year 1997 will be collected through October 1998). CDC will publish its first annual report under this notice in March 1999.

To ensure consideration, written comments on this document must be received on or before September 25, 1997.

ADDRESSES: Comments shall be submitted to: George Walter, M.S.P.H., Women's Health and Fertility Branch, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), Mailstop K–34, 4770 Buford Hwy, NE., Atlanta, Georgia 30341–3724.

FOR FURTHER INFORMATION CONTACT: George Walter, M.S.P.H., telephone (770) 488–5204, E–Mail Address: GBW4@CDC.GOV.

SUPPLEMENTARY INFORMATION: Section 2(a) of Pub. L. 102–493 (42 U.S.C. 263a–1) requires that each ART program shall annually report to the Secretary through the Centers for Disease Control and Prevention—(1) pregnancy success rates achieved by such ART program, and (2) the identity of each embryo laboratory used by such ART program and whether the laboratory is certified or has applied for such certification under this act.

Pub. L. 102–493, Section 8 (42 U.S.C. 263a–7) defines ''assisted reproductive technology'' (ART) as ''all treatments or procedures which include the handling of human oocytes or embryos, including in vitro fertilization, gamete intrafallopian transfer, zygote intrafallopian transfer, and such other specific technologies as the Secretary may include in this definition, after making public any proposed definition in such manner as to facilitate comment from any person (including any Federal or other public agency).''

The Secretary is directed in Section 2(b) to define pregnancy success rates and ''make public any proposed definition in such a manner as to facilitate comment from any person during its development.''

Section 2c states: In developing the definitions under subsection (b), ''the Secretary shall consult with appropriate consumer and professional organizations with expertise in using, providing, and evaluating professional services and embryo laboratories associated with assisted reproductive technologies.''

Section 6 requires the Secretary, through the CDC, to annually ''publish and distribute to the States and the public—pregnancy success rates reported to the Secretary under section 2(a)(1) and, in the case of an assisted reproductive technology program which failed to report one or more success rates as required under each section, the name of each such program and each pregnancy success rate which the program failed to report.''

CDC has prepared these proposed reporting requirements after discussion with representatives of the Society for ART (a national professional association of ART clinical programs), the American Society for Reproductive Medicine (a national society of professional individuals who work with infertility issues), the College of American Pathologists (a national professional association of pathologists having an accreditation program for reproductive laboratories), the American College of Obstetricians and Gynecologists (a national society of obstetricians and gynecologists), RESOLVE (a national consumer association of couples with infertility diagnoses), and the New England Patients' Rights Group (a regional consumer association concerned with patients' rights and informed consent issues), as well as a variety of individuals with expertise and interest in this field.

This notice provides opportunity for public review and comment (see appendix).

Dated: August 20, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

Appendix: Notice for the Reporting of Pregnancy Success Rates From Assisted Reproductive Technology Programs

Introduction

This notice includes four sections:

I. Who Reports * * * describes who shall report to CDC.

II. Description of Reporting Process * * * describes the reporting system and process for reporting by each ART clinic.

III. Proposed Data to be Reported * * * includes the definition of terms used in the reporting database. These definitions are provided only for the purpose of clarity in reporting data and are not intended to define standards of medical care.

IV. Definitions * * * describes terms, and how pregnancy success rates will be defined and reported, and outlines the topics and analyses that will be included in the annual published reports, using the data collected in the reporting database.

I. Who Reports

The Fertility Clinic Success Rate and Certification Act of 1992 (FCSRCA) requires that each assisted reproductive technology program shall annually report to the Secretary of the Department of Health and Human Services through the CDC pregnancy success rates and the certification status of its embryology laboratory.

The Society for Assisted Reproductive Technology (SART), an affiliate of the

American Society for Reproductive Medicine (ASRM), maintains a national database of cycle specific data reported by each of its members. As a condition of SART membership, each ART clinic must submit clinic specific data to SART and agree to on site date validation site visits by SART.

CDC has reviewed the SART reporting database and system and found that it provides the necessary information to publish an annual report as required by the FCSRCA. Rather than duplicate SART's reporting system, and thereby burden ART clinics and patients, CDC will contract with the SART to obtain a copy of their clinic specific database.

ART clinics that participate in the ASRM/SART reporting system as described in this notice, will be considered to be in compliance with the reporting requirements of FCSRCA.

Any ART program that is not a member of SART shall contact CDC for reporting information, instructions, and fees charged (fees are for the purposes of covering all costs associated with this activity, including data collection, processing, analysis, publication, and administration.)

Contact George Walter, M.S.P.H., telephone (770) 488–5204.

II. Description of Reporting Process

A. Reporting Activities

SART issues a unique clinic code, computer software for their database reporting system, and all necessary reporting instructions.

Each patient receiving ART in a clinic is registered in the system with a unique, clinic-assigned identifier and should be entered into the reporting database when her cycle is initiated. Each cycle of each patient also receives a unique cycle code for that patient. In the reporting system, the patient is identified by the center code, the patient code, and the cycle code assigned by the clinic; the patient's name is not included in the reporting database. However, the individual clinics must be able to use these codes to link every cycle to a specific patient (see below). The following patients are included in the reporting database: (1) all women undergoing ART, (2) all women undergoing ovarian stimulation or monitoring with the intention of undergoing ART (this includes women whose cycles are canceled for any reason); (3) all women providing donor oocytes, and (4) all women undergoing an embryo thawing with the intention of transferring cryopreserved embryos.

Clinic patitents will be informed through consent forms that their cycle specific data will be provided to the CDC and that all personal identifiers submitted to CDC in the SART data set will be protected under the Privacy Act. If a patient indicates that they do not want their personal identifier reported, the personal identifier will not be included.

The CDC will retain a copy of each of SART's annual data files. These will be used for epidemiologic analysis and for the purpose of publishing an annual report as required.

B. External Validation of Clinic Data

Every clinic will maintain a copy of all information included in the reporting database and must be able to link each patient, cycle and occyte retrieved from the reporting database to the appropriate medical and laboratory records for external validation activities.

On a periodic basis, ART clinical programs will be subject to external validation by SART of their reporting activities which will include review by appropriate professionals from outside the clinic staff. This review may include, but not be limited to, examination of medical and laboratory records, comparison of data in the reporting database with data in the medical record, and direct communication with patients included in the reporting database. Each patient included in the reporting database should be counseled that he or she may be contacted by professional reviewers as part of routine data validation and asked to confirm information provided in the database. Every patient should have an informed consent document in the medical record indicating that he or she has been counseled concerning this possible contact and has agreed or refused to participate in the data validation process.

C. Updating of Reporting Requirements

The field of ART is a rapidly developing medical science. These reporting requirements will be periodically reviewed and updated as new knowledge concerning ART methods and techniques becomes available. Such review will include consultation with professional and consumer groups and individuals, such as the consultations obtained for this initial notice. All notices for revision of the reporting requirements will be published in the **Federal Register** with a comment period.

III. Proposed Data To Be Reported*

A. Clinic Information

- Name and address.
- Unique clinic ID number.
- Name(s) of embryo laboratory(s) used by clinic.
- Years ART program has been practicing under the above clinic name.
- Number of ART patients seen during the reporting year.
- Total number of ART cycles performed during the reporting year.

B. Patient information

1. Identification

- Patient ID number (e.g., medical record number).
- Social Security Number.
- Date of birth.
- Race and ethnicity.

2. Reproductive History

- Gravidity.
- Prior total ART cycles (performed at reporting clinic, plus all other clinics).
- Prior live births.
- ART cycles since last birth (if applicable).

3. Cycle Specific Information

a. Identification

- Unique cycle specific number.
- Date ART initiated.
- Date ART canceled (if applicable).
- Date of Retrieval (if applicable).
- Date of transfer (if applicable).

b. Art Procedure Information

- Pre-treatment diagnosis (primary and secondary).
- Type of ART performed.
- Use of surrogacy/gestational carrier.
- Stimulation medication with dosage (if applicable).
- If canceled, reason for cancellation (illness, small number or no follicles), and if other forms of treatment such as artificial insemination (therapeutic insemination), timed intercourse, etc., are carried out.
- Number of oocytes retrieved (if applicable).
- Sperm source (e.g., partner, donor, or mixed) and motility.
- Use of micromanipulation for male factor (e.g., ICSI, PZD, or SUZI).
- Use of assisted hatching.
- Number of embryos frozen.
- Number of fresh (or thawed) embryos/oocytes transferred.

c. Outcome Information

- Results of pregnancy test and ultrasound (when applicable).
- Type of pregnancy (e.g., biochemical, clinical or ectopic).
- Date and number (in sacs) of pregnancy reduction.
- Outcome of clinical pregnancy (spontaneous or induced abortion, live birth, still birth).

* These items are currently collected by SART and will be purchased by CDC.

- Birth outcome (birth weight, birth defects, neonatal death).
- Descriptions of complications (hyper stimulation syndrome, anesthesia complications, hospitalization).

IV. Definitions

(Numbers in parentheses refer to references at end of this document.)

ART—Assisted reproductive technology, defined as all treatments or procedures which include the handling of human oocytes and sperm or embryos for the purpose of establishing a pregnancy. This includes, but is not limited to, in vitro fertilization, gamete intrafallopian transfer, zygote intrafallopian transfer, embryo cryopreservation, oocyte or embryo donation, and gestational surrogacy(2).

ART Cycle—ART cycles can be stimulated (use of ovulation induction) or unstimulated (natural cycle (1). An ART cycle is considered any cycle in which: (1) ART has been used, (2) in which the woman has undergone ovarian stimulation or monitoring with the intent of undergoing ART, or (3) in the case of cryopreserved embryos, in which embryos have been thawed with the intent of transfer.

ART Program or Clinic—A legal entity practicing under State law, recognizable to the consumer, that provides assisted reproductive technology to couples who have experienced infertility or are undergoing ART for other reasons. This can be an individual physician or a group of physicians who practice together and share resources and liability. If a program or clinic has undergone significant staffing changes such as changes in medical director, lab director, or ownership, but maintains the same or similar program name that is recognizable to the consumer, the practice is considered a continuation of an existing program. This definition precludes individual physicians who practice independently from pooling their results for purposes of data reporting.

ASRM—American Society for Reproductive Medicine.

Birth defect—Anomalies identified within the first two weeks of life that result in death or cause a serious disability requiring surgical and/or medical therapy (4). Specific anomalies to be identified include cardiac defect, cleft lip, cleft palate, genetic defect, and limb defect.

Biochemical pregnancy—A positive pregnancy test without the documented presence of a gestational sac.

Canceled cycle—An ART cycle in which ovarian stimulation or monitoring has been carried out with the intent of undergoing ART but which did not proceed to oocyte retrieval, or in the case of cryopreserved embryo cycles, to the transfer of embryos.

Center code—An identification number assigned to each ART clinical program by the reporting database operator.

Clinical pregnancy—An ultrasound-confirmed gestational sac within the uterus or the documented presence of intrauterine products of conception. Clinical pregnancies include all gestational sacs regardless of whether or not a heartbeat is observed or a fetal pole is established. This definition excludes ectopic pregnancy but includes pregnancies which end in spontaneous abortions, induced abortions, and deliveries (3).

Clomiphene citrate—An ovulation induction medication with the trade name of Clomid® or SeroPhene®.

Complication—A medical complication for the woman related to ART procedures, such as reactions to medications, anesthetic reaction, postsurgical bleeding, or infection.

Cryopreservation—A technique to preserve tissue, both ovarian and testicular, through freezing.

Cycle code—The ART cycle number for the particular patient. This code should be unique for each cycle in the same patient and is a separate number from the patient code. The patient code and cycle code together uniquely identify each cycle of each patient reported from the same clinic.

Cycle start date (cycle initiation date)—The cycle start date is the day that: (1) a patient in a stimulated cycle begins ovarian stimulation; (2) a patient in an unstimulated cycle begins cycle monitoring with the expectation of undergoing ART (including cryopreserved embryo transfer); or (3) a patient in a donor recipient or cryopreserved embryo cycle begins endometrial stimulation by exogenous sex steroids (includes gestational surrogacy). See also stimulated and unstimulated cycles.

Donor embryo—An embryo derived from the egg of a donor for transfer to a recipient. (4)

Donor recipient cycle—A cycle in which the patient receives a donor embryo.

Donor oocyte cycle—A cycle in which the patient donates some or all of her oocytes to a recipient.

Down regulation—Use of a GnRH agonist to effect ovarian suppression prior to the initiation of ovarian stimulation.

Ectopic pregnancy—A pregnancy in which the fertilized egg implants anywhere but in the uterine cavity (usually in the fallopian tube, the ovary, or the abdominal cavity) (3).

Embryo—The normally (2 pronuclei) fertilized egg that has undergone one or more divisions (8).

Embryo transfer—Introduction of embryos into a woman's uterus after in vitro fertilization (3).

Endometriosis—The presence of tissue resembling endometrium in abnormal locations (locations outside the uterus) such as the ovaries, fallopian tubes, and abdominal cavity (4).

Fertilization—The penetration of the egg by the sperm and fusion of genetic materials to result in the development of a fertilized egg (or zygote).

Flare protocol—Use of a GnRH agonist starting with or after onset of menses of the cycle being entered to augment stimulation.

Fress zygotes or embryos—Zygotes or embryos which have not been cryopreserved. Such zygotes or embryos may have been conceived using fresh or frozen sperm.

FSH—Follicle stimulating hormone. A hormone produced and released from the pituitary that stimulates the ovary to ripen a follicle for ovulation.

Gamete intrafallopian transfer (GIFT)—An ART procedure that involves removing eggs from the woman's ovary, combining them with sperm, and immediately injecting the eggs and sperm into the fallopian tube. Fertilization takes place inside the fallopian tube. (4)

GnRHa—Gonadotropin-releasing hormone agonist (Lupron®, Synarel® and ''new'' products (high purified or recombinant)).

Gestational carrier—A woman who gestates an embryo which did not develop from her egg with the expectation of returning the infant to its genetic parents.

Gestational sac—A fluid-filled structure that develops within the uterus early in pregnancy (1).

Hatching (Assisted)—A micromanipulation technique which involves making a small opening in the zona wall of the embryo to enhance implantation (8).

Human chorionic gonadotrophin (hCG)—A hormone secreted by the products of conception derived from the urine of pregnant women. HCG is used to ripen the egg and trigger ovulation (8).

Human menopausal gonadotrophin (hMG)—A hormone extracted from the urine of post-menopausal women. It is rich in the hormones FSH (follicle stimulating hormone) and LH (luteinizing hormone) and is used to stimulate follicular development and ovulation (8).

Intrauterine Insemination (IUI)—The transfer of washed semen into a woman's uterus.

Intracytoplasmic sperm injection (ICSI)—The placement of a single sperm into the ooplasm of an oocyte by micro-operative techniques.

In vitro fertilization (IVF)—A method of assisted reproduction that involves removing eggs from a women's ovaries, combining them with sperm in the laboratory and, if fertilized, replacing the resulting embryo into the women's uterus. (4)

Live birth—Any infant delivered with signs of life (delivered with assigned 1 or 5 minute Apgar scores of 1 or greater), at greater than or equal to 20 gestational weeks.

Male factor—A deficiency in quantity and/or quality of sperm preventing successful fertilization. SART defines male factor as a sperm count of less than 20 million/milliliter and/or a motility of 40 percent or less. Frozen semen from the male partner is classified by its original fresh characteristics, not its post-thaw values. If donor sperm are used alone or in combination with male partner's sperm, the cycle is not classified as male factor (3).

Multiple pregnancy—A pregnancy with more than one fetus.

Neonatal death—Death of a live-born infant before completion of the 28th day of life.

Oocyte—The female reproductive cell, also called an egg.

Oocyte donation—Removal of an egg from one women for eventual transfer into the fallopian tube (GIFT) or for a ZIFT or IVF embryo transfer to another woman. The donor relinquishes all parental rights to any resulting offspring, while the recipient women retains all parental rights of any resulting offspring.

Oocyte donor—A woman who undergoes a donor oocyte cycle (see donor cycle).

Oocyte retrieval—A procedure to collect the eggs contained within the ovarian follicles. This definition includes procedures in which oocyte recovery was attempted but not successful (3).

Oocyte transfer—In GIFT (see definition), transfer of retrieved eggs into a woman's fallopian tubes via laparoscopy. Includes attempted transfer, whether or not the transfer was successful (3).

Ovarian monitoring—Monitoring the development of ovarian follicles by ultrasound and/or blood or urine tests.

Ovarian stimulation—A series of drugs used to stimulate the ovary to develop follicles and eggs (8).

Ovulatory dysfunction—A factor causing reduced fecundity that is associated with structural, anatomic, or functional injury of one or both ovaries.

Ovulation induction—See stimulated cycle.

Ovulation drug—See stimulated cycle.

Pregnancy test—A blood test which determines the level of human chorionic gonadotropin; if it is elevated this documents a pregnancy which can be biochemical, ectopic or clinical.

Pregnancy reduction—A procedure in which the number of gestational sacs is reduced. It is used in women with multiple gestations, usually three or more, to decrease the number of fetuses a woman carries and improve the chances of survival of the remaining fetus(es) and the delivery of a healthy newborn(s).

SART—Society for Assisted Reproductive Technology.

Sperm—The male reproductive cell that has completed the process of meiosis and morphological differentiation.

Sperm concentration—The number of sperm identified on microscopic examination per milliliter of ejaculate.

Sperm donor—A man providing sperm for the fertilization procedures of a woman other than his sexual partner.

Spontaneous abortion (miscarriage)—A pregnancy ending in spontaneous loss of the embryo or fetus prior to completion of 20 weeks of gestation.

Stillbirth—Infant delivered without signs of life at 20 or greater weeks gestation.

Stimulated cycle—An ART cycle in which a women receives ovarian stimulation, including the use of clomiphene citrate, follicle stimulating hormone, or human menopausal gonadotrophin (4).

Thawed cycle—A cycle in which embryos previously frozen are thawed for embryo transfer.

Therapeutic or induced abortion—Ending a pregnancy by using an operative procedure to electively terminate the pregnancy.

Tubal factor—A factor causing reduced fecundity that is associated with structural, anatomic, or functional injury of one or both fallopian tubes.

Ultrasound—A technique for visualizing the follicles in the ovaries and the gestational sac or fetus in the uterus, allowing the estimation of size.

Unexplained cause of infertility—Infertility in which a couple has received a comprehensive evaluation without identification of an etiology for the failure to conceive (7).

Unstimulated cycle—An ART cycle in which the woman does not receive ovulation stimulation, except for the possible use of human chorionic gonadotropin. Instead, only natural follicular development occurs (3).

Uterine factor—A factor causing reduced fecundity that is associated with structural, anatomic, or functional injury to the uterus.

Zygote—A normal (2 pronuclei) fertilized egg before cell division begins (1).

Zygote intra fallopian transfer (ZIFT)—Eggs are collected and fertilized, and the resulting zygote is then transferred to the fallopian tube (4).

III. Content of Published Reports

These data can be used to provide a useful picture of the national rates of pregnancy in ART as well as clinic-specific rates (6). The annual report is expected to have two components:

(1) A national component which will provide a comprehensive picture of success rates given a variety of factors including age, diagnosis, type of ART procedure, number of embryos transferred, etc. This is possible because the large number of cycles at the national level allows accurate statistical reporting of success rates, which is not possible with the smaller number of cycles carried out in individual clinics.

(2) A clinic-specific component which will provide success rates for all assisted reproductive technologies using fresh embryos (IVF, GIFT, ZIFT, and combinations of these), success rates for cryopreserved embryos, success rates for donor embryos and the percentage of multiple pregnancies (twins and triplets or greater). An age-adjusted rate will be published with the 95 percent confidence interval. When numbers permit, success rates will also be reported by specific age groups. In addition, the clinic-specific component will provide other information which may be useful to the consumer, such as the number of cycles carried out, the percent distribution of types of ART, the types of infertility problems the clinic sees, and the average number of embryos transferred per cycle.

Both components will be available to the general public. Pregnancy success rates will be defined and characterized as described below. The following information will be emphasized in the published annual reports. As resources allow, additional information may also be published in supplemental reports.

1. The rate of live births after completion of ART according to the number of:

a. All ovarian stimulation or monitoring procedures (cycle).

b. Oocyte retrieval procedures.

c. Embryo (or zygote, or oocyte) transfer procedures.

2. Frequency of:

a. Multiple gestations.

b. Cancellations.

3. The number of cycles carried out.

4. The average number of embryos transferred per cycle.

5. The rates in (1), (2a), and (4) will be categorized for:

a. ART using fresh embryos, those using cryo-preserved embryos only, and those using donor oocytes.

b. Age of woman at time of cycle (<35, 35–39 and >39).

6. To aid in the interpretation of rates, the following information will be included:

a. Clinic profile—What types of services the clinic offers (e.g., surrogacy, single women); the percentage of ART procedures which are IVF, GIFT, ZIFT; the percentage of procedures involving ICSI; the percentage of multiple pregnancies per transfer and the percentage of these multiple pregnancies which underwent selective reduction; and the percent distribution of causes of infertility.

b. Consumer-oriented explanation of all medical and statistical terms used in the report.

References

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8. RESOLVE Assisted Reproductive Technologies Workbook RESOLVE, Inc., Boston, MA, 1994.

[FR Doc. 97–22611 Filed 8–25–97; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request Proposed Projects

Title: Temporary Assistance for Needy Families (TANF) Tribal Plan.

OMB No.: 0970–0157.

Description: This document consists of an outline of how the Indian tribe's TANF program will be administered and operated. It is used to determine whether the plan is approvable and that the Indian tribe is eligible to receive a TANF grant.

Respondents: Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
TANF Tribal Plan	18	1	60	1,080

Estimated Total Annual Burden Hours: 1,080.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: August 20, 1997.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 97–22619 Filed 8–25–97; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–484, HCFA–R–200]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions;

(2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection without change; *Title of Information Collection:* Attending Physician's Certification of Medical Necessity for Home Oxygen Therapy and Supporting Regulations 42 CFR 410.38 and 42 CFR 424.5; *Form Number:* HCFA–484 (OMB approval # 0938–0534); *Use:* To determine oxygen is reasonable and necessary pursuant to Medicare Statute, Medicare claims for home oxygen therapy must be supported by the treating physician's statement and other information including estimate length of need (# of months), diagnosis codes (ICD–9) and:

1. Results and date of the most recent arterial blood gas PO_2 and/or oxygen saturation tests.

2. The most recent arterial blood gas PO_2 and/or oxygen saturation test performed EITHER with the patient in a chronic stable state as an outpatient, OR within two days prior to discharge from an inpatient facility to home.

3. The most recent arterial blood gas PO_2 and/or oxygen saturation test performed at rest, during exercise, or during sleep.

4. Name and address of the physician/provider performing the most recent arterial blood gas PO_2 and/or oxygen saturation test.

5. If ordering portable oxygen, information regarding the patient's mobility within the home.

6. Identification of the highest oxygen flow rate (in liters per minute) prescribed.

7. If the prescribed liters per minute (LPM), as identified in item 6, are greater than 4 LPM, provide the results and date of the most recent arterial blood gas PO_2 and/or oxygen saturation test taken on 4 LPM.

If the PO_2=56–59, or the oxygen saturation=89%, then evidence of the beneficiary meeting at least one of the following criteria must be provided.

8. The patient having dependent edema due to congestive heart failure.

9. The patient having cor pulmonale or pulmonary hypertension, as documented by P pulmonale on an EKG or by an echocardiogram, gated blood pool scan or direct pulmonary artery pressure measurement.

10. The patient having a hematocrit greater than 56%.

Form HCFA–484 obtains all pertinent information and promotes national consistency in coverage determinations; *Frequency:* Other (as needed); *Affected Public:* Individuals/households, business or other for profit, and not for profit institutions; *Number of Respondents:* 300,000; *Total Annual Responses:* 300,000; *Total Annual Hours Requested:* 50,000.

2. *Type of Information Request:* Extension of a currently approved collection without change; *Title of Information Collection:* HEDIS 3.0 (Health Plan Data and Information Set), including the Health of Seniors and Consumer Assessment of Health Plans Study (CAHPS) surveys and supporting regulations 42 CFR 417.470, and 42 CFR 417.126; *Form Number:* HCFA–R–200 (OMB approval #0938–0701); Use: HEDIS and CAHPS will be used for 3 purposes: (1) To provide summary comparative data to the Medicare beneficiary to assist them in choosing among health plans; (2) to provide information to health plans for internal quality improvement activity; and (3) to provide HCFA, as purchaser, information useful for monitoring quality of and access to care provided by the plans; *Frequency:* Annually; *Affected Public:* Individuals or Households, non-profit and for profit HMOs which contract with HCFA to provide managed health care to Medicare beneficiaries; *Number of Respondents:* 293,834; *Total Annual Responses:* 293,834 *Total Annual Hours Requested:* 181,520.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: John P. Burke III, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 19, 1997.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 97–22588 Filed 8–25–97; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB); Correction

In the Health Care Financing Administration (HCFA) notice ''Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget'', published in the **Federal Register** on 8/20/97, 62 FR 44283, third column, second paragraph, ''it was stated that ''HCFA will respond as appropriate to the public comments received in response to the 10/24/97 **Federal Register** notice. * * *'' However, the date referenced in this phrase was printed in error. The phrase is being corrected to read ''HCFA will respond as appropriate to the public comments received in response to the 10/24/96 **Federal Register** notice. * * *''

Dated: August 21, 1997

John P. Burke III,

HCFA Reports Clearance Officer, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Health Care Financing Administration.

[FR Doc. 97–22742 Filed 8–25–97; 8:45 am]

BILLING CODE 4120–03–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 meetings of the SAMHSA Center for Substance Abuse Treatment (CSAT) National Advisory Council and the SAMHSA National Advisory Council to be held in September 1997.

The CSAT National Advisory Council will have an open portion and include discussion of the Center's policy issues and current administrative, legislative, and program developments. If anyone needs special accommodations for persons with disabilities please notify the Contact listed below.

The meeting will also include the review, discussion, and evaluation of individual grant applications, contract proposals, and discussion of information about the Center for Substance Abuse Treatment's procurement plans. 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, § 10(d).

A copy of the agenda and roster of Council members may be obtained from: Mrs. Joann M. Exline, CSAT, National Advisory Council, Rockwall II Building, Suite 619, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–4946.

Substantive program information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: Center for Substance Abuse Treatment National Advisory Council.

Meeting Date: September 11, 1997, 8:45 a.m.–5:00 p.m.; September 12, 1997, 9:00 a.m.–1:30 a.m.

Place: Holiday Inn/Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

Open: September 11, 1997, 11:00 a.m.–5:00 p.m.; September 12, 1997, 9:00 a.m.–1:30 a.m.

Closed: September 11, 1997—8:45 a.m.–11:00 a.m.

Contact: Marjorie M. Cashion, Executive Secretary, Telephone: (301) 443–8923, and FAX: (301) 480–6077.

The SAMHSA National Advisory Council teleconference meeting will have an open portion and will include a roll call, general announcements and a discussion of the minutes of four previous meetings of the SAMHSA Council. The four meetings were held in Washington, D.C. on May 29, June 23, July 10, and July 29, 1997. Attendance by the public will be limited to space available. Public comments are welcome during the open session. Please communicate with the individual listed as Contact below to make arrangements to comment or to request special accommodations for persons with disabilities.

The meeting will also include the review, discussion and evaluation of individual 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, § 10(d).

A summary of the agenda and a roster of Council members may be obtained from: Ms. Susan E. Day, Program Assistant, SAMHSA National Advisory Council, 5600 Fishers Lane, Room 12C-15, Rockville, Maryland 20857. Telephone: (301) 443–4640.

Committee Name: SAMHSA National Advisory Council.

Meeting Date: September 25, 1997.

Place: Substance Abuse and Mental Health Services Administration, Parklawn Building, Conference Room 12–94, 5600 Fishers Lane, Rockville, Maryland 20857.

Open: September 25, 1997, 2:00 p.m.–2:45 p.m.

Closed: September 25, 1997, 2:45 p.m.–3:30 p.m.

Contact: Toian Vaughn, Executive Secretary, Room 12C–15, Parklawn Building, Telephone: (301) 443–4640 and FAX: (301) 443–1450.

Dated: August 21, 1997.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 97–22621 Filed 8–22–97; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4263–N–11]

Proposed Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: October 27, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Housing, Department of Housing and Urban Development, 451—7th Street, SW., Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Ivy Jackson, Telephone number (202) 708–4560 (this is not a toll-free number) for copies of the proposed forms and other available documents.

For hearing- and speech-impaired persons, this number may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Section 6 Model Disclosure Statements.

OMB Control Number, if applicable: 2502–0458.

Description of the need for the information and proposed use: The initial disclosure statement discloses to consumers about the probability of whether their loan will be sold. The transfer disclosure is given when the loan servicing is sold and/or transferred to another entity and provides important information concerning the transfer, such as, the name and address of the new servicer and who to contact if questions are raised.

Agency form numbers, if applicable: Not applicable.

Members of affected public: Lenders who originate loans and/or who service loans.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

SECTION 6.—SERVICING DISCLOSURES

Information collection	Number of respondents	Responses per respondent	Total annual responses	Hour per response	Total hours	Regulatory references
Initial Disclosure	20,000	212	4,240,000	.033	139,920	3500.21
Transfer Disclosure	20,000	2,250	45,000,000	.033	1,485,000	3500.21

SECTION 6.—SERVICING DISCLOSURES—Continued

Information collection	Number of respondents	Responses per respondent	Total annual responses	Hour per response	Total hours	Regulatory references
Total annual burden	*20,000	2,462	49,240,000	.033	1,624,920	

*Same 20,000 lenders give both disclosures, not additional.

Status of the proposed information collection: Extension of a previously approved collection.

Authority: 44 U.S.C. 3506; 42 U.S.C. 3535(d).

Dated: August 20, 1997.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 97–22607 Filed 8–25–97; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–069–1220–00]

Intent To Conduct Public Scoping Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of additional public meeting and extension of public comment period.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) Needles Resource Area office is conducting a cooperative planning effort focused on Off-Highway Vehicle (OHV) and recreation use in the southeastern portion of Chemehuevi Valley in California. An activity level management plan will be developed to address the management options. Due to increased public participation at the public meetings held on July 11 and July 12, 1997 an additional public scoping meeting has been initiated with publication of this notice along with comments from the public being accepted through September 10, 1997. The public scoping meeting will identify additional issues and concerns involving OHV use, other recreation activities, cultural resources and encourage public participation in the planning process.

DATES: The public scoping meeting is scheduled as follows: August 30, 1997, 9 a.m. at Friendship Hall, 148808 Havasu Lake Rd., Havasu Lake, CA.

ADDRESSES: Send your comments to the Bureau of Land Management, Needles Resource Area, Attn: Lesly Smith, 101 W. Spikes Rd., Needles, CA 92363.

FOR FURTHER INFORMATION CONTACT: Lesly Smith at (760) 326–7031.

SUPPLEMENTARY INFORMATION: The planning effort is a component of the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan). The Activity Level Plan will set the standard for managing OHV use within the planning area.

The planning effort will focus on Off-Highway Vehicle (OHV) use in the southeastern Chemehuevi Valley, California. The 94,000± acre planning area will include public, state, private, and tribal lands. The northern boundary is defined by Metropolitan Water District of Southern California powerline road and the Chemehuevi Mountains Wilderness boundary. The western boundary is defined by US Highway 95. The southern boundary is defined by an unmaintained dirt road (East Mojave Heritage Trail) and the Whipple Mountain Wilderness boundary. The eastern boundary is the Colorado River and the Chemehuevi Indian Reservation. The whole planning area lies within San Bernardino County.

George R. Meckfessel,

Acting Area Manager.

[FR Doc. 97–22641 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–930–1430–01; CACA 7622 et al.]

Public Land Order No. 7278; Revocation of Secretarial Orders Dated June 6, 1922 and May 13, 1927, Executive Orders Dated August 11, 1913 and July 24, 1917, and Public Land Order No. 3890; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes: (1) In its entirety, a Secretarial Order dated June 6, 1922, as it affects 36.51 acres of public lands withdrawn for Power Site Classification No. 42; (2) in its entirety, an Executive Order dated August 11, 1913, as it affects 155.09 acres of public lands withdrawn for Power Site Reserve No. 394; (3) in part, a Secretarial Order, dated May 13, 1927, insofar as it affects 40 acres of public lands withdrawn for Power Site Classification No. 179; (4) in its entirety, an Executive Order dated July 24, 1917, as it affects 20 acres of public lands withdrawn for Power Site Reserve No. 577; and (5) in part, Public Land Order No. 3890, insofar as it affects 1,170.11 acres of public lands withdrawn for Power Site Classification No. 446. The lands are no longer needed for these purposes, and the revocations are necessary to permit disposal of some of the lands through five pending land exchanges under Section 206 of the Federal Land Policy and Management Act of 1976. Of the 1,424.71 acres being revoked, 446.71 acres are temporarily closed to surface entry and mining by the pending land exchanges. This order will open 326 acres to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. The remaining 649 acres have been conveyed out of Federal ownership. The Federal lands have been and will remain open to mining and mineral leasing, unless closed by existing withdrawals or other segregations of record. The Federal Energy Regulatory Commission has concurred with these revocations.

EFFECTIVE DATE: August 26, 1997.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA–931.4), 2135 Butano Drive, Sacramento, California 95825; 916–978–4675.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1 (a). The Secretarial Order dated June 6, 1922, which established Power Site Classification No. 42 (CACA 7622), is hereby revoked in its entirety:

Mount Diablo Meridian

T. 48 N., R. 4 W.,
Sec. 18, lot 2.

The area described contains 36.51 acres in Siskiyou County.

(b). The Executive Order dated August 11, 1913, which established Power Site Reserve No. 394 (CACA 7937), is hereby revoked in its entirety:

Mount Diablo Meridian

T. 48 N., R. 4 W.,
Sec. 18, lots 3 and 4.
T. 48 N., R. 5 W.,
Sec. 24, N½NE¼.

The areas described aggregate 155.09 acres in Siskiyou County.

(c). The Secretarial Order dated May 13, 1927, which established Power Site Classification No. 179 (CACA 8003), is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 23 N., R. 4 E.,
Sec. 9, SE¼SE¼.

The area described contains 40 acres in Butte County.

(d). The Executive Order dated July 24, 1917, which established Power Site Reserve No. 577 (CACA 37280), is hereby revoked insofar as it affects the following described lands:

All portions of the following described lands lying within 50 feet of the center line of the transmission line of the California-Oregon Power Company:

Mount Diablo Meridian

T. 48 N., R. 1 W.,
Sec. 30, lot 4.
T. 48 N., R. 2 W.,
Sec. 32, NE¼NE¼ and N½NW¼.
T. 48 N., R. 3 W.,
Sec. 34, N½NW¼.
T. 46 N., R. 5 W.,
Sec. 6, W½ of lot 1 in NW¼, and lot 2 in NW¼.
T. 48 N., R. 5 W.,
Sec. 24, SW¼NE¼ and NE¼NW¼.
T. 46 N., R. 6 W.,
Sec. 2, SE¼SE¼.

The areas described aggregate 11 acres in Siskiyou County.

(e). Public Land Order No. 3890, which established Power Site Classification No. 446 (CAS 075739), is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 19 N., R. 6 W.,
Sec. 5, lot 3, lot 11 (originally described as SE¼NW¼), and NE¼SW¼;
Sec. 6, lots 1 and 2.
T. 20 N., R. 6 W.,
Sec. 29, E½SW¼;
Sec. 31, SW¼NE¼ and SE¼SW¼;
Sec. 32, E½NW¼.
T. 21 N., R. 6 W.,
Sec. 7, lot 16;
Sec. 18, lots 5, 6, 15, and 16;
Sec. 31, lot 13.
T. 23 N., R. 7 W.,
Sec. 2, W½SE¼.

The areas described aggregate 530.11 acres in Glenn and Tehama Counties.

2 (a). The Executive Order dated July 24, 1917, which established Power Site Reserve No. 577 (CACA 37280), is hereby revoked insofar as it affects the following described lands:

All portions of the following described lands lying within 50 feet of the center line of the transmission line of the California-Oregon Power Company:

Mount Diablo Meridian

T. 47 N., R. 5 W.,
Sec. 20, SE¼SE¼;
Sec. 28, NW¼NW¼.
T. 47 N., R. 6 W.,
Sec. 22, S½S½.

The areas described aggregate nine acres in Siskiyou County.

(b). Public Land Order No. 3890, which established Power Site Classification No. 446 (CAS 075739), is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 23 N., R. 7 W.,
Sec. 36.

The area described contains 640 acres in Tehama County.

3. At 10 a.m. on September 4, 1997, the lands described in paragraph 1 (a)–(e) will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 4, 1997, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands described in paragraph 1 (a)–(e) have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, 30 U.S.C. 621 (1994). However, since this act applies only to lands withdrawn for power purposes, the provisions of the act are no longer applicable. The lands have been and will remain open to mineral leasing.

5. The lands described above, in paragraph 2 (a) and (b), have been conveyed out of Federal ownership. Therefore, this order is a record clearing action only for those lands.

6. The State of California, with respect to the lands described in paragraph 1 (a)–(e), has a preference right for public highway rights-of-way or material sites until September 4, 1997, and any location, entry, selection, or subsequent patent shall be subject to any rights granted the State as provided by the Act of June 10, 1920, Section 24, as amended, 16 U.S.C. 818 (1994).

Dated: August 12, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97–22586 Filed 8–25–97; 8:45 am]
BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Realty Action; Recreation and Public Act Transfer, County of Kern, State of California

United States Department of the Interior, Bureau of Land Management, Ridgecrest Resource Area, 300 South Richmond Road, Ridgecrest, California 93555.

Notice is hereby given that the following described public land is being considered for disposal by the United States. The Bureau of Land Management has examined and found suitable for classification for lease and conveyance to the County of Kern, Waste Management Department under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et. seq.*). The proposed disposal of land is intended to serve as a non-encroachment area for future development occurring in the area near the Ridgecrest, California Sanitary Landfill.

The following described public land is being considered for disposal by the United States:

A. General Location

Ridgecrest Sanitary Landfill: Sections 1, 2, 11 and 12, Township 27 South, Range 39 East, Mount Diablo Meridian, County of Kern, State of California.

B. Specific Location

1. Ridgecrest Sanitary Landfill

All that portion of Section 12, Township 27 South, Range 39 East, Mount Diablo Meridian, County of Kern, State of California, being parcels of land more particularly described as follows:

The West half of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 12.

Containing 120 acres, more or less.

2. Ridgecrest Sanitary Landfill Buffer Zone

All that portion of Sections 1, 2, 11 and 12, Township 27 South, Range 39 East, Mount Diablo Meridian, County of Kern, State of California, being parcels of land more particularly described as:

The Southerly 660.00 feet of the Southwest quarter of the Southwest quarter and the Westerly 660.00 feet of the Southerly 660.00 feet of the

Southeast quarter of the Southwest quarter of said Section 1; and

The Southerly 660.00 feet of the Easterly 660.00 feet of the Southeast quarter of said Section 2; and

The Easterly 660.00 feet of the Northeast quarter and the Easterly 660.00 feet of the Northeast quarter of the Southeast quarter and the Northerly 660.00 feet of the Easterly 660.00 feet of the Southeast quarter of said Section 11; and

The Northerly 660.00 feet of the Southwest quarter of the Southwest quarter and the Northerly 660.00 feet of the Westerly 660.00 feet of the Southeast quarter of the Southwest quarter and Westerly 660.00 feet of the Northeast quarter of the Southwest quarter and the Westerly 660.00 feet of the East half of quarter of said Section 12.

Containing 200 acres, more or less.

Total acreage of proposed disposal is 320 acres, more or less.

In accordance with Section 206(i)(1) of FLPMA, said land is hereby segregated from appropriation under mining and public laws for a period of five years. This segregation of the public land involved in this disposal shall have no effect on valid existing rights as of the date of such segregation.

Anyone wishing more detailed information concerning the proposed disposal may contact Peter G. Graves, Realty Specialist, Ridgecrest Resource Area, 300 South Richmond Road, Ridgecrest, CA 93555, (760) 384–5429.

Individuals wishing to submit formal comments concerning the proposed disposal must submit those comments to the Area Manager, Ridgecrest Resource Area, at the above address. In order to be considered in the environmental assessment of the proposed disposal, comments must be in writing to the Area Manager and be postmarked or delivered 45 days after initial publication.

Dated: August 14, 1997.

Greg Thomsen,

Acting Area Manager.

[FR Doc. 97–22572 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–065–07–1430–00; IDI–32323]

Proposed State in Lieu Selection in Clearwater and Benewah Counties, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: Notice is hereby given that the BLM has examined certain public lands and hereby classifies them suitable for transfer to the State of Idaho via Indemnity School Land Selection. this action is required to provide the state with public lands to settle an entitlement resulting from the origination of statehood. The public land, upon transfer to the state, would be managed by the Idaho Department of Lands for long-term timber management in support of the state's school endowment fund.

DATES: For a period of 45 days from the publication of this notice, interested parties may submit comments regarding the indemnity selection and disposal of the selected public lands to the Area Manager, Cottonwood Resource Area, Bureau of Land Management, Rt. 3, Box 181, Cottonwood, Idaho 83522–9498. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTAL INFORMATION: The following described lands have been examined, have been found suitable, and are hereby classified for disposal via indemnity selection by the State of Idaho pursuant to Sections 2275 and 2276, Revised Statutes, as amended (43 U.S.C. 851 and 852). This action is in conformance with the Emerald Empire and Chief Joseph Management Framework Plans, approved November 18, 1981. The land will not be transferred until at least 60 days after the date of publication of this notice in the **Federal Register**.

Boise Meridian, Idaho

T. 45 N., R. 2 W.,
Sec. 2, SE¼SW¼, SW¼SE¼.
Sec. 14, NE¼NE¼, NE¼SW¼.
T. 39 N., R. 2 E.,
Sec. 18, lot 4, SW¼NE¼, SE¼SW¼ (less MS 2731).
Sec. 19, lots 1–4, NW¼NE¼ (less MS 2731), SW¼NE¼, NE¼NW¼ (less MS 2731), SE¼NW¼, E½SW¼, NW¼SE¼.
Sec. 29, S½NE¼, SE¼NW¼, E½E½SW¼, W½SW¼.
Sec. 30, lots 1 and 2, NE¼, E½NW¼, E½SE¼.

The land described above contains approximately 1,301.22 acres in Clearwater and Benewah Counties, Idaho.

These lands are to be conveyed subject to the following:

Excepting and reserving to the United States:

A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat. 291; 43 U.S.C. 945).

This action is in accordance with the Endangered Species Act of 1973 (P.L. 93–205, 87 Stat. 884, 16 U.S.C. 1531), E.O. 11593, National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), as amended, National Environmental Policy Act of 1969 (P.L. 91–190, 83 Stat. 852; 42 U.S.C. 4321), Federal Land Policy and Management Act of October 21, 1976 (P.L. 94–579, 90 Stat. 2743 Section 102(8)), and Section 7 of the Taylor Grazing Act (43 U.S.C. 315, 315a–315r). This land classification meets the criteria in, and is made pursuant to, 43 CFR 2410.1(a)–(d), and 2450.

FOR FURTHER INFORMATION CONTACT: Ron L. Grant, Realty Specialist, Cottonwood Resource Area, Rte 3, Box 181, Cottonwood, Idaho 83522–9498, (208) 962–3245.

Dated: August 19, 1997.

Greg M. Yuncevich,

Area Manager.

[FR Doc. 97–22615 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–GG–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Final Environmental Impact Statement, Nez Perce National Historical Park and Big Hole National Battlefield

ACTION: Notice of Availability of Final Environmental Impact Statement (FEIS) for the General Management Plan for Nez Perce National Historical Park and Big Hole National Battlefield.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), the National Park Service, Department of the Interior, has prepared an abbreviated Final Environmental Impact Statement that responds to comments received on the Draft General Management Plan/Environmental Impact Statement.

The Draft General Management Plan/Environmental Impact Statement (GMP/DEIS) was released for public review on October 15, 1996 (61 FR 200), and the public comment period closed December 11, 1996. During this comment period, seventeen public hearings were held and numerous written comments were also received. The FEIS contains responses to the comments received and modifications to the document as needed in response to the comments. Modifications pertain primarily to proposed site boundaries,

particularly for privately-owned sites where the landowners objected to the boundaries as proposed. The proposed action for overall park management remains unchanged.

DATES: The no-action period on this final environmental impact statement will end 30 days after the Environmental Protection Agency has published a notice of availability of the FEIS in the **Federal Register**. For further information, contact: Frank Walker, Superintendent, Nez Perce National Historical Park and Big Hole National Battlefield, Route 1 Box 100, Spalding, Idaho 83540, (208) 843–2261.

ADDRESSES: Public reading copies of the FEIS will be available for review at the following locations:

Lewiston Public Library—Lewiston, Idaho
Grangeville Centennial Library—Grangeville, Idaho
Prairie Community Library—Cottonwood, Idaho
Craigmont City Library—Craigmont, Idaho
Asotin County Library—Clarkston, Washington
Clearwater Memorial Library—Orofino, Idaho
Culdesac City Library—Culdesac, Idaho
Kamiah Community Library—Kamiah, Idaho
Nez Perce County Library—Lapwai, Idaho
Nezperce City Library—Nezperce, Idaho
Enterprise City Library—Enterprise, Oregon
Wallowa County Library—Wallowa, Oregon
Joseph Public Library—Joseph, Oregon
Blaine County Library—Chinook, Montana
NPS Office of Public Affairs—Washington, D.C.

SUPPLEMENTARY INFORMATION: This Final Environmental Impact Statement for the General Management Plan presents a proposal and two alternative strategies parkwide and site-specific, for guiding future management of the national historical park. The major subject areas are natural and cultural resources, public use, nonfederal lands, and park management and operations. Many overall actions would be designed to unify park sites, upgrade interpretation, and help visitors recognize the connection between the park's individual sites. Nez Perce life ways would be respected. Plans would be developed to manage resources and vegetation, eliminate exotic and noxious plants, and reintroduce native species. The park would continue to work with local governments on issues that could affect park resources. Nez Perce people would be encouraged to participate in decisions about park planning, management, and operation. Alternative 1 is a continuation of current management practices, often referred to as a ''no action'' alternative. Alternative 2 is a minimum requirement in terms of lower cost improvements and minimum protection and safety actions. Alternative 3 goes beyond the minimum requirements alternative, building on the initiatives of alternative 2. The proposed actions for overall management would retain the general management direction of the park, but appropriate individual management techniques would be applied in certain cases. Incremental steps would be taken to improve visitor services and operations. More cooperative agreements and other partnership mechanisms would be developed as needed to protect resources, include Nez Perce people in park management, and improve interpretation. Some facilities would be rehabilitated or expanded, modest developments would be added at some sites to meet requirements, and some historic structures would be adaptively used. The site-by-site proposed action varies with the site. The DEIS evaluated the potential environmental impacts associated with the strategies comprising the three alternatives. The official responsible for a decision on the proposed action is the Regional Director, Pacific West Region, National Park Service.

Dated: August 11, 1997.

William C. Walters,

Deputy Regional Director, Pacific West Region.

[FR Doc. 97–22649 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, September 19, 1997.

The Commission was reestablished pursuant to Public Law 99–349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will convene at Headquarters, Marconi Station at 1 p.m. for the regular business meeting which will be held for the following reasons:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meetings March 28, 1997 and May 9, 1997
3. Reports of Officers
4. Reports of Subcommittee
   Nickerson Fellowship
5. Superintendent's Report
   Summer '97
   New Staff
   GMP
   ORV
   Proposed burn at Fort Hill
   News from Washington
6. Old Business
   Dune Shack Report
   Use and Occupancy Report
   Advisory Commission Handbook
7. New Business
8. Agenda for next meeting
9. Date for next meeting
10. Public comment
11. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Maria Burks,

Superintendent.

[FR Doc. 97–22650 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Denali National Park Subsistence Resource Commission

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Denali National Park and the Chairperson of the Denali Subsistence Resource Commission announce a forthcoming meeting of the Denali National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Call to order by the Chair.

(2) Roll call and confirmation of quorum.
(3) Superintendent's welcome and introductions.
(4) Approval of minutes of last meeting.
(5) Additions and corrections to the agenda.
(6) New Business:
a. State subsistence proposal
b. Federal subsistence program
c. O'Connor appeal
d. Draft Denali subsistence management plan
(7) Old Business:
a. Denali natural and cultural studies
b. NPS subsistence issue paper report
c. Park planning and north access updates
d. Tanana Village resident zone update
(8) Public and other agency comments.
(9) Set time and place of next SRC meeting.
(10) Adjournment.

DATES: The meeting will be held Friday, August 29, 1997. The meeting will begin at 9:00 a.m. and end at 6 p.m.

LOCATION: The meeting will be held at McKinley Village Community Center in Denali Park, Alaska.

FOR FURTHER INFORMATION CONTACT: Steve Martin, Superintendent or Hollis Twitchell, Subsistence Coordinator, Denali National Park, P.O. Box 9, Denali Park, Alaska 99755. Phone (907) 683–2294.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Ralph H. Tingey,

Acting Regional Director.

[FR Doc. 97–22648 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Petroglyph National Monument Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92–463, that a meeting of the Petroglyph National Monument Advisory Commission will be held at 9:00 a.m., Friday, October 3, 1997, at the Indian Pueblo Cultural Center, 2401 12th Street NW., Albuquerque, New Mexico.

The Petroglyph National Monument Advisory Commission was established pursuant to Public Law 101–313, establishing Petroglyph National Monument, to advise the Secretary of the Interior on the management and development of the monument and on the preparation of the monument's general management plan.

Matters to be discussed at this meeting include:

Introduction of Commission members and guests
Superintendent's Report
Old Business
New Business
Public Comment

The meeting will be open to the public. Any member of the public may file a written statement concerning the matters to be discussed at the Commission meeting with the Superintendent.

Persons who wish further information concerning the meeting, or who wish to submit written comments may contact Judith Cordova, Superintendent, Petroglyph National Monument, 6001 Unser Boulevard NW., Albuquerque, New Mexico 87120, telephone (505) 899-0205.

Minutes of the Commission meeting will be available for public inspection six weeks after the meeting, at Petroglyph National Monument headquarters.

Dated: August 8, 1997.

Judith Cordova,

Superintendent, Petroglyph National Monument.

[FR Doc. 97–22643 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Revision of National Environmental Policy Act Procedures; Request for Comments

AGENCY: National Park Service, Interior.

ACTION: Revision of National Environmental Policy Act Procedures, Request for Comments.

SUMMARY: The National Park Service (NPS) is requesting comments from agencies and the public concerning its revisions to its procedures under the National Environmental Policy Act (NEPA). Once final these policies would apply to the activities of the National Park Service in administering units of the National Park System as well as other activities. The policies available for review consist of a draft Director's Order which broadly describes the authorization of and responsibility for the development of the policies and a draft handbook that describes how the NPS will carry out its responsibilities under the National Environmental Policy Act and related laws. A field guide will be developed in the future that will supply additional guidance for writing documents and carrying out analysis under NEPA.

DATES: Comments must be submitted by October 3, 1997.

ADDRESSES: Documents can be requested from and comments should be sent to: National Park Service Environmental Quality Division, Room 2749, 1849 C Street, N.W., Washington, D.C. 20240. Comments can also be sent electronically to the following internet address: jacob__hoogland@nps.gov. Electronic copies of the draft documents can be downloaded from the internet at the NPS's web page at http://www.nps.gov.

For further information Contact: Jacob J. Hoogland, Chief, Environmental Quality Division, National Park Service, Room 2749, 1849 C Street, N.W., Washington, D.C. 20240. Telephone (202)208–5214. Internet address: jacob__hoogland@nps.gov.

Dated: August 7, 1997.

Abigail Miller,

Deputy Associate Director, Natural Resource Stewardship and Science.

[FR Doc. 97–22647 Filed 8–25–97; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States* v. *Consolidated Rail Corp., et al.,* Case No. S90–56M, was lodged with the United States District Court for the Northern District of Indiana, on August 12, 1997. The United States filed separate Complaints, later consolidated, against the Consolidated Rail Corp. and Penn Central Corp. to recover response costs incurred by the United States in connection with releases or threatened releases of hazardous substances at the Conrail Superfund site in Elkhart, Indiana, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. § 9607, and for a declaratory judgment under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2). Under the Consent Decree, the United States will receive more than $7 million in reimbursement of the costs it has expended in responding to

releases or threatened releases of hazardous substances at the site, and the defendants will implement the remedy at the site.

The Department of Justice will receive comments relating to the proposed Partial Consent Decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530. All comments should refer to *United States* v. *Consolidated Rail Corp., et al.,* D.J. Ref. 90–11–3–594. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973(d).

The proposed Partial Consent Decree may be examined at the offices of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, or at the Consent Decree Library, 1120 G Street, N.W., 4th floor, Washington, D.C. 20005, 202–624–0892. A copy of the proposed Partial Consent Decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy (without attachments), please enclose a check in the amount of $22.75 for the Decree (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy, please refer to *United States* v. *Consolidated Rail Corp. et al.,* D.J. Ref. No. 90–11–3–594.

Bruce S. Gelber,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–22599 Filed 8–25–97; 8:45am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on May 29, 1997, Applied Science Labs, Inc., A Division of Altech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, 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
Heroin (9200)	I
Morphine (9300)	II

The firm plans to import these controlled substances for the manufacture of reference standards.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: July 21, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22559 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 17, 1997, Bridgeway Trading Corporation, 7401 Metro Blvd., Suite 480, Minneapolis, Minnesota 55439, made application by renewal to the Drug Enforcement Administration to be registered as an importer of marihuana (7360) a basic class of controlled substance in Schedule I.

This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file writtten comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements

for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: July 22, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22560 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 8, 1997, and published in the **Federal Register** on April 29, 1997, (62 FR 23268), Celgene Corporation, 7 Powder Horn Drive, Warren, New Jersey 07059, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of 4-Methoxyamphetamine (7411) a basic class of controlled substance listed Schedule I.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Celgene Corporation to manufacture 4-Methoxyamphetamine is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: July 29, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22561 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 31, 1997, and published in the **Federal Register** on May 8, 1997 (62 FR 25209), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Ganes Chemicals, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 29, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22562 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 26, 1997, and published in the **Federal Register** on March 19, 1997, (62 FR 13170), Mallinckrodt Chemical, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Methylphenidate (1724)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine Hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium powdered (9636)	II
Opium granulated (9640)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

DEA has considered the factors in Title 21, United States Code, Section 823(a), as well as information provided by other bulk manufacturers, and determined that the registration of Mallinckrodt Chemical, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated July 28, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22563 Filed 8–25–97; 8:45 am]

Billing Code 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33 of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 10, 1997, Novartis Pharmaceutical Corp., 59 Route 10, East Hanover, New Jersey 07936, made application by letter dated July 10, 1997, to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance methylphenidate (1724).

The firm, which is currently registered with DEA as a bulk manufacturer of methylphenidate at another location plans to manufacture validation batches in preparation of

moving all bulk manufacturing of methylphenidate to the above location.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments, or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (60 days from publication).

Dated: July 29, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22564 Filed 8–25–97; 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 24, 1997, and published in the **Federal Register** on May 21, 1997 (62 FR 27770), Research Biochemicals, Inc., Limited Partnership, Attn: Richard Milius, 1–3 Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Tetrahydrocannabinols (7370)	I
Bufotenine (7433)	I
Dimethyltryptamine (7435)	I
Etorphine (except Hcl) (9056)	I
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Diprenorphine (9058)	II
Etorphine Hydrochloride (9059)	II
Diphenoxylate (9170)	II
Metazocine (9240)	II
Methadone (9250)	II
Fentanyl (9801)	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 Biochemicals 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 21, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22565 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 24, 1997, and published in the **Federal Register** on May 21, 1997, (62 FR 27776), Research Biochemicals, Limited Partnership, One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxymethamphetamine (7405). Dimethyltryptamine (7435).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
Heroin (9200)	I
Normorphine (9313)	I
Phencyclidine (7471)	II
Benzoylecgonine (9180)	II

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Research Biochemicals to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 29, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22566 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 15, 1997, and published in the **Federal Register** on May 12, 1997, (62 FR 25972), 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 (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I
Cocaine (9041)	II

DEA has considered the factors in Title 21, United States Code, Section 823(a), as well as information provided by other bulk manufacturers, and determined that the registration of Research Triangle Institute to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 29, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22568 Filed 8–25–97; 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 4, 1997, and published in the **Federal Register** on May 12, 1997, (62 FR 25973), Roberts Laboratories, Inc., 4 Industrial Way West, Eatontown, New Jersey 07724, made application to the Drug Enforcement Administration to be registered as an importer of propiram (9649), a basic class of controlled substance listed in Schedule I.

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 Roberts Laboratories, Inc. to import propiram 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 21, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22567 Filed 8–25–97; 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 12, 1997, and published in the **Federal Register** on May 12, 1997, (62 FR 25974), Roche Diagnostic Systems, Inc., 1080 U.S. Highway 202, Somerville, New Jersey 08876–3771, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

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 Roche Diagnostic Systems, Inc. to import tetrahydrocannabinols 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 21, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22569 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Regulation

By Notice dated March 31, 1997, and published in the **Federal Register** on May 8, 1997, (62 FR 25211), Roche Diagnostic Systems, Inc., 1080 U.S. Highway 202, Somerville, New Jersey 08876–3771, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Phencyclidine (7471)	II
Methadone (9250)	II
Morphine (9300)	II

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Roche Diagnostic Systems, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 29, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22570 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated February 28,1997, and published in the **Federal Register** on March 28, 1997, (62 FR 14947), Sigma Chemical Company, Subsidiary of Sigma-Aldrich Company, 3500 Dekalb Street, St. Louis, Missouri 63118, 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
Fenethylline (1503)	I
Aminorex (1585)	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	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
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455).	I
1- (Phenylcyclohexyl) pyrrolidine (7458).	I
1-[1- (2-Thienyl) cyclohexyl] piperidine (7470).	I
Etorphine (except HCl) (9056)	I
Difenoxin (9168)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Etonitazene (9624)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Beta-hydroxyfentanyl (9830)	I
Amphetamine (1100)	II

Drug	Schedule
Methamphetamine (1105)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Anileridine (9020)	II
Cocaine (9041)	II
Tropacocaine (9045)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	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 Sigma Chemical 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 21, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–22571 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Annual Refiling Survey (ARS)'' previously submitted as the Standard Industrial Classification (SIC) forms.

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 27, 1997. BLS is particularly interested in comments which help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE, Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The ES–202 Report, produced for each calendar quarter, is a summary of employment, wage, and contribution data submitted to State Employment Security Agencies (SESAs) by employers subject to State Unemployment Insurance (UI) laws. Also included in each State report are similar data for Federal Government employees covered by the Unemployment Compensation for Federal Employees Program. These data are submitted by all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands and then summarized for the Nation by BLS.

The ES–202 program is a comprehensive and accurate source of monthly employment and quarterly wage data, by industry, at the National, State, and county levels. It provides a virtual census on nonagricultural employees and their wages. In addition, about 47 percent of the workers in agriculture are covered. As the most complete universe of monthly employment and quarterly wage information by industry, county, and State, the ES–202 series has broad economic significance in evaluating labor trends and major industry developments, in time series analysis and industry comparisons, and in special studies such as analysis of wages by size of unit.

The program provides data necessary to both the Employment and Training Administration (ETA) and the SESAs in administering the employment security program. These data accurately reflect the extent of coverage of the State UI laws and are used to measure UI revenues and disbursements; National, State, and local area employment; and total and taxable wage trends. The information is further used in actuarial studies; determination of experience ratings, maximum benefit levels, and areas needing Federal assistance; and helps ensure the solvency of UI funds.

The ES–202 data are also used by a variety of other BLS programs. They serve, for example, as the basic source of benchmark information for employment by industry and by size of unit in the Current Employment Statistics (BLS–790) Program and the Occupational Employment Statistics (OES) Program. They also are used as the basic source of place-of-work employment data for non-metropolitan areas in the Local Area Unemployment Statistics (LAUS) Program. The Quarterly UI Name and Address File, developed in conjunction with the ES–202 Report, serves as a national sampling frame for establishment surveys by the National Compensation Program, Producer Price Index Program, and Occupational Safety and Health Statistics Program. Additionally, the Bureau of Economic Analysis of the Department of Commerce uses ES–202 wage data as a base for estimating a large portion of the wage and salary component of national personal income and gross national product. These

estimates are instrumental in determining Federal allocation of revenue-sharing funds to State and local governments. Finally, the ES–202 Program is one of the best sources of detailed employment and wage statistics used by business and public and private research organizations.

To assure the continued accuracy of these published economic statistics in terms of industrial classification, the information supplied by the employers must be reviewed periodically and updated if necessary. For this purpose, the ARS Industry Verification Statement (both Single and Multiple Worksite), and Industry Classification Statement (both All Industry and Public Administration) are used in conjunction with the UI tax reporting system in each State. The information collected on these forms is used to review the current SIC code assigned to each establishment. The SIC for establishments whose business activity has changed since the last review is updated to reflect the change. As a result of these updates, the industry detail data that BLS and State agencies publish reflect changes that occur in the industrial composition of the economy.

If the industrial coding review process were not performed, the reliability of estimates for industrial and occupational employment, hours and earnings, producer prices, productivity, and industry wages, as well as the other uses mentioned previously, would be considerably reduced. All of these programs and uses (as well as others) are dependent on accurate industrial coding. Inaccurate industrial coding can also adversely affect payments that business and/or employees receive from contracts that use industrial earnings data for estimating escalating labor costs.

In addition to obtaining industry data from employers, the Industry Verification Statement and the Industry Classification Statement are designed to obtain information on the type of ownership (private industry or Federal, State, or local government) and geographic location. The ownership data are important since current coding procedures classify the establishments engaged in similar activities into the same industry code regardless of ownership. The geographic information is used to assign or verify the location of the establishment. Both ownership and geographic data must be reviewed periodically and updated if necessary, to provide a complete and current industry/area database.

II. Current Actions

BLS plans to continue the review of employers' SIC, ownership and geographic codes on a three-year cycle for the entire UI universe of accounts, presently numbering approximately 7.2 million. Each year, approximately one-third of these reporting units, and every five years all accounts classified in public administration, will be reviewed. Industry data for the ES–202 Program and UI Name and Address Files are classified according to industry categories listed in the SIC Manual (SICM).

The confidentiality statement used on the survey forms, which is very similar to one of the alternative statements used earlier with this program, is as follows:

> The information collected on this form by the Bureau of Labor Statistics and the State agencies cooperating in its statistical programs will be used for statistical and Unemployment Insurance program purposes, and other purposes in accordance with law.

BLS is submitting a request for three-year clearance of the ARS with this confidentiality statement. The statement conforms to the following factors:

- BLS uses of the data are exclusively statistical.
- BLS may share the data with other Federal agencies for statistical purposes; however, as in the past, BLS will not share a State's confidential ES–202 data with another Federal agency unless that State has given BLS written permission to do so.
- BLS makes no confidentiality statement regarding State uses of the data.
- In some States, uses are not exclusively statistical.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: Annual Refiling Survey (ARS), previously submitted as the Standard Industrial Classification (SIC) forms.

OMB Number: 1220–0032.

Affected Public: Business or other for-profit; not-for-profit institutions; farms; Federal government; State, Local or Tribal Government.

Form	Total respondents	Frequency	Total responses	Average time per response (hour)	Estimated total burden hours
BLS 3023–VS	5,984,250	Every 3 years	1,994,750	.083	165,564
BLS 3023–VM	114,590	Every 3 years	38,197	.75	28,647
BLS 3023–CA	53,000	Annually	53,000	.167	8,851
BLS 3023–P		Every 5 years.			
Totals			2,085,947		203,062

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 21st day of August, 1997.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 97–22653 Filed 8–25–97; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information in

accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506 (c)(2)(a)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Multiple Worksite Report and the Report of Federal Employment and Wages.''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below on or before October 27, 1997. BLS is particularly interested in comments which help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The ES–202 Program is a Federal/State cooperative effort in which monthly employment and quarterly wage data are compiled. These data are collected from State Quarterly Contribution Reports submitted to State Employment Security Agencies (SESAs) by employers subject to State Unemployment Insurance (UI) laws. The ES–202 Report, produced for each calendar quarter, is a summary of these employer (micro level) data by industry at the county level. Similar data for Federal Government employees covered by the Unemployment Compensation for Federal Employees (UCFE) Program also are included in each State report. These data are submitted by all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands to BLS which then summarizes these macro level data to produce totals for the States and the Nation. The ES–202 Report provides a virtual census of nonagricultural employees and their wages, with about 47 percent of the workers in agriculture covered as well.

As part of the ES–202 Program, the States also send micro level employment and wages data, supplemented with the names and addresses of employers, to BLS. These States' data are used to create the BLS sampling frame, known as the Business Establishment List. This file represents one of the best sources of detailed industrial and geographical data on employers and is used as the sampling frame for most BLS surveys. The Business Establishment List includes individual employers' employment and wages data along with associated business identification information that is maintained by each State to administer the UI program as well as the UCFE program.

For employers having only a single physical location (worksite) in the State and, thus, operating under a single assigned industrial and geographical code, the data from the States' UI accounting file are sufficient for BLS statistical purposes. Such data, however, are inadequate for BLS statistical purposes for those employers having multiple establishments or engaged in multiple industrial activities within the State. In such cases, the employer's Quarterly Contributions Report reflects only Statewide employment and wages, and is not disaggregated by establishment or worksite. More detailed information is required to create a sampling frame and meet the needs of several ongoing Federal/State statistical programs. As a result of the Multiple Worksite Report, improved establishment business identification data elements have been incorporated into and maintained on the Business Establishment List. The establishment identification data elements that are included in the Business Establishment List are the physical location address, secondary name (division, trade name, subsidiary, etc.), and reporting unit description (store number, plant name or number, etc.) for each worksite of single-establishment and multi-establishment employers.

Employers with more than one establishment reporting under the same UI account number within a State are asked to complete the Multiple Worksite Report if the sum of the employment in all of their secondary establishments is ten or greater. (The primary worksite is defined as the establishment with the greatest number of employees.) Upon receipt of the first Multiple Worksite Report form, each employer is asked to supply business location identification information. Thereafter, this reported information is computer-printed on the Multiple Worksite Report each quarter. The employer is asked to verify the accuracy of the business identification information and provide the employment and wages for each worksite for the quarter. By using a standardized form, the reporting burden on many large employers, especially those engaged in multiple economic activities at various locations across numerous States, has been reduced.

Comparable to the Multiple Worksite Report, the function of the Report of Federal Employment and Wages is to collect employment and wage data for each installation of a Federal agency. The Report of Federal Employment and Wages aids in the development and maintenance of business identification information by installation. The Report of Federal Employment and Wages was modeled after the Multiple Worksite Report and is used only to collect data from Federal agencies covered by the UCFE Program.

No other standardized report is available to collect current establishment-level employment and wages data by SESAs for statistical purposes each quarter. Also, no other standardized report is available currently to collect installation-level Federal employment and wages data by SESAs for statistical purposes.

II. Current Actions

BLS has taken steps to help reduce employer reporting burden by developing a standardized format for employers to use to send these data to the States in an electronic medium. BLS also established an Electronic Data Interchange (EDI) Collection Center to improve and expedite the Multiple Worksite Report collection process. Employers who complete the Multiple Worksite Report for multi-location businesses now can submit employment and wages information on any electronic medium (tape, cartridge, diskette, or computer-to-computer) directly to the data collection center,

rather than to each State agency separately. The data collection center then distributes the appropriate data to the respective States.

The confidentiality statement used on the survey forms, which is very similar to one of the alternative statements used earlier with this program, is as follows:

The information collected on this form by the Bureau of Labor Statistics and the State agencies cooperating in its statistical programs will be used for statistical and Unemployment Insurance program purposes, and other purposes in accordance with law.

BLS is submitting a request for three-year clearance of the MWR with this confidentiality statement. The statement conforms to the following factors:

- BLS uses of the data are exclusively statistical.
- BLS may share the data with other Federal agencies for statistical purposes; however, as in the past, BLS will not share a State's confidential ES–202 data with another Federal agency unless that State has given BLS written permission to do so.
- BLS makes no confidentiality statement regarding State uses of the data.
- In some States, uses are not exclusively statistical.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: Multiple Worksite Report (MWR) and the Report of Federal Employment and Wages (RFEW).

OMB Number: 1220–0134.

Frequency: Quarterly.

Affected Public: Business or other for-profit institutions; Not-for-profit institutions; Federal Government; and State, Local or Tribal Government.

Form number	Total respondents	Respondent	Total responses	Average time per response (minutes)	Total burden hours
BLS 3020 (MWR)	112,666	Non-Federal	450,664	22.2	166,746
BLS 3021 (RFEW)	2,154	Federal	8,616	22.2	3,188
Totals:	114,820		459,280		169,934

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 21st day of August, 1997.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 97–22654 Filed 8–25–97; 8:45 am]

BILLING CODE 4510–24–M

NUCLEAR REGULATORY COMMISSION

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, And Opportunity For a Hearing

[Docket Nos. 50–498 And 50–499]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–76 and NPF–80 issued to Houston Lighting & Power Company, et. al., (the licensee) for operation of the South Texas Project, Units 1 and 2, located in Matagorda County, Texas.

The proposed amendment would revise the allowed tolerance of the reactor coolant system volume provided in Technical Specification 5.4.2 to account for steam generator tube plugging.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Pursuant to 10 CFR 50.91, this analysis provides a determination that the proposed change to the Technical Specifications described previously does not involve any significant hazards consideration as defined in 10 CFR 50.92.

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change increases the range given in the Technical Specifications allowed for total water and steam volume of the Reactor Coolant System. Increasing the range to incorporate volume reduction caused by plugging 10% of steam generator tubes has been reviewed by the Nuclear Regulatory Commission with the exception of the uncontrolled dilution event. This event is addressed in South Texas Project Updated Final Safety Analysis Report Section 15.4.6. Plugging of steam generator tubes and the resulting reduction in Reactor Coolant System volume are not precursors to occurrence of an uncontrolled boron dilution event.

Reduced Reactor Coolant System volume results in less time available to an operator to respond to an uncontrolled boron dilution event; however, uncontrolled boron dilution event analyses assuming 10% tube plugging continue to demonstrate that there is adequate time (at least 15 minutes) prior to loss of shutdown margin for the operator to manually terminate the source of the dilution flow in the full power, start-up, hot standby, hot shutdown, and cold shutdown (with the Reactor Coolant System filled) modes of operation. An uncontrolled boron dilution event is precluded by administrative controls during refueling or during cold shutdown with the Reactor Coolant System not filled. Procedures and design features continue to ensure proper and timely response to an uncontrolled dilution event.

Based on the continued ability to respond to an uncontrolled boron

dilution event in accordance with design, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change revises the allowed range of the total water and steam volume of the Reactor coolant System as stated in the Technical Specifications; this change has been reviewed by the Nuclear Regulatory Commission with the exception of uncontrolled boron dilution events as addressed in Section 15.4.6 of the South Texas Project Updated Final Safety Analysis Report. The proposed change does not modify or remove any plant design requirement, or require installation of any new or different kind of equipment. The change also does not involve any significantly new or different mode of operation of the plant.

There are no new or different kinds of accidents created as a result of this change.

3. The proposed change does not involve a significant reduction in a margin of safety.

Reduction in reactor coolant system volume associated with 10% plugging of steam generator tubes has been reviewed by the Nuclear Regulatory Commission with the exception of uncontrolled boron dilution events as described in Updated Final Safety Analysis Report section 15.4.6. The reduction in Reactor Coolant System volume associated with steam generator tube plugging has an adverse effect on the uncontrolled boron dilution event transient in that less time is available for operator action to correct the situation. However, assumptions for active reactor coolant system volumes that include one or more steam generators have been adjusted to reflect 10% steam generator tube plugging for design basis analyses. Uncontrolled boron dilution event analyses demonstrate that, with 10% steam generator tube plugging, there continues to be adequate time (at least 15 minutes) for operator action to terminate dilution flow prior to loss of shutdown margin. Therefore, the margin of safety is not significantly reduced by this change.

Conclusion

Based on the information presented above, the proposed change does not involve a significant hazards consideration and will not have a significant effect on the safe operation of the plant as previously analyzed. Therefore, there is reasonable assurance that operation of the South Texas Project in accordance with the proposed revised Technical Specification will not endanger the public health and safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 25, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, TX. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner

shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jack R. Newman, Esq., Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, DC 20036–5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 14, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, TX.

Dated at Rockville, Maryland, this 19th day of August 1997.

For The Nuclear Regulatory Commission.

James W. Clifford,

Acting Director, Project Directorate IV/1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–22634 Filed 8–25–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Consideration of Issuance of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–21, issued to Washington Public Power System (the licensee), for operation of the Washington Nuclear Project No. 2 (WNP–2) located in Benton County, Washington.

The proposed amendment would modify the inservice testing (IST) requirements specified in Technical Specification (TS) 5.5.6 for the inboard primary containment isolation valve (PCIV) on the transversing in-core probe (TIP) system nitrogen purge line. The proposed amendment is submitted to resolve enforcement discretion which was issued to the licensee on August 13, 1997, related to the above identified TS surveillance requirements.

The exigent circumstances for this technical specification amendment request exist due to the potential for system degradation associated with isolating the nitrogen purge line to the TIP system for the duration of the current operating cycle.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The purpose of the proposed license amendment is to extend the full stroke testing requirement interval for TIP–V–6 to the next shutdown of sufficient duration to complete the testing. The test requirement assures the freedom of movement of the obturator of the check valve. The probability of occurrence of an evaluated accident is not increased because extending the testing interval does not create a new precursor or effect an existing precursor to any design basis accident. The consequences of an evaluated accident are not significantly increased because of the reliable performance history of TIP–V–6 and an operable TIP–V–15. The ability of TIP–V–6 to provide containment isolation is maintained. Therefore, the proposed amendment request does not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The Technical Specification amendment would not create a new or different kind of accident because it does not involve modification of the plant configuration, result in any physical change to TIP–V–6, or its

operation. As a result, no new failure modes are introduced. Therefore, no new or different kinds of accidents are created.

3. The proposed change does not involve a significant reduction in a margin of safety.

The safety function of TIP–V–6 is to close to isolate the primary containment under accident conditions. The extension of this testing interval for TIP–V–6 will not decrease the reliability of the valve. The performance of TIP–V–6, as demonstrated through testing and inspection, has been good. However, should the check valve fail to close to isolate the purge line, the external automatic isolation valve (TIP–V–15) would provide the required containment penetration isolation. Plant and system response to an initiating event will remain unchanged. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 25, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant

hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Perry D. Robinson, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 14, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 20th day of August 1997.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–22633 Filed 8–25–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of August 25, September 1, 8, and 15, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED

Week of August 25

There are no meetings scheduled for the week of August 25.

Week of September 1—Tentative

Wednesday, September 3

11:30 a.m. Affirmation Session (Public Meeting) (if needed)

Week of September 8—Tentative

There are no meetings scheduled for the week of September 8.

Week of September 15—Tentative

Wednesday, September 17

9:00 a.m. Briefing by DOE on Strategy for MOX Fuel Fabrication and Irradiation Services (Public Meeting)
(Contact: Ted Sherr, 301–415–7218)

10:30 a.m. Affirmation Session (Public Meeting) (if needed)

Friday, September 19

10:00 a.m. Briefing on Improvements in Senior Management Assessment Process for Operating Reactors (Public Meeting)
(Contact: Bill Borchardt. 301–415–1257)

1:30 p.m. Briefing by DOE and NRC on Regulatory Oversight of DOE Nuclear Facilities (Public Meeting)

Please note: Affirmation of ''Louisiana Energy Services (Claiborne Enrichment Center); Atomic Safety and Licensing Board Partial Initial Decision (Resolving Contentions B and J.3), LBP–973'' was postponed from Friday, August 22. No new date has been set.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at:
http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary. Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: August 22, 1997.

William H. Hill, Jr.,

Secy Tracking Officer, Office of the Secretary.

[FR Doc. 97–22837 Filed 8–22–97; 2:20 pm]

BILLING CODE 7590–01–M

PEACE CORPS

Proposed Information Collection Requests

AGENCY: Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 USC, Chapter 35) Peace Corps of the United States has submitted to the Office of Management and Budget a request for approval of information collection Peace Corps Medical History and Examination Forms (PC–7189 and PC–1790). The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 7, 1997. This process is conducted in accordance with 5 CFR Part 1320.10; the initial notice was published in the **Federal Register** on September 6, 1996 (pp. 47215–47216), during which time no comments were received by the agency. Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; 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; ways to enhance the quality, utility and clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. A copy of the information collection may be obtained from Susan Gambino, Office of Medical Services, United States PEACE CORPS, 1990 K Street, NW, Washington, DC 20526. Ms. Gambino may be contacted by telephone at (202 606–3481. Comments on those forms should be addressed to Victoria Becker Wassmer, Desk Officer, Office of Management and Budget, NEOB, Washington, DC 20503.

Information Collection Abstract

Title: Health Status Review (PC–1789). Report of Medical Exam (PC–1790).

Need For And Use of This Information: This collection of information is necessary to comply with the Peace Corps Act (Section 5(e)) which states that ''applicants for enrollment shall receive such health examinations preparatory to their service * * * as the President may deem necessary or appropriate * * * to provide the information needed for clearance, and to serve as a reference for any future Volunteer medical clearance, and to serve as a reference for any future Volunteer disability claim.'' Peace Corps uses this information to determine the physical and mental suitability for service as a Peace Corps Volunteer.

Respondents: Peace Corps Applicants.

Respondents Obligation To Reply: Mandatory.

Burden on the Public:

Health Status Review (PC 1789)

a. *Annual reporting burden:* 1,625 hrs.

b. *Annual record keeping burden:* 0 hrs.

c. *Estimated average burden per response:* 15 minutes.

d. *Frequency of response:* one time.

e. *Estimated number of likely respondents:* 6,500.

f. *Estimated cost to respondents:* $3.04 per.

Report of Medical Exam (PC 1789)

a. *Annual reporting burden:* 3,000 hrs.

b. *Annual record keeping burden:* 0 hrs.

c. *Estimated average burden per response:* 30 minutes.

d. *Frequency of response:* one time.

e. *Estimated number of likely respondents:* 6,000.

f. *Estimated cost to respondents:* $6.08 per.

- Responses will be returned by postage-paid reply mail.

This notice is issued in Washington, DC on August 20, 1997.

Stanley D. Suyat,

Associate Director for Management.

[FR Doc. 97–22617 Filed 8–25–97; 8:45 am]

BILLING CODE 6051–01–M

PRESIDENT'S COMMISSION ON CRITICAL INFRASTRUCTURE PROTECTION

Advisory Committee for the President's Commission on Critical Infrastructure Protection; Advisory Committee Meeting Notice: Change of Location

ACTION: Notice of open meeting: Change of location.

TIME AND DATE: 9 a.m.–6 p.m., Friday, September 5, 1997.

This document announces the change of location of the September 5, 1997, Advisory Committee Meeting, appearing in the August 21, 1997, **Federal Register**, Publication Number 62 FR, Page 44497. The meeting will now be held at the National Press Club, Ballroom, 529 14th Street, NW., (Corner of 14th and F Streets) Washington, DC 20045.

Please refer to the original meeting notice published August 21, 1997, 62 FR, Page 44497, for further information regarding the September 5, 1997, Advisory Committee Meeting.

James H. Kurtz,

Executive Secretariat, President's Commission on Critical Infrastructure Protection.

[FR Doc. 97–22731 Filed 8–22–97; 10:05 am]

BILLING CODE 3110–$$–M

THE PRESIDENT'S COUNCIL ON SUSTAINABLE DEVELOPMENT

The Fifteenth Meeting of the President's Council on Sustainable Development (PCSD) in Tulsa, Oklahoma

SUMMARY: The President's Council on Sustainable Development (PCSD), a Presidential Commission with representation from industry, government, and environmental, labor, and Native American organizations will convene its fifteenth meeting in Tulsa, Oklahoma on Monday, September 22, 1997.

At the Council's last meeting on April 29, 1997, members discussed their workplan under a revised charter approved by the Administration on April 25, 1997. In the new charter, the Administration asked the Council to continue its work by continuing to forge consensus on policy, demonstrating implementation, getting the word out about sustainable development, and evaluating progress. The Council will advise the President in four specific areas: domestic implementation of policy options to reduce greenhouse gas emissions, next steps in building the new environmental management system of the 21st century, promoting multi-jurisdictional and community cooperation in metropolitan and rural areas, and policies that foster U.S. leadership role in sustainable development internationally.

At the meeting, the Council will focus on domestic policy options to reduce greenhouse gas emissions and will hear from a series of experts in the field. The discussion will address the following agenda items:

- the science of climate change,
- technology options and opportunities,
- importance of the assumptions in estimating the benefits and costs of greenhouse gas emissions, and
- international, national and local policy options.

Public comment period: The Council will seek public comment on potential council activities to implement the Administration's directive. Specifically, the Council is interested in hearing from the public on the following questions:

- What principles/policies should the Council recommend to the President as the United States enters negotiation on an international Climate Change treaty?
- Are there unique local opportunities in Oklahoma and surrounding regions to reduce greenhouse gas emissions?

The Council's previous recommendations to the President may be found in two reports:

Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future (March 1996) and *Building on Consensus: A Progress Report on Sustainable America (January 1997).* Copies of both reports can be ordered by calling 1-800-363-3732 or downloaded off the Internet at http://www.whitehouse.gov/PCSD.

Dates/Times: Monday, September 22, 1997 from 9:00 am to 1 pm.

Place: The Adams Mark Hotel, Williams Center, Tulsa, Oklahoma 74103, (918) 582-9000.

Status: Open to the public. Public comments are welcome and may be submitted orally on September 22 or in writing any time prior to or during the meeting. Please submit written comments prior to meeting to: PCSD, Public Comments, 730 Jackson Place, NW., Washington, DC 20503, or fax to: 202/408-6839, e-mail:infopcsd@aol.com.

Contact: Patricia Sinicropi, Administrative Officer or Paul Flaim, Administrative Assistant, at 202/408-5296.

Sign Language interpreter: Please call the contact if you will need a sign language interpreter.

Martin A. Spitzer,

Executive Director, President's Council on Sustainable Development.

[FR Doc. 97–22609 Filed 8–21–97; 8:45 am]

BILLING CODE 3125–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of August 25, 1997.

A closed meeting will be held on Thursday, August 28, 1997 at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Hunt, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, August 28, 1997, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

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 at (202) 942–7070.

Dated: August 21, 1997.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–22799 Filed 8–22–97; 1:00 p.m.]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Federal Means-Tested Public Benefits Paid by the Social Security Administration

AGENCY: Social Security Administration.

ACTION: Notice of Benefits Paid by the Social Security Administration Meeting the Definition of a ''Federal Means-Tested Public Benefit''.

SUMMARY: The Social Security Administration announces that, for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended, the only benefits paid by the Social Security Administration which are ''Federal means-tested public benefits'' are supplemental security income payments made under title XVI of the Social Security Act. This notice pertains to the eligibility of aliens for certain government benefits during their first 5 years of entry with a specified immigrant status, to aliens who are lawfully admitted for permanent residence who can be credited with 40 qualifying quarters of coverage, and to the operation of alien-sponsor deeming rules.

FOR FURTHER INFORMATION CONTACT: Diane Blackman, Deputy Associate Commissioner, Office of Program Benefits Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410–965–3571.

SUPPLEMENTARY INFORMATION:

Section 403 of title IV of the PRWORA, enacted August 22, 1996, provides that qualified aliens entering the United States on or after the date of enactment, are ineligible for ''Federal means-tested public benefits'' during the first 5 years they are qualified aliens, unless they fall within certain specified exceptions. In addition, sections 402 and 435 provide that aliens who are lawfully admitted for permanent residence are eligible for certain Federal benefits if they can be credited, individually and/or from a spouse or parent, with 40 qualifying quarters of coverage. However, qualifying quarters of coverage may not be credited for any quarter in which the individual received a ''Federal means-tested public benefit'' after December 31, 1996. Similarly, under section 412, aliens who are lawfully admitted for permanent residence are eligible for certain State public benefits if they can be credited with 40 qualifying quarters of coverage but only if they did not receive a ''Federal means-tested public benefit'' in that quarter after the foregoing date. Also, with respect to the operation of the alien-sponsor deeming rules described in section 421, receipt of ''Federal means-tested public benefits'' is a factor in determining the duration of the deeming period.

Prior to the enactment of PRWORA, early versions of the bill contained a definition of ''Federal means-tested public benefit'' that could have encompassed benefits provided by both discretionary spending programs and mandatory spending programs. (These early versions provided that, with certain exceptions, ''the term 'Federal means-tested public benefit' meant a public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.'' 142 Cong. Rec. S8481 (daily ed. July 22, 1996).)

PRWORA was subject to section 313 of the Congressional Budget Act of 1974, also known as the ''Byrd Rule,'' because it was enacted as a budget reconciliation bill. Under the Byrd Rule, a Senator may raise a point of order to strike or prevent the incorporation of ''extraneous'' material. A provision in a reconciliation bill will be considered ''extraneous'' and subject to a point of order if, among other things, ''it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision.'' 2 U.S.C. § 644(b)(1)(D). The legislative history of PRWORA indicates that the Senate understood the significance of the Byrd Rule objection in terms of limiting the scope of the definition of ''Federal means-tested public benefit'' to mandatory spending programs, while leaving discretionary programs unaffected. *See* 142 Cong. Rec. at S9403 (daily ed. August 1, 1996) (statement of Senator Chafee); 142 Cong. Rec. at S9400 (statements of Senators Graham, Kennedy and Exon). Therefore, to the extent the definition of ''Federal means-tested public benefit'' included benefits provided by discretionary spending programs, it was potentially subject to a Byrd Rule objection and thus stricken from the legislation.

During Senate debate on PRWORA, a point of order was raised pursuant to the Byrd Rule. The Presiding Officer sustained the point of order, and the ruling was not appealed. The definition was stricken and PRWORA was ultimately enacted without the term ''Federal means-tested public benefit'' being defined. H.R. Conference Report No. 725, 104th Congress, 2nd session 381–82 (1996).

In light of the statutory language and legislative history, ''Federal means-tested public benefit'' applies only to benefits provided by Federal means-tested, mandatory spending programs.

The purpose of this notice is to announce which payments made by the Social Security Administration constitute a ''Federal means-tested public benefit'' as described above. The Social Security Administration announces that, of the programs it administers, only supplemental security income benefits under title XVI of the Social Security Act are ''Federal means-tested public benefits'' for purposes of title IV of the Personal Responsibility

and Work Opportunity Reconciliation Act of 1996, as amended.

Dated: August 18, 1997.

Glenna Donnelly,

Assistant Deputy Commissioner for Programs and Policy.

[FR Doc. 97–22697 Filed 8–25–97; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice No. 2593]

United States International Telecommunications Advisory Committee (ITAC), Standardization Sector (ITAC–T); Study Groups B and D and Citel Ad-Hoc; Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Telecommunications Standardization Sector (ITAC–T) Study Groups B and D and CITEL AD–HOC have scheduled meetings to develop United States positions and contributions for upcoming ITU–T meetings dealing with standardization activities of the International Telecommunications Union and preparatory activity for CITEL PCC–I and COM/CITEL. These meetings will take place at the Department of State, at 2201 C Street, NW., Washington, DC beginning at 9:30 a.m. each day and are scheduled to meet all day. The ITAC–T Study Groups B and D dealing primarily with the upcoming meetings of ITU–T Study Groups 7, 8, and 4 will meet September 23 in Room 1207, and the preparatory activities for CITEL meetings will follow in the same room.

Study Groups B and D will meet on November 4, 1997 in Room 1406 to continue preparations for ITU–T Study Group 7 in December, 1997, and the meeting of ITU–T Study Group in January 1998, and the COM/CITEL meeting scheduled for December 1–5, 1997 in Montevideo, Uruguay. A more extensive agenda may be developed and distributed by fax or electronic mail to members prior to the announced meetings including the scheduling of appropriate Ad-Hoc meetings. Other matters within the purview of U.S. Study Group D as well as Ad-Hoc CITEL preparations may be raised.

Members of the General Public may attend this meeting and join in the discussions, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In this regard, entrance to the Department of State is controlled. Questions regarding the meeting may be addressed to Mr. Gary Fereno at (202) 647–0200.

Note: If you wish to attend please send a fax to (202) 647–7407 not later than 24 hours before the scheduled meeting. On this fax, please include subject meeting, your name, social security number, company/organization, and date of birth. One of the following valid photo identifications will be required for admittance: U.S. driver's license with your picture on it, U.S. passport, U.S. Government identification (company ID's are no longer accepted by Diplomatic Security). Enter from the ''C'' Street Main Lobby.

Dated: August 15, 1997.

Earl S. Barbely,

Chairman, U.S. ITAC for Telecommunications Standardization.

[FR Doc. 97–22583 Filed 8–25–97; 8:45 am]

BILLING CODE 4710–45–M

DEPARTMENT OF STATE

[Public Notice No. 2591]

Shipping Coordinating Committee International Maritime Organization (IMO) Legal Committee; Notice of Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 a.m., on Wednesday, October 1, 1997, in Room 2415 U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. The purpose of this meeting is to prepare for the 76th session of the IMO Legal Committee, which will be held October 13–17, 1997, in London, regarding the provision of financial security for seagoing vessels, compensation for pollution from ships' bunkers, a draft convention on wreck removal, the carriage by sea of radioactive materials, and other matters. This meeting will also be a further opportunity for interested members of the public to express their views on whether the United States should ratify the Hazardous and Noxious Substances Convention, adopted in London in May, 1996.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room. For further information, or to submit views concerning the subjects of discussion, write to either Captain Malcolm J. Williams, Jr., or Lieutenant Commander Bruce P. Dalcher, U.S. Coast Guard (G–LMI), 2100 Second Street, S.W., Washington, D.C. 20593, or by telephone (202) 267–1527, telefax (202) 267–4496.

Dated: August 14, 1997.

Russell A. La Mantia,

Chairman, Shipping Coordinating Committee.

[FR Doc. 97–22582 Filed 8–25–97; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF STATE

[Public Notice No. 2592]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea and Associated Bodies, Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9 a.m. on Thursday, September 18, 1997, in Room 6103, at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593–0001. This meeting will discuss the upcoming 41st Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on January 26–30, 1998, at the IMO Headquarters in London, England.

Items of discussion will include the following:

a. Harmonization of damage stability provisions in the IMO;

b. Progress of the Intersessional Correspondence Group on Load Lines issues;

c. Technical revisions to the Code on Intact Stability;

d. High Speed Craft Code revision;

e. Role of the human element, including shipboard loading and stability software; and

f. Safety aspects of ships engaged in a ballast water exchange.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen, U.S. Coast Guard Headquarters, Commandant (G–MSE–2), Room 1308, 2100 Second Street, SW, Washington, DC 20593–0001 or by calling (202) 267–2988.

Dated: August 14, 1997.

Russell A. La Mantia,

Chairman, Shipping Coordinating Committee.

[FR Doc. 97–22584 Filed 8–25–97; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 97–2839]

Request for the Extension of Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection:

Pre-Award and Post-Delivery Review Requirements.

DATES: Comments must be submitted before October 27, 1997.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL–401, 400 Seventh Street, S.W., Washington, D.C. 20590. All comments received will be available for examination at the above address from 10:00 a.m. to 5:00 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: *Pre-Award and Post-Delivery Review Requirements*—George Izumi, Office of Program Management (202) 366–6009.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Pre-Award and Post-Delivery Review Requirements (*OMB Number: 2132–0544*).

Background: Under the Federal Transit Laws, at 49 U.S.C. 5323(l), grantees must certify that pre-award and post-delivery reviews will be conducted when using FTA funds to purchase revenue service vehicles. FTA regulation 49 CFR Part 663 implements this law by specifying the actual certificates that must be submitted by each bidder to assure compliance with the Buy America, contract specification, and vehicle safety requirements for rolling stock. The information collected on the certification forms is necessary for FTA grantees to meet the requirements of 49 U.S.C. 5323(l).

Respondents: State and local government, business or other for-profit institutions, non-profit institutions, and small business organizations.

Estimated Annual Burden on Respondents: 2.47 hours for each of the 700 respondents.

Estimated Total Annual Burden: 1,729 hours.

Frequency: Annual.

Issued: August 20, 1997.

Nuria Fernandez,

Deputy Administrator.

[FR Doc. 97–22673 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–57–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97–24; Notice 2]

Decision that Nonconforming 1993 Jeep Wrangler Multi-Purpose Passenger Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1993 Jeep Wrangler multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1993 Jeep Wrangler MPVs manufactured for the Middle Eastern and other foreign markets 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 sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified 1993 Jeep Wrangler), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective August 26, 1997.

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 (Registered Importer R–90–005) petitioned NHTSA to decide whether 1993 Jeep Wranglers are eligible for importation into the United States. NHTSA published notice of the petition on May 19, 1997 (62 FR 27290) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has 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–217 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 Jeep Wrangler not originally manufactured to comply with all applicable Federal motor vehicle safety

standards is substantially similar to a 1993 Jeep Wrangler originally manufactured for 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: August 20, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 97–22604 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket Number: RSPA–97–2426–1, Notice 1]

Pipeline Safety: Proposed Collection: Comment Request

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

ACTION: Notice and request for comments.

SUMMARY: This notice requests public participation in the Office of Management and Budget (OMB) approval process regarding an RSPA new collection of information. RSPA wishes to begin testing a pilot program for a national pipeline mapping system (NPMS) . RSPA intends to request OMB approval of this information collection under the Paperwork Reduction Act of 1995 and 5 CFR part 1320.

DATES: Comments on this notice must be received on or before October 27, 1997.

ADDRESSES: Interested persons are invited to send comments in duplicate to the Research and Special Programs Administration, U.S. Department of Transportation, Dockets Facility, Plaza 401, 400 Seventh Street, SW, Washington, D.C. 20590–0001 or e-mail to fellm@rspa.dot.gov. The dockets facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays, when the facility is closed. Comments must identify docket number of this notice. Persons should submit the original documents and one (1) copy. Persons wishing to receive confirmation of receipt of their comments must include a stamped, self-addressed postcard. Please identify the docket and notice numbers shown in the heading of this notice. Documents pertaining to this notice can be viewed in this docket.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366–6205, to ask questions about this notice; or write by e-mail to Fellm@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Title: National Pipeline Mapping System Pilot Program.

Type of Request: New information collection.

Abstract: the Department of Transportation (DOT) along with other Federal and state agencies has been working side by side with natural gas and hazardous liquid operators to develop a national pipeline mapping system (NPMS). This system, when complete, will depict and provide data on the natural gas transmission and larger liquid pipelines operating in the United States. The DOT is beginning a volunteer pilot program consisting of 36 pipeline operators (three from each of 12 states participating in the program). These 36 pipeline operators will provide electronic maps of 10–20 miles of their pipeline to one state as well as to one of six regional repositories. DOT will be compensating the states and regional repositories for their startup and operating costs.

Estimate of Burden: 4 hours per operator.

Respondents: Gas transmission and hazardous liquid operators.

Estimated Number of Respondents: 36.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 144 hours.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

All timely written comments to this notice will be summarized and included in the request for OMB approval. All comments will also be available to the public in the docket.

Issued in Washington, DC on August 20, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97–22603 Filed 8–25–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33444]

Southern Pacific Transportation Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to Southern Pacific Transportation Company over UP's north-south rail line known as the Fort Worth Subdivision extending between milepost 250.9, near Fort Worth, and milepost 75.5, near Bryan, and over the Austin Subdivision from milepost 93.6 near Valley Junction (a point on the Fort Worth Subdivision) to milepost 89.6, a total distance of 179.4 miles in the State of Texas.

The transaction was scheduled to be consummated on or after the August 8, 1997 effective date of the exemption.

The purpose of the trackage rights is to facilitate efficient train operations in a one-way directional movement of trains.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33444 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Joseph D. Anthofer, Esq., 1416 Dodge Street, #830, Omaha, NE 68179.

Decided: August 20, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–22652 Filed 8–25–97; 8:45 am]

BILLING CODE 4915–00–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''A Grand Design: The Art of the Victoria and Albert Museum'' (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a local agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at The Baltimore Museum of Art, Baltimore, Maryland, from approximately October 12, 1997 through January 18, 1998, the Museum of Fine Arts, Boston, Boston Massachusetts, from approximately February 25, 1998 through May 17, 1998, the Museum of Fine Arts, Houston, Houston, Texas, from approximately October 18, 1998 through January 10, 1999, and the California Palace of the Legion of Honor, Fine Arts Museums of San Francisco, San Francisco, California, from approximately February 14, 1999 through May 9, 1999, is in the national interest. Public Notice of this determination is ordered to be published in the **Federal Register**.

[1] A copy of this list may be obtained by contacting Mr. Paul Manning, Attorney Advisor, at (202) 619–5997, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: August 18, 1997.

Les Jin,

General Counsel.

[FR Doc. 97–22558 Filed 8–25–97; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of Amended Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer matching program matching Railroad Retirement Board (RRB) benefit recipient records with VA pension and parents' dependency and indemnity compensation (DIC) records.

The goal of this match is to compare income status as reported to VA with benefit records maintained by RRB.

VA plans to match records of veterans and surviving spouses and children who receive pension, and parents who receive DIC, with Railroad Retirement benefit records maintained by RRB. The match with RRB will provide VA with data from the RRB Research File of Retirement and Survivor Benefits.

VA will use this information to update the master records of VA beneficiaries receiving income-dependent benefits and to adjust VA benefit payments as prescribed by law. Otherwise, information about a VA beneficiary's income is obtained only from reporting by the beneficiary. The proposed matching program will enable VA to ensure accurate reporting of income.

Records to be Matched

The VA records involved in the match are the VA system of records, Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22) first published at 41 FR 9294, March 3, 1976, and last amended at 60 FR 20156, April 24, 1995. The RRB records consist of information from the Research File of Retirement and Survivor Benefits, Systems of Records RRB 225 and RRB 26 contained in the Privacy Act Issuances, 1991 compilation, Volume V, Pages 518–519. In accordance with Title 5 U.S.C. subsection 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget.

This notice is provided in accordance with the provisions of the Privacy Act of 1974 as amended by Pub. L. 100–503.

The match is estimated to start August 1, 1997, but will start no sooner than 30 days after publication of this notice in the **Federal Register**, or 40 days after copies of this Notice and the agreement of the parties is submitted to Congress and the Office of Management and Budget, whichever is later, and end not more than 18 months after the agreement is properly implemented by the parties. The involved agencies' Data Integrity Boards (DIB) may extend this match for 12 months provided the agencies certify to their DIBs, within three months of the ending date of the original match, that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original matching program.

ADDRESSES: Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge (213B), (202) 273–7218.

SUPPLEMENTARY INFORMATION: This information is required by Title 5 U.S.C. subsection 552a(e)(12), the Privacy Act of 1974. A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: August 15, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

[FR Doc. 97–22606 Filed 8–25–97; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 62, No. 165
Tuesday, August 26, 1997

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 145

[Docket No. 96-070-2]

National Poultry Improvement Plan and Auxilliary Provisions

Correction

In rule document 97–21902 beginning on page 44067 in the issue of Tuesday, August 19, 1997, make the following correction:

§ 145.33 [Corrected]

On page 44069, in the second column, in § 145.33(j)(1), in the sixth line, beginning after the word *''Provided,''* insert the missing text: ''That to retain this classification, a minimum of 20''.

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-5823-7]

RIN 2060-AF75

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Voluntary Standards for Light-Duty Vehicles

Correction

In rule document 97–12366 beginning on page 31192 in the issue of Friday, June 6, 1997, make the following correction:

§ 86.1710-97 [Corrected]

On page 31252, in the third column, in § 86.1710-97(c)(7), in the third line above subparagraph (iii), ''These. . .'' should read ''(ii) These. . .''.

Appendix XVIII to Part 86 [Corrected]

On page 31270, in the third column, in the Appendix XVIII to Part 86, in the paragraph (3)(b)(ii), the second equation should read:

$$\text{(ii)} \qquad \text{Let } t = \frac{\left(y_i - \hat{y}_i^{'}\right)}{\sqrt{\hat{\text{var}}\left(y_i - \hat{y}_i^{'}\right)}}$$

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-38870; File No. S7-30-95]

RIN 3235-AG66

Order Execution Obligations

Correction

In rule document 97–20053 beginning on page 40732 in the issue of Wednesday, July 30, 1997, make the following correction:

On page 40733, in the third column, above the authorizing signature, insert ''Dated: July 24, 1997.''.

BILLING CODE 1505–01–D

Federal Register

Tuesday
August 26, 1997

Part II

Department of Justice

Bureau of Prisons

28 CFR Part 550
Urine Surveillance; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 550

[BOP–1072–F]

RIN 1120–AA68

Urine Surveillance

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is revising its regulations on the use of urine surveillance to detect and deter illegal drug use in order to reorganize the provisions and to allow for the use of discretion by staff in filing an incident report in instances when the inmate is unwilling to provide a specimen. This revision is intended to provide for the continued efficient operation of the institution.

EFFECTIVE DATE: August 26, 1997.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on urine surveillance. A final rule on this subject was published in the **Federal Register** on October 17, 1988 (53 FR 40687).

Current provisions on the use of urine surveillance to detect and deter illegal drug use by inmates are contained in § 550.30 (subpart D). The Bureau is reorganizing these regulations in order to separate procedural provisions from the statement of the regulation's purpose and scope. The title of the subpart has been shortened. In addition, the revised regulations (see new § 550.31(a)) allow for the use of staff discretion in filing incident reports in instances where the inmate is unwilling to provide a specimen within two hours of a request for the specimen. This provision now specifies that staff ordinarily shall file an incident report. This change is intended to accommodate unusual circumstances which could result in the inmate's being unable to produce a specimen (for example, the inmate has a documented medical or psychological problem, is dehydrated, etc.).

Because this amendment is either editorial in nature or provides relief with respect to the discretionary filing of an incident report in certain cases, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), does not have a significant economic impact on a substantial number of small entities, within the meaning of the Act. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

List of Subjects in 28 CFR Part 550

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 550 in subchapter C of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 550—DRUG PROGRAMS

1. The authority citation for 28 CFR part 550 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4251–4255, 5006–5024 (repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Subpart D is revised to read as follows:

Subpart D—Urine Surveillance

Subpart D—Urine Surveillance

§ 550.30 Purpose and scope.

The Warden shall establish programs of urine testing for drug use, to monitor specific groups or individual inmates who are considered as high risk for drug use, such as those involved in community activities, those with a history of drug use, and those inmates specifically suspected of drug use. Testing shall be performed with frequency determined by the Warden on at least 50 percent of those inmates who are involved in community activities. In addition, staff shall randomly sample each institution's inmate population during each month to test for drug use.

§ 550.31 Procedures.

(a) Staff of the same sex as the inmate tested shall directly supervise the giving of the urine sample. If an inmate is unwilling to provide a urine sample within two hours of a request for it, staff ordinarily shall file an incident report. No waiting period or extra time need be allowed for an inmate who directly and specifically refuses to provide a urine sample. To eliminate the possibility of diluted or adulterated samples, staff shall keep the inmate under direct visual supervision during this two-hour period, or until a complete sample is furnished. To assist the inmate in giving the sample, staff shall offer the inmate eight ounces of water at the beginning of the two-hour time period. An inmate is presumed to be unwilling if the inmate fails to provide a urine sample within the allotted time period. An inmate may rebut this presumption during the disciplinary process.

(b) Institution staff shall determine whether a justifiable reason exists, (e.g., use of prescribed medication) for any positive urine test result. If the inmate's urine test shows a positive test result for the presence of drugs which cannot be justified, staff shall file an incident report.

[FR Doc. 97–22651 Filed 8–25–97; 8:45 am]

BILLING CODE 4410–05–P

Reader Aids

Federal Register

Vol. 62, No. 165

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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