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Friday
November 28, 1997

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RESERVATIONS: 202–523–4538

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Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Presidential Documents

Title 3—

The President

Executive Order 13068 of November 25, 1997

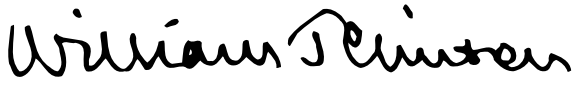
Closing of Government Departments and Agencies on Friday, December 26, 1997

By the authority vested in me as President of the United States of America, it is hereby ordered as follows:

Section 1. All executive departments and agencies shall be closed and their employees excused from duty on Friday, December 26, 1997, the day following Christmas Day, except as provided in section 2 below.

Sec. 2. The heads of executive departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 26, 1997, for reasons of national security or defense or for other public reasons.

Sec. 3. Friday, December 26, 1997, shall be considered as falling within the scope of Executive Order 11582 and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.



THE WHITE HOUSE,
November 25, 1997.

[FR Doc. 97–31456
Filed 11–25–97; 2:50 pm]
Billing code 3195–01–P

Rules and Regulations

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245

[INS No. 1607–93]

RIN 1115–AD33

Adjustment of Status; Certain Nationals of the People's Republic of China

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adopts, with one change, an interim rule published in the **Federal Register** on July 1, 1993, by the Immigration and Naturalization Service (Service), which implemented the Chinese Student Protection Act of 1992 (CSPA). Although the Service no longer accepts applications from CSPA principals, this rule finalizes the procedures by which the spouses and children of CSPA beneficiaries who have been temporarily residing in the United States may become lawful permanent residents of this country. It also removes the procedures for granting voluntary departure for certain dependents pursuant to recent legislative changes.

EFFECTIVE DATE: December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Pearl B Chang, Chief, Residence and Status Services Branch, Office of Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, Telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 12711 of April 11, 1990, provided temporary protection for certain nationals of the People's Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of Executive Order 12711. It permitted temporary deferral of enforcement of their departure from the United States and conferred eligibility for certain other benefits through January 1, 1994.

The CSPA, Public Law 102–404, dated October 9, 1992, was enacted to regularize the status of, and extended permanent protections to, most of the PRC nationals and their dependents who were covered by Executive Order 12711. It provides these persons with the opportunity to become lawful permanent residents through adjustment of status under section 245 of the Immigration and Nationality Act (Act), a procedure whereby persons in the United States in temporary immigration status may convert to lawful permanent resident status. Section 245 of the Act requires most persons seeking to adjust status to show that they meet strict eligibility requirements; however, the CSPA allows many of these requirements to be waived for eligible CSPA applicants. If the Service denies an application for adjustment of status under the CSPA, the applicant, if not an arriving alien, may renew his or her application in proceedings under 8 CFR part 240. See 8 CFR 245.2(a)(5)(ii). The CSPA application period lasted from July 1, 1993, until June 30, 1994.

The CSPA does not allow every person covered by Executive Order 12711 to become a lawful permanent resident of the United States. A qualified CSPA applicant must have initially entered the United States on or before April 11, 1990, and must otherwise be a person described in section 1 of the Executive Order 12711; must have resided continuously in the United States since April 11, 1990, except for brief, casual, and innocent departures; and may not have spent more than 90 days in the PRC between April 11, 1990, and October 9, 1992. A qualified applicant must also meet the requirements for adjustment of status under section 245 of the Act, unless such requirements have been expressly waived by, or are waived at the discretion of, the Attorney General in accordance with the CSPA.

On July 1, 1993, at 58 FR 35832–35839, the Service published an interim rule with request for comments in the **Federal Register**. The rule established procedures for adjustment of status of persons meeting the requirements of the CSPA. The interim rule became effective on July 1, 1993.

All CSPA applications had to be filed before July 1, 1994. There was no provision in the CSPA for late filings. The CSPA program was a success. The Service was able to promptly adjudicate the great majority of CSPA applications. A total of 52,425 applicants were granted adjustment of status under the CSPA during fiscal years 1993, 1994, and 1995. A very small number of CSPA applications remain pending. The Service is publishing this final rule to respond to comments received during the comment period, to further clarify the Service's position on the interim rule, and to provide for certain dependents currently in the United States who are not yet eligible to file for adjustment of status.

Comments

Interested persons were invited to submit written comments on or before August 2, 1993. The Service received 349 properly addressed written comments during the comment period. The discussion that follows summarizes the issues that have been raised relating to the interim rule and provides the Service's position on the issues.

General

The majority of commenters were pleased with the enactment of the CSPA. A small number of writers, however, recommended that the law be rescinded. Their concerns included the economic and social consequences of increased immigration, the CSPA's possible encouragement of unlawful immigration, the delays in implementation of democratic reforms in the PRC caused by the permanent migration of potential supporters, and the possibility that many CSPA beneficiaries would not need the protections offered by this legislation. Other writers were disturbed by the likelihood that persons who had not been actively involved in the democratic movement in the PRC or who had been communist party supporters would be able to obtain lawful permanent residence under the CSPA

The Service's implementing regulations cannot be used to rescind or change statutory benefits provided by the CSPA. The provisions of this rule minimize the potential for abuse of the

benefits provided by the CSPA, by ensuring that only persons who meet the requirements enacted by Congress will become lawful permanent residents. Accordingly, the provisions of the rule have not been changed because of these recommendations.

Visa Number Allocation for CSPA Applicants

Many commenters were concerned about the interim rule's requirement that a CSPA applicant have an immediately available visa number under the worldwide third employment-based skilled worker preference category prior to approval of his or her adjustment application. Some writers urged the service to approve CSPA adjustments without regard to visa number availability, stating that any delay in granting permanent residency to qualified applicants would be contrary to the spirit and intent of the CSPA. Other commenters recommended that visa numbers for CSPA applicants be obtained from the refugee category or from a preference classification other than the third employment-based skilled worker category, since oversubscription by CSPA applicants could delay the immigration of urgently needed skilled workers.

Adjustments of status under the third employment-based skilled worker preference category are subject to several numerical limitations under the Act. The CSPA modifies the application of two of these restrictions; however, it does not waive all of the applicable statutory numerical limitations. The CSPA allows the Service to ''consider,'' or accept a CSPA adjustment of status application for processing, without regard to whether an immigrant visa number is immediately available. It also allows applications to be approved without regard to the per-country numerical limitations of section 202(a)(2) of the Act, and provides for a subsequent gradual deduction of these numbers from the China per-country quota. It does not allow such applicants to be approved without regard to the worldwide numerical restrictions of sections 201 and 203 of the Act.

The CSPA clearly requires applicants to adjust status under the third employment-based skilled worker category. Section 2(a)(1) of the CSPA directs the Service to regard each CSPA applicant as having been approved for classification under section 203(b)(3)(A)(i) of the Act as a third employment-based skilled worker.

A review of the legislative history also supports the rule's interpretation of the CSPA. The House report accompanying the CSPA clearly shows that CSPA adjustments of status are intended to be placed within the worldwide quota of section 201 of the Act. See H.R. No. 826, 102d Cong., 2d Sess. 5–6 (1992). In the report, Representative Jack Brooks states.

> [S.] 1216 places the number of Chinese adjustments within the worldwide annual quota of section 201 of the Immigration and Nationality Act and deducts from the PRC's per country ceiling each year a portion of the number of Chinese who adjust under this act. Because the worldwide quota is not waived, applicants will be required to await the availability of a visa number * * *. *Id.*

In the discussion in the Senate, managers of the bill also explained that CSPA adjustments will be counted against the worldwide quota. See 138 Cong. Rec. S7150 (daily ed. May 21, 1992). During this discussion, Senator Slade Gorton stated:

> * * * A second change involves a provision to count those persons receiving permanent residency under new worldwide immigration levels as established by the Immigration Act of 1990. Additional provisions also address the need to count them under China's per country ceiling without adversely affecting ongoing immigration from China. *Id.* At S7150.

The Service has minimized any adverse impact of the CSPA upon the availability of immigrant visa numbers for skilled workers. With the assistance of the Department of State, the Service was able to significantly streamline CSPA application processing and approve more than three-quarters of CSPA adjustment of status applications during the final 3 months of fiscal year 1993. These procedural changes allowed CSPA applicants to use immigrant visa numbers which would not otherwise have been utilized by any immigrant, due to lack of demand.

The interim rule's provisions concerning immigrant visa number limitations reflect statutory requirements of the CSPA and the Act. Accordingly, the rule has not been changed in response to these comments.

Order of Approval and Priority Date Assignment

A number of comments addressed the interim rule's procedure for determining the order in which adjustments would be granted to eligible CSPA applicants. These commenters felt that the date the application was properly filed with the Service should not determine the order of approval and suggested alternative procedures. Some commenters wanted the Service to give preference to applications submitted by students because they felt that the CSPA was primarily intended to protect them. Other suggestions included approving applications based on the date the applicant arrived in the United States; giving priority to applications filed by heads of families; delaying the adjustment of Chinese who have the right to reside in third countries, such as Hong Kong; and giving priority to applications submitted by persons who had not returned to the PRC after their initial admission to the United States. A few commenters also wanted to know how the Service determines whether an application has been ''properly filed.''

The CSPA does not address the order in which qualified CSPA applicants should be allowed to adjust status. In the absence of a statutory directive, the Service elected to follow its standard practice by assigning each application a priority data based on the date on which the properly filed application was received by the Service, and by using this priority date to determine the order in which available visa numbers would be allocated and adjustments granted to qualified applicants. The Service has considered the alternatives suggested by these commenters; however, their proposals have not been adopted because they could not be efficiently implemented or because their implementation would unfairly delay the processing of other employment-based third preference skilled workers whose initial applications were filed before July 1, 1994.

Guidelines for determining when an application is considered to be properly filed are contained in the Service's regulations at 8 CFR 103.2(a)(7). An application is not considered properly filed if the application has not been properly signed, or unless a fee waiver has been granted, if the required fee is not attached.

Accordingly, the provisions of the rule have not been changed as a result of these comments.

Date of Arrival in the United States

Some commenters objected to the interim rule's requirement that eligible CSPA applicants must have been in the United States between June 5, 1989, and April 11, 1990. They pointed out that some persons who participated in the democratic movement may have been unable to leave the PRC or to enter the United States before the cut-off date.

This regulatory requirement reflects one of the three fundamental statutory requisites for CSPA eligibility. Section 2(b)(1) of the CSPA requires all eligible applicants to be persons described in section 1 of Executive Order 12711. Section 1 of Executive Order 12711 covers only persons who were in the United States on or after June 5, 1989, up to and including April 11, 1990.

There is no provision of the CSPA or Executive Order 12711 which would confer CSPA eligibility on persons who initially arrived in the United States after April 11, 1990.

Criteria for CSPA coverage were discussed several times in both the House and the Senate. The record contains no indication that Congress intended the Service to grant CSPA benefits to persons who are unable to meet this requirement. In the discussion on the final version of the bill as it passed in the House, supporters of the legislation addressed the fundamental requirements for CSPA eligibility. See 138 Cong. Rec. H7819–7820 (daily ed. Aug. 10, 1992). During this discussion, Congresswoman Nancy Pelosi explained:

> S. 1216 would allow Chinese nationals who were in the United States during the Tiananmen Square massacre to apply for permanent residency in the United States. To be eligible for permanent residency, the Chinese national must have first, been in the United States sometime between June 4, 1989 and April 11, 1990. *Id.* At H7820.

The Service had previously determined that a brief, casual, and innocent departure from the United States between June 5, 1989, and April 11, 1990, inclusive, would not preclude an individual from coverage under section 1 of Executive Order 12711 and eligibility for Executive Order 12711 benefits. As explained in the Supplementary Information to the interim rule, this same interpretation of the Executive Order 12711 requirements is applied when determining whether a CSPA applicant is a person described in section 1 of Executive Order 12711.

The requirement that an eligible applicant establish that he or she was in the United States at some time between June 5, 1989, and April 11, 1990, inclusive, or would have been in the United States during this time period except for a brief, casual, and innocent departure from this country, is based upon clear statutory requirements; accordingly, it has not been changed.

Physical Presence in the PRC

Many commenters discussed the prohibition on granting CSPA benefits to persons who had remained in the PRC for an aggregate of more than 90 days during the period between April 11, 1990, and October 9, 1992. Most of these writers recommended that the restriction be waived if circumstances beyond the applicant's control prevented his or her timely departure from the PRC, or if the applicant had obtained an advance parole prior to departing the United States. Other commenters felt that the rule should be modified to prohibit adjustment of status under the CSPA if the applicant traveled to the PRC for any reason after April 10, 1990; if the applicant stayed in the PRC for more than 30 days during the restricted period; or if the applicant stayed in the PRC for more than 90 days at any time after April 11, 1990. Some writers felt that the interim rule's restriction should be applied only if the applicant stayed in the PRC for more than 90 days on any single occasion.

The regulatory restriction on physical presence in the PRC is based on the third of the three fundamental statutory requisites for CSPA eligibility. Section 2(b)(3) of the CSPA states that the CSPA covers only a person who ''was not physically present in the People's Republic China for longer than 90 days after such date [April 11, 1990] and before the date of the enactment of this Act [October 9, 1992].''

A review of the legislative history also supports the rule's provisions. The fundamental requirements for CSPA eligibility were discussed prior to passage of the final version of the bill by the House. See 138 Cong. Rec. H7819–7820 (daily ed. Aug. 10, 1992). During this discussion, Congresswoman Pelosi explained that to be eligible for CSPA benefits the applicant, inter alia, must have ''*not been to China for more than 90 days after April 11, 1990.*'' *Id.* At H7820 (emphasis added).

There is no indication in this discussion that Congress intended the Service to grant CSPA benefits to any person unable to meet basic eligibility requirements, or that the 90-day limitation should apply only to applicants who had remained in the PRC for more than 90 days on any one occasion.

If eligible, a person who has spent more than 90 days in the PRC may be able to request permission to remain in the United States under another provision of the Act. For example, a person who has reason to fear persecution upon return to his or her home country and believes that he or she meets the definition of ''refugee'' found in section 101(a)(42) of the Act may be eligible to apply under section 208 of the Act for asylum.

The interim rule's provisions concerning physical presence in the PRC during the restricted period are based on the statutory requirements of the CSPA. Accordingly, the final rule makes no changes to these provisions.

Entry Without Inspection

Some commenters objected to the interim rule's requirement that, in order to be eligible for adjustment of status under the CSPA, an applicant must establish that he or she was inspected and admitted or paroled into the United States upon his or her last arrival in this country. A number of writers felt that entry without inspection should not preclude adjustment of status under the CSPA because these persons also deserved the protections offered by the CSPA. Others felt that persons who reentered the United States with an advance parole after having initially entered the country without inspection should not be allowed to adjust status because they had violated the U.S. immigration laws.

The CSPA expressly provides for certain rules that shall apply to an eligible alien who applies for adjustment of status under section 245 of the Act. While the CSPA does provide an exemption from ineligibility under section 245(c) of the Act, which generally precludes adjustment if the applicant has been employed without authorization; is not in lawful status when seeking employment-based immigrant status; had failed to continuously maintain a lawful nonimmigrant status or otherwise violated the terms of a nonimmigrant visa; or was admitted to the United States as a crewman, in transit without visa status, in S visa status, or under the visa waiver programs of sections 212(l) or 217 of the Act, it does not exempt applicants from compliance with the requirements of section 245(a) of the Act that they be inspected and admitted or paroled into the United States. Since the CSPA specifically requires applicants to apply under section 245 of the Act; expressly waives a portion of the requirements for adjustment under section 245 of the Act (section 245(c) of the Act); and makes no mention of waiving the other requirements of section 245, the Service has determined that CSPA applicants must comply with the requirements of section 245(a) of the Act. To date, several courts have concurred with the Service's interpretation.

While the Service cannot waive the requirements of section 245(a) of the Act for CSPA applicants, it also cannot impose additional restrictions beyond those required by the statute. A person who was paroled into the United States upon his or her last arrival meets the requirements of section 245(a) of the Act regardless of whether he or she had previously entered this country in violation of the immigration laws.

The Service wishes to point out that the Supplementary Information to the interim rule contains a typographical error, which may have confused some readers. The sentence reading: ''The CSPA also allows eligible applicants to

adjust status without regard to the provisions of section 245(a) of the Act.'' should have read: ''The CSPA allows eligible applicants to adjust status without regard to the provisions of section 245(c) of the Act.'' See 58 FR 35835 (1993). The following paragraph and the interim rule's regulatory language correctly state that the requirements of section 245(a) of the Act have not been waived. The Service regrets any confusion caused by this typographical error, which does not necessitate any changes to the final rule.

The Service received a number of inquiries after the end of the comment period concerning the effect of a recently enacted law on eligibility under the CSPA. Specifically, section 245(i) of the Act allows otherwise qualified persons who entered the United States without having been inspected and admitted or paroled to be granted adjustment of status upon payment of an additional sum of $1000. This provision became effective on October 1, 1994, 3 months after the close of the CSPA application period. It is due to sunset on October 23, 1997. Since the new law applies only to applications filed after October 1, 1994, (see 8 CFR 245.10(e)) it has no effect on CSPA adjustment-of-status applications. Accordingly, the interim rule's requirement that an eligible CSPA applicant show that he or she entered the United States following an inspection and admission or parole has not been changed.

Ineligibility Under Section 245(d) of the Act

A small number of commenters felt that otherwise-eligible applicants should be allowed to adjust status under the CSPA without regard to the provisions of section 245(d) of the Act, or requested further clarification concerning this provision.

Section 245(d) of the Act prohibits the approval of an adjustment-of-status application filed under section 245 of the Act if the applicant is a person lawfully admitted to the United States on a conditional basis under section 216 of the Act based on a recent marriage to a citizen or lawful permanent resident of the United States. It also prohibits the approval of an adjustment-of-status application filed under section 245 of the Act if the applicant last entered the United States in K–1 or K–2 nonimmigrant status as a fiancé(e) of a U.S. citizen or as the child of a K–1 nonimmigrant fiancé(e). By regulation, the Service had created an exception only in cases where the adjustment application is based on the marriage to the U.S. citizen who filed the fiancé(e) petition (See 8 CFR 245.1(c)(6)). Since CSPA adjustment-of-status applications are filed under section 245 of the Act and the CSPA does not waive this restriction, the Service must deny a CSPA adjustment-of-status application if the adjustment is prohibited under section 245(d) of the Act. The prohibition on adjustment of status does not apply to a person whose conditional residency under section 216 of the Act has been terminated. See Matter of Stockwell, 20 I & N Dec. 309 (BIA 1991). Accordingly, no changes have been made as a result of these comments.

Waivers of Inadmissibility

Several commenters asked the Service to modify the interim rule's provisions concerning inadmissibility under section 212(a) of the Act. Some commenters were concerned that the elderly or persons first entering the labor market would be unable to meet public charge requirements and asked that a blanket waiver be provided. Other writers felt that inadmissibility for health reasons was unfair and asked the Service to automatically waive that basis for inadmissibility. A few commenters asked the Service to include stronger statements concerning ineligibility based on current or former communist party membership and not to waive inadmissibility on this basis unless the applicant has provided evidence that his or her membership has been terminated.

The CSPA provides two blanket waivers of inadmissibility under section 212(a) of the Act. It automatically waives inadmissibility under section 212(a)(5) of the Act because the applicant did not obtain a labor certification or failed to meet certain requirements applicable to foreign-trained physicians. It also provides a blanket waiver of the provisions of section 212(a)(7)(A) of the Act relating to documentary requirements for entry as an immigrant. The CSPA also allows most other grounds of inadmissibility under section 212(a) of the Act to be individually waived at the discretion of the Attorney General for purposes of ensuring family unity or if approval of the waiver is otherwise in the public interest. Both health-related and public charge inadmissibility may be waived for these reasons at the discretion of the Attorney General. There is, however, no statutory foundation for providing a blanket waiver of inadmissibility on this basis, nor does such a blanket waiver appear to be necessary. Inadmissibility based on communist party membership may also be individually waived at the discretion of the Attorney General for purposes of ensuring family unity, if approval of a waiver is otherwise in the public interest, or if the applicant qualifies for any of the waivers provided in section 212(a)(3)(D) of the Act. The Service will, of course, deny an adjustment-of-status application filed by any person who is a current or former communist party member who does not qualify for a waiver. An applicant who has terminated communist party membership is encouraged to provide evidence of the termination with his or her application.

Accordingly, the interim rule's provisions relating to inadmissibility under section 212(a) of the Act have not been changed.

Dual Nationality

A few commenters discussed whether persons who are nationals of both the PRC and a second country should be allowed to adjust status under the CSPA. One commenter felt that dual nationals should not be allowed to adjust status under the CSPA, while another writer felt that a CSPA applicant should not be bound by the country of nationality claimed or established at the time of entry for the duration of his or her stay in the United States. A third commenter wanted clarification of dual nationality as it applies to persons bearing Hong Kong travel documents.

Although the Service explained its position concerning dual nationality in the Supplementary Information to the interim rule, the interim rule's regulatory language merely requires CSPA principal applicants to be nationals of the PRC. As explained in the Supplementary Information, the Service would not necessarily preclude a person who is a dual national of the PRC and one or more other countries from satisfying the PRC nationality requirement under the CSPA. The Service has held for other purposes, however, that a person is bound by the nationality claimed at the time of entry into the United States for the duration of his or her stay and sees no reason to alter this practice for purposes of the CSPA. Accordingly, no changes have been made as a result of these comments.

Late Arriving Dependents

Most commenters discussed the benefits provided to family members in the United States who are unable to qualify for CSPA adjustment of status because they arrived in the United States after April 11, 1990. Many writers felt that these late arriving dependents (LADs) should be allowed to adjust status under the CSPA or should be granted benefits similar to those

provided to qualified CSPA principals. They suggested that LADs be granted benefits such as: A waiver of per-country quota limitations; a waiver of the 2-year home-country residency requirement of section 212(e) of the Act; a waiver of the requirements of section 245(c) of the Act; placement under the second family-sponsored preference category; and establishment of a family unity program similar to that provided for the spouses and children of persons who adjusted status under the Immigration Reform and Control Act of 1986, Public Law 99–603. Some commenters objected to the rumored inclusion of LADs in the second employment-based preference category. Other writers asked that LADs be granted liberal approval of advance parole requests and employment authorization; excused from presenting birth and marriage certificates with an adjustment-of-status application; allowed to file adjustment-of-status applications at the Service Centers; permitted to apply for adjustment of status before the principal's CSPA adjustment application is approved; granted adjustment if the principal could have adjusted under the CSPA but chose to utilize another classification; and allowed to adjust status or to apply for immigrant visas in a third country, rather than being forced to return to the PRC.

As discussed in the Supplementary Information to the interim rule, the CSPA requires eligible applicants to meet three basic eligibility requirements. He or she: (1) Must have initially entered the United States on or before April 11, 1990, and must otherwise be a person described in section 1 of Executive Order 12711; (2) must have resided continuously in the United States since April 11, 1990, except for brief, casual, and innocent departures; and (3) may not have spent more than 90 days in the PRC between April 11, 1990, and October 9, 1992. Persons who do not meet these requirements cannot adjust status under the CSPA or be granted CSPA benefits. The CSPA also provides no authority to waive any of the statutory requirements of the Act for persons who do not meet the eligibility requirements for CSPA adjustment of status. Section 203(d) of the Act, however, allows a spouse or child who is not otherwise entitled to an immigrant status and the immediate issuance of an immigrant visa to be eligible for the same preference immigrant classification and priority date if the relationship existed at the time the principal became a lawful permanent resident. A LAD who is the spouse or child of a CSPA principal may, therefore, use the principal's CSPA priority date under the third employment-based preference classification and seek immigrant visa issuance or adjustment of status when the priority date becomes current. LADs who were unable to maintain lawful nonimmigrant status have been allowed to remain in the United States in voluntary departure status pending the availability of the appropriate visa numbers.

The ability of the Attorney General to grant voluntary departure has been limited by the enactment of 240B of the Act which took effect on April 1, 1997. Section 240B of the Act limited the grant of voluntary departure in lieu of removal proceedings or before the conclusion thereof, to a period not to exceed 120 days including extensions. If such relief was granted at the conclusion of removal proceedings, the period may not exceed 60 days including extensions. Persons granted voluntary departure under such circumstances may not receive work authorization. However, if the grant of voluntary departure was given either during, or at the conclusion of, exclusion or deportation proceedings that were commenced prior to April 1, 1997, the Attorney General may grant voluntary departure for an unspecified period of time consistent with both Service regulations and policies. Persons granted voluntary departure under these circumstances may continue to receive employment authorization.

Although in recent months the third employment-based skilled worker category has once again become current, not all remaining LADs will be able to file for adjustment of status immediately. Recognizing that with the new restrictions on duration, voluntary departure is no longer an adequate option for such aliens, the Service may consider granting remaining LADs deferred action on a case-by-case basis. Accordingly, 8 CFR 245.9(m) has been amended to remove the reference to voluntary departure. This regulation is being adopted as a final rule without public comment because such comment is both impracticable and unnecessary. This change simply amends Service regulations to reflect a statutory change which severely curtails and, in the vast majority of cases, effectively nullifies part of the existing regulation.

In cases where an LAD requests that the Service grant deferred action, the Service will proceed according to section X of the Service's Standard Operating Procedures for Enforcement Officers: Arrest, Detention, Processing and Removal (1997). Specifically, a Service director may, in his or her discretion, recommend deferral of (removal). Deferred action recognizes that the Service has limited enforcement resources and that every attempt should be made administratively to use these resources in a manner which will achieve the greatest impact under the immigration laws. Deferred action does not confer any immigration status on an alien, nor is it in any way a reflection of an alien's lawful immigration status. It does not affect periods of unlawful presence previously accrued or accruing while in such ''status'' as defined in section 212(a)(9) of the Act, and does not alter the status of any alien who is present in the United States without being inspected and admitted. Under no circumstances does deferred action cure any defect in status under any section of the Act for any purpose. Since deferred action is not an immigration status, no alien has the right to deferred action. It is used solely for the administrative convenience of, and in the discretion of, the Service and confers no protection or benefit on an alien. Deferred action does not preclude the Service from commencing removal proceedings at any time against an alien. While in deferred action status, an alien may be granted work authorization pursuant to 8 CFR 274a.12(c)(14).

LADs who apply for adjustment of status in the United States while section 245(i) of the Act remains in effect may adjust status despite ineligibility under section 245(c) of the Act upon payment of the additional sum.

Other Dependents

Some commenters asked for further clarification about benefits available under the CSPA to sons and daughters who reach 21 years of age or marry. Other writers asked that family members living in the PRC be paroled into the United States or be issued nonimmigrant visas to immigrate to the United States.

A son or daughter who is over the age of 21 and meets the CSPA eligibility requirements, including arrival in the United States before April 11, 1990, may adjust status under the CSPA without regard to age or marital status at the time of adjustment. See 8 CFR 245.9(c)(2), which specifies only that he or she was unmarried and under the age of 21 on April 11, 1990. A spouse or child who does not meet the CSPA requirements may be eligible to adjust status as a family-based second preference immigrant. The CSPA, however, provides no authority for parole of family members into the United States, nor does it allow the use

of nonimmigrant visas to immigrate to this country.

Accordingly, no changes have been made as a result of these comments.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not, if promulgated, have a significant adverse economic impact on a substantial number of small entities. This rule allows certain nationals of the PRC to apply for adjustment of status; it has no effect on small entities as that term is defined in 5 U.S.C. 601(6).

Executive Order 12866

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

Executive Order 12612

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12988 Civil Justice Reform

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

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 1 year, and 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.

List of Subjects in 8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 8 CFR part 245 which was published at 58 FR 35832 on July 1, 1993, is adopted as a final rule with the following change:

PART 245—ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

1. The authority citation for part 245 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1255; 8 CFR part 2.

2. In § 245.9, paragraph (m) is revised to read as follows:

§ 245.9 Adjustment of Status of Certain Nationals of the People's Republic of China under Public Law 102–404.

* * * * *

(m) *Effect of enactment on family members other than qualified family members.* The adjustment of status benefits and waivers provided by Public Law 102–404 do not apply to a spouse or child who is not a qualified family member as defined in paragraph (c) of this section. However, a spouse or child whose relationship to the principal alien was established prior to the approval of the principal's adjustment-of-status application may be accorded the derivative priority date and preference category of the principal alien, in accordance with the provisions of section 203(d) of the Act. The spouse or child may use the priority date and category when it becomes current, in accordance with the limitations set forth in sections 201 and 202 of the Act.

Dated: October 31, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97–31033 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 301, 307, 308, 310, 318, 381, 416, and 417

[Docket No. 97–067N]

Livestock Carcasses and Poultry Carcasses Contaminated With Visible Fecal Material

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice on complying with food safety standards under the HACCP system regulations.

SUMMARY: The Food Safety and Inspection Service is publishing this notice to assure that the owners and operators of federally inspected slaughter establishments are aware that the Agency views its ''zero tolerance'' for visible fecal material as a food safety standard. Fecal material is a vehicle for microbial pathogens, and microbiological contamination is a food safety hazard that is reasonably likely to occur in the slaughter production process. In controlling microbiological contamination, a hazard analysis and critical control point plan for slaughter must be designed, among other things, to ensure that, by the point of post-mortem inspection of livestock carcasses or when poultry carcasses enter the chilling tank, no visible fecal material is present.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Regulations and Inspection Methods, Food Safety and Inspection Service, Washington, DC 20250–3700; (202) 205–0699.

SUPPLEMENTARY INFORMATION: The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) to protect the health and welfare of consumers by preventing the distribution of livestock products and poultry products that are unwholesome, adulterated, or misbranded. A livestock product or poultry product is adulterated under any of a number of circumstances, including the following: if it bears or contains any poisonous or deleterious substance which may render it injurious to health, unless when the substance is not an added substance, the quantity in or on the article does not ordinarily render it injurious to health; if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise

unfit for human food; or if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health (21 U.S.C. 453(g)(1), (g)(3), and (g)(4) and 601(m)(1), (m)(3), and (m)(4)). Both the FMIA and the PPIA include requirements for government inspection and prohibit transactions in products required to be inspected unless they have been ''inspected and passed'' or if they are adulterated (21 U.S.C. 458(a)(2) and 610(c)).

FSIS enforces a ''zero tolerance'' standard for visible fecal material on carcasses and carcass parts at inspected establishments that slaughter livestock or poultry. This standard is reflected in the Agency's regulations under the FMIA and the PPIA (9 CFR chapter III, subchapter A and subchapter C, respectively), which require (among other things) that establishments handle livestock carcasses and carcass parts to prevent contamination with fecal material and promptly remove contamination if it occurs (§ 310.18) and that establishments prevent poultry carcasses contaminated with visible fecal material from entering the chilling tank (§ 381.65(e)). When inspection program personnel observe fecal material at post-mortem livestock inspection or thereafter (*i.e.*, at or after the final rail) under the FMIA or when poultry carcasses are about to enter the chilling tank or thereafter (*i.e.*, at any point after the final pre-chiller wash) under the PPIA, they condemn affected carcasses and carcass parts unless the contamination is removed in accordance with regulatory requirements.

The Agency is publishing this notice to assure that the owners and operators of federally inspected slaughter establishments are aware that FSIS regards its zero tolerance for visible fecal material as a food safety standard under both the FMIA and the PPIA. Reiterating the Agency's position is particularly appropriate now, as federally inspected establishments prepare to comply with the hazard analysis and critical control point (HACCP) system regulations (part 417).[1]

The essence of FSIS's position is that fecal material is a vehicle for microbial pathogens, and microbiological contamination is a food safety hazard that is reasonably likely to occur in the slaughter production process (§ 417.2(a) and (b)). Consequently, HACCP plans must control for microbiological contamination at slaughter, and to meet the zero tolerance standard, an establishment's controls must (among other things) include limits that ensure that no visible fecal material is present by the point of post-mortem inspection of livestock carcasses or before poultry carcasses enter the chilling tank (§ 417.2(c)).

In the Pathogen Reduction-HACCP Systems final rule (61 FR 38806, July 25, 1996), FSIS explained the reasoning underlying its position on fecal contamination, and at the beginning of this year, FSIS addressed the role of its zero tolerance for visible fecal material on poultry carcasses in the final rule that codified the standard under the PPIA (62 FR 5139, February 4, 1997). Preparation for implementation of the HACCP system regulations has not changed the Agency's conclusions about the appropriateness of this standard, under the FMIA as well as the PPIA.

As the Agency stated in the Pathogen Reduction-HACCP Systems final rule (61 FR 38837):

> In slaughter establishments, fecal contamination of carcasses is the primary avenue for contamination by pathogens. Pathogens may reside in fecal material and ingesta, both within the gastrointestinal tract and on the exterior surfaces of animals going to slaughter. Therefore, without care being taken in handling and dressing procedures during slaughter and processing, the edible portions of the carcass can become contaminated with bacteria capable of causing illness in humans. Additionally, once introduced into the establishment environment, the organisms may be spread from carcass to carcass.
>
> Because the microbial pathogens associated with fecal contamination are the single most likely source of potential food safety hazard in slaughter establishments, preventing and removing fecal contamination and associated bacteria are vital responsibilities of slaughter establishments. Further, because such contamination is largely preventable, controls to address it will be a critical part of any slaughter establishment's HACCP plan. Most slaughter establishments already have in place procedures designed to prevent and remove visible fecal contamination.

As noted in the zero tolerance final rule and confirmed today with respect to livestock as well as poultry, establishments that process animals must adopt controls that they can demonstrate are effective in reducing the occurrence of microbial pathogens, including controls that prevent the fecal contamination of carcasses (62 FR 5140). Under the HACCP system regulations, critical control points to eliminate contamination with visible fecal material are predictable and essential components of all slaughter establishments' HACCP plans. Initial validation of a HACCP plan for slaughter and monitoring thereunder, as verified and documented in establishment records, must demonstrate the effective operation of the plan's controls on a continuing basis (§§ 417.3(a), 417.4, and 417.5).

FSIS personnel will continue to verify compliance with the zero tolerance standard in slaughter establishments that are subject to part 417 requirements. The Agency will use visual observations and other findings by FSIS personnel in evaluating the effectiveness of an establishment's preventive controls and corrective actions for fecal contamination (§§ 417.6 and 417.8). The presence of visible fecal contamination on livestock carcasses presented for post-mortem inspection or poultry carcasses entering the chilling tank will mean that establishment controls have failed; repeated failures will evidence that establishment corrective actions have failed to prevent recurrence and, thus, possible system inadequacy.

In addition to enforcing the zero tolerance for visible fecal material, FSIS will use the results of establishment testing for generic *E. coli* (*Escherichia coli* Biotype I, as already required by § 310.25(a) or § 381.94(a)) in assessing how well an establishment is controlling its slaughter and dressing processes to prevent fecal contamination. The pathogen reduction performance standards for *Salmonella* (§§ 310.25(b) and 381.94(b)), which FSIS will enforce through its own testing program, will complement the zero tolerance standard and *E. coli* testing.

Done at Washington, DC, on November 18, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97–31176 Filed 11–26–97; 8:45 am]

BILLING CODE 3410–DM–P

[1] Part 417 requirements, as well as pathogen reduction performance standards for *Salmonella* in establishments that slaughter cattle, swine, chickens, or turkeys, prepare ground beef or fresh pork sausage, or process ground chicken or turkey (§§ 310.25(b) and 381.94(b)) will apply as of January 26, 1998, in establishments with 500 or more employees; January 25, 1999, in establishments with 10 or more but fewer than 500 employees (unless the establishment has annual sales of less than $2.5 million); and January 25, 2000, in establishments with fewer than 10 employees or annual sales of less than $2.5 million.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 363

RIN 3064–AC06

Independent Audits and Reporting Requirements

AGENCY: Federal Deposit Insurance Corporation (FDIC or Corporation).

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations concerning annual independent audits and reporting requirements which implement section 36 of the Federal Deposit Insurance Act (FDI Act). Section 36 is generally intended to facilitate early identification of problems in financial management at larger insured depository institutions through annual independent audits, assessments of the effectiveness of internal controls and compliance with designated laws and regulations, and more stringent reporting requirements.

Section 2301 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA) repealed section 36(e) of the FDI Act which required that each insured depository institution over a certain size have an independent public accountant perform specified procedures for determining compliance with designated safety and soundness laws. Accordingly, the FDIC is eliminating Schedule A to Appendix A, ''Agreed Upon Procedures for Determining Compliance with Designated Laws''.

Section 2301 of EGRPRA also permits the FDIC in certain circumstances to exempt institutions from the requirement that audit committees be comprised entirely of outside directors. It further permits the FDIC to designate certain information filed under section 36 as privileged and confidential and therefore not available to the public.

The FDIC is also making several technical changes to the Guidelines and Interpretations (Guidelines) published as an appendix to the annual independent audit rule. The changes delete certain filing requirements that have been determined to be unnecessary, and clarify ambiguities identified by the Corporation, financial institutions, and accountants since the audit rule was promulgated.

EFFECTIVE DATE: The final regulation is effective January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Doris L. Marsh, Examination Specialist, Division of Supervision (202) 898–8905, FDIC, 550 17th Street, N.W., Washington, DC 20429, or Sandra Comenetz, Counsel, Legal Division, (202) 898–3582, FDIC, 550 17th Street N.W., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

Section 112 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) added section 36, ''Independent Annual Audits of Insured Depository Institutions,'' to the FDI Act (12 U.S.C. 1831m). As enacted, section 36 required the FDIC, in consultation with the appropriate federal banking agencies, to promulgate regulations requiring each insured depository institution over a certain asset size (covered institution) to have an annual independent audit of its financial statements performed in accordance with generally accepted auditing standards and section 37 of the FDI Act (12 U.S.C. 1831n), and to provide a management report and an independent public accountant's attestation concerning the effectiveness of the institution's internal controls for financial reporting and its compliance with designated safety and soundness laws. Section 36 also requires each covered institution to have an independent audit committee. The audit committee of each large covered institution (total assets exceeding $3 billion) must meet certain additional requirements.

In June 1993, the FDIC published 12 CFR part 363 (58 FR 31332, June 2, 1993) to implement the provisions of section 36 of the FDI Act. Under part 363, the requirements of section 36 apply to each insured depository institution with $500 million or more in total assets at the beginning of any fiscal year that begins after December 31, 1992. Part 363 also includes Guidelines and Interpretations (Appendix A to part 363), which are intended to assist institutions and independent public accountants in understanding and complying with section 36 and part 363.

Section 314 of the Riegle Community Development and Regulatory Improvement Act of 1994 amended sections 36(i) and 36(g)(2) of the FDI Act (12 U.S.C. 1831m (i) and (g)(2)). The purpose of section 314(a) was to provide relief from certain duplicative reporting under section 36 of the FDI Act for sound, well managed insured depository institutions with over $9 billion in total assets which are subsidiaries of multibank holding companies. The regulation was amended effective April 1, 1996, to implement section 314.

Section 2301 of EGRPRA repealed section 36(e) and amended sections 36(a)(3) and 36(g)(1) of the FDI Act. Section 36(e) required that each covered institution have an independent public accountant perform specified procedures for determining compliance with designated safety and soundness laws. To comply with the repeal of section 36(e), the FDIC is removing Schedule A to Appendix A, ''Agreed Upon Procedures for Determining Compliance with Designated Laws,'' and is making conforming changes to the regulation and the Guidelines.

The amendment to section 36(g)(1) of the FDI Act grants authority for each appropriate federal banking agency to permit a covered institution under its supervision to have an audit committee consisting of a majority of outside directors, instead of consisting entirely of outside directors, if the agency determines that the institution has encountered hardships retaining and recruiting a sufficient number of competent outside directors to serve on the committee. The amendment to section 36(a)(3) permits the FDIC and the appropriate federal banking agency to designate certain information filed under section 36 as privileged and confidential and not available to the public.

Since 1993 when part 363 was promulgated, no institution has requested relief from the FDIC because the institution had difficulty in recruiting or retaining outside directors for its audit committee nor has any institution requested confidential treatment of any otherwise public information filed under section 36. Because the banking agencies would consider such matters on a case-by-case basis, and to avoid additional burden, no implementing regulations are being promulgated.

II. Discussion of Amendment

The FDIC is amending part 363 to: conform it to the amended statute, update certain references, eliminate an unnecessary filing by independent public accountants, and align the filing requirements with the FDIC's current approach for supervising banking organizations.

The FDIC is deleting Schedule A to Appendix A, ''Agreed Upon Procedures for Determining Compliance with Designated Laws'', and Guideline 19 to conform the regulation to the amended statute which repealed the requirement that each covered institution have an independent public accountant perform specified procedures for determining compliance with designated safety and soundness laws. In addition, §§ 363.3(b) and 363.4 (a) and (b) have been amended to delete references to

Schedule A and the independent public accountant's attestation on compliance with Designated Laws and Regulations (Designated Laws). Guidelines 8, 16, and 18 likewise have been revised.

Although section 2301 of EGRPRA repealed the statutory requirement that an independent public accountant provide an attestation report on the performance of agreed-upon procedures for determining an institution's compliance with Designated Laws, management is still required to file an annual report with the FDIC and appropriate federal and state banking agencies which includes a statement of its responsibility for complying with Designated Laws and an assessment of the institution's compliance with such laws and regulations. Revised Guideline 12 identifies the two categories of Designated Laws. Table 1 to Appendix A lists the specific federal laws and regulations within these categories.

The Introduction to the Guidelines and Interpretations has been amended to remove outdated language. Also, the references to documents which provide information on safeguarding of assets and standards for internal control in footnote 2 to Guideline 10 have been updated.

The FDIC has removed the provision in Guideline 16 that an accountant may elect to file a list of covered institutions that are audit clients in lieu of a peer review report for each client. The FDIC has found that the list of client institutions is not needed.

Revised Guideline 22 (previously numbered Guideline 23) has been amended to reflect the FDIC's current approach to supervising banking organizations which own more than one depository institution. In such cases, one FDIC region is designated to manage supervision of the entire organization. The amended guideline states that covered institutions filing under part 363 on a holding company basis should submit their reports to the appropriate FDIC regional office.

III. Public Comment Waiver and Effective Date

The Administrative Procedure Act, 5 U.S.C. 551 *et seq.* (APA), requires that general notice of a proposed rulemaking be published in the **Federal Register**. 5 U.S.C. 553(b). An exception to the rule exists if the agency for good cause finds ''* * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). The FDIC is publishing the amendments to part 363 as a final rule without notice and comment because the amendments consist of only minor and technical changes. The FDIC finds that publication in this case is unnecessary.

IV. Paperwork Reduction Act

This regulation contains modifications to a collection of information that have been reviewed and approved by the Office of Management and Budget on November 5, 1997, under control number 3064–0113 pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The primary modification is the deletion, from Appendix A, of Schedule A ''Agreed Upon Procedures for Determining Compliance with Designated Laws''.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer Alexander Hunt, New Executive Office Building, Room 3208, Washington, D.C. 20503, with copies of such comments to Steven F. Hanft, Assistant Executive Secretary (Regulatory Analysis), Federal Deposit Insurance Corporation, Room F–4001–B, 550 17th Street, NW, Washington, D.C. 20429. All comments should refer to ''3064–0113''.

The estimated reporting burden for the collection of information under part 363 is:

Number of Respondents: 420.

Number of Responses per Respondent: 3.

Total Annual Responses: 1,260.

Hours per Response: 32.

Total Annual Burden Hours: 40,320.

V. Regulatory Flexibility Act

The rule expressly exempts insured depository institutions having assets of less than $500 million, and, for that reason, is inapplicable to small entities. Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is certified that the rule would not have a significant impact on a substantial number of small entities.

VI. Small Business Regulatory Enforcement Fairness Act

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

Because the Office of Management and Budget has determined that the rule does not constitute a ''major rule'' as defined by SBREFA, the final rule will take effect on January 1, 1998.

List of Subjects in 12 CFR Part 363

Accounting, Administrative practice and procedure, Banks, banking, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board of Directors of the FDIC hereby amends Part 363 of title 12, chapter III, of the Code of Federal Regulations as follows:

PART 363—ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

1. The authority citation for part 363 continues to read as follows:

Authority: 12 U.S.C. 1831m.

2. Section 363.3 is amended by revising paragraph (b) to read as follows:

§ 363.3 Independent public accountant.

* * * * *

(b) *Additional report.* Such independent public accountant shall examine, attest to, and report separately on, the assertion of management concerning the institution's internal control structure and procedures for financial reporting. The attestation shall be made in accordance with generally accepted standards for attestation engagements.

* * * * *

3. Section 363.4 is amended by revising paragraphs (a) and (b) to read as follows:

§ 363.4 Filing and notice requirements.

(a) *Annual reporting.* Within 90 days after the end of its fiscal year, each insured depository institution shall file with each of the FDIC, the appropriate federal banking agency, and any appropriate state bank supervisor, two copies of an annual report containing audited annual financial statements, the independent public accountant's report thereon, management's statements and

assessments, and the independent public accountant's attestation report concerning the institution's internal control structure and procedures for financial reporting as required by §§ 363.2(a), 363.3(a), 363.2(b), and 363.3(b), respectively.

(b) *Public availability.* The annual report in paragraph (a) of this section shall be available for public inspection.

* * * * *

4. Appendix A to part 363 is amended by revising the table of contents entry for item 18, by removing the table of contents entry for item 19, by redesignating table of contents entries 20 through 37 as 19 through 36, respectively, by revising the introduction and guidelines 8, 10, 12, 16, 18 to read as follows:

Appendix A to Part 363—Guidelines and Interpretations

Table of Contents

* * * * *

18. Attestation Report

* * * * *

Introduction

Congress added section 36, ''Early Identification of Needed Improvements in Financial Management'' (section 36), to the Federal Deposit Insurance Act (FDI Act) in 1991.

The FDIC Board of Directors adopted 12 CFR part 363 of its rules and regulations (the Rule) to implement those provisions of section 36 that require rulemaking. The FDIC also approved these ''Guidelines and Interpretations'' (the Guidelines) and directed that they be published with the Rule to facilitate a better understanding of, and full compliance with, the provisions of section 36.

Although not contained in the Rule itself, some of the guidance offered restates or refers to statutory requirements of section 36 and is therefore mandatory. If that is the case, the statutory provision is cited.

Furthermore, upon adopting the Rule, the FDIC reiterated its belief that every insured depository institution, regardless of its size or charter, should have an annual audit of its financial statements performed by an independent public accountant, and should establish an audit committee comprised entirely of outside directors.

The following Guidelines reflect the views of the FDIC concerning the interpretation of section 36. The Guidelines are intended to assist insured depository institutions (institutions), their boards of directors, and their advisors, including their independent public accountants and legal counsel, and to clarify section 36 and the Rule. It is recognized that reliance on the Guidelines may result in compliance with section 36 and the Rule which may vary from institution to institution. Terms which are not explained in the Guidelines have the meanings given them in the Rule, the FDI Act, or professional accounting and auditing literature.

* * * * *

Annual Reporting Requirements (§ 363.2)

* * * * *

8. *Management Report.* Management should perform its own investigation and review of the effectiveness of internal controls and compliance with the Designated Laws defined in Guideline 12. Management also should maintain records of its determinations and assessments until the next federal safety and soundness examination, or such later date as specified by the FDIC or appropriate federal banking agency. Management should provide in its assessment of the effectiveness of internal controls, or supplementally, sufficient information to enable the accountant to report on its assertion. The management report of an insured branch of a foreign bank should be signed by the branch's managing official if the branch does not have a chief executive or financial officer.

* * * * *

10. *Standards for Internal Controls.* Each institution should determine its own standards for establishing, maintaining, and assessing the effectiveness of its internal controls.[2]

* * * * *

12. *Compliance with Laws and Regulations.* The designated laws and regulations are the federal laws and regulations concerning loans to insiders and the federal and state laws and regulations concerning dividend restrictions (the Designated Laws). Table 1 to this Appendix A lists the designated federal laws and regulations pertaining to insider loans and dividend restrictions that are applicable to each type of institution.

Role of Independent Public Accountant (§ 363.3)

* * * * *

16. *Filing Peer Review Reports.* Within 15 days of receiving notification that the peer review has been accepted, or before commencing any audit under the Rule, whichever is earlier, two copies of the most recent peer review report, accompanied by any letter of comments and letter of response, should be filed by the independent public accountant (if not already on file) with the FDIC, Registration and Disclosure Section, 550 17th Street, N.W., Washington, D.C. 20429, where they will be available for public inspection. All corrective action required under any qualified peer review report should have been taken before commencing services under this Rule.

* * * * *

18. *Attestation Report.* The independent public accountant should provide the institution with an internal controls attestation report and any management letter at the conclusion of the audit as required by section 36(c)(1). If a holding company subsidiary relies on its holding company management report, the accountant may attest to and report on management's assertions in one report, without reporting separately on each subsidiary covered by the Rule. The FDIC has determined that management letters are exempt from public disclosure.

* * * * *

5. Appendix A to part 363 is amended by removing Guideline 19 and redesignating Guidelines 20 through 37 as 19 through 36, respectively.

6. Appendix A to part 363 is amended by revising newly designated Guideline 22 to read as follows:

* * * * *

Filing and Notice Requirements (§ 363.4)

22. *Place for Filing.* Except for peer review reports filed pursuant to Guideline 16, all reports and notices required by, and other communications or requests made pursuant to, the Rule should be filed as follows:

(a) FDIC: Appropriate FDIC Regional Office (Supervision), i.e., the FDIC regional office in the FDIC region in which the institution is headquartered or, in the case of a subsidiary institution of a holding company, the FDIC regional office that is responsible for monitoring the consolidated company. A filing made on behalf of several covered institutions owned by the same parent holding company should be accompanied by a transmittal letter identifying all of the institutions covered.

(b) Office of the Comptroller of the Currency (OCC): appropriate OCC Supervisory Office.

(c) Federal Reserve: appropriate Federal Reserve Bank.

(d) Office of Thrift Supervision (OTS): appropriate OTS District Office.

(e) State bank supervisor: the filing office of the appropriate state bank supervisor.

* * * * *

7. Schedule A to Appendix A of part 363 and the Tables to Schedule A are removed.

8. Table 1 is added to Appendix A to read as follows:

[2] In considering what information is needed on safeguarding of assets and standards for internal controls, management may review guidelines provided by its primary federal regulator; the FDIC's Division of Supervision Manual of Examination Policies; the Federal Reserve Board's Commercial Bank Examination Manual and other relevant regulations; the Office of Thrift Supervision's Thrift Activities Handbook; the Comptroller of the Currency's Handbook for National Bank Examiners; and standards published by professional accounting organizations, such as the American Institute of Certified Public Accountants' (AICPA) Statement on Auditing Standards No. 55, ''Consideration of the Internal Control Structure in a Financial Statement Audit,'' as amended by Statement of Auditing Standards No. 78; the Committee of Sponsoring Organizations (COSO) of the Treadway Commission's *Internal Control—Integrated Framework,* including its addendum on safeguarding of assets; and other internal control standards published by the AICPA, other accounting or auditing professional associations, and financial institution trade associations.

TABLE 1 TO APPENDIX A

		Designated Federal Laws and Regulations Applicable to			
		National banks	State member banks	State nonmember banks	Savings associations
Insider Loans—Parts and/or Sections of Title 12 of the United States Code					
375a	Loans to Executive Officers of Banks	✔	✔	(1)	(1)
375b	Prohibitions Respecting Loans and Extensions of Credit to Executive Officers and Directors of Banks, Political Campaign, Committees, etc.	✔	✔	(1)	(1)
1468(b)	Extensions of Credit to Executive Officers, Directors, and Principal Shareholders.				✔
1828(j)(2)	Provisions Relating to Loans, Extensions of Credit, and Other Dealings Between Member Banks and Their Affiliates, Executive Officers, Directors, etc.			✔	
1828(j)(3)(B)	Extensions of Credit Applicability of Provisions Relating to Loans, Extensions of Credit, and Other Dealings Between Insured Branches of Foreign Banks and Their Insiders.	(2)		(3)	
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
23.5	Application of Legal Lending Limits; Restrictions on Transactions With Affiliates.	✔			
31	Extensions of Credit to National Bank Insiders	✔			
215	Subpart A—Loans by Member Banks to Their Executive Officers, Directors, and Principal Shareholders.	✔	✔	(4)	(5)
	Subpart B—Reports of Indebtedness of Executive Officers and Principal Shareholders of Insured Nonmember Banks.	✔	✔	(4)	(5)
337.3	Limits on Extensions of Credit to Executive Officers, Directors, and Principal Shareholders of Insured Nonmember Banks.			✔	
349.3	Reports by Executive Officers and Principal Shareholders			✔	
563.43	Loans by Savings Associations to Their Executive Officers, Directors, and Principal Shareholders.				✔
Dividend Restrictions—Parts and/or Sections of Title 12 of the United States Code					
56	Prohibition on Withdrawal of Capital and Unearned Dividends	✔	✔		
60	Dividends and Surplus Funds	✔	✔		
1467a(f)	Declaration of Dividends				✔
1831o	Prompt Corrective Action—Dividend Restrictions	✔	✔	✔	✔
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
5.61	Payment of dividends; capital limitation	✔			
5.62	Payment of dividends; earnings limitation	✔			
6.6	Prompt Corrective Action—Dividend Restrictions	✔			
7.6120	Dividends Payable in Property Other Than Cash	✔			
208.19	Payments of Dividends		✔		
208.35	Prompt Corrective Action		✔		
325.105	Prompt Corrective Action			✔	
563.134	Capital Distributions				✔
565	Prompt Corrective Action				✔

[1] Subsections (g) and (h) only.
[2] Applies only to insured federal branches of foreign banks.
[3] Applies only to insured state branches of foreign banks.
[4] See 12 CFR parts 337.3 and 349.3.
[5] See 12 CFR part 563.43.

By Order of the Board of Directors.

Dated at Washington, D.C., this 12th day of November, 1997.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 97–30860 Filed 11–26–97; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–29–AD; Amendment 39–10223; AD 97–24–16]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0070 and 0100 series airplanes, that requires a one-time operational test of a certain pitot heating system, repair or replacement of failed elements, and repair or replacement of the pitot heating system with a new improved system. This amendment also requires installation of new power supply wiring with increased gauge thickness, and a circuit breaker with an increased amperage rating. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent icing of the No. 1 pitot tube, which could result in failure of the No. 1 Air Data Computer, or output of erroneous airspeed data to all on-side subsidiary systems, including the Automatic Flight Control and Augmentation System.

DATES: Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from 95–NM–29–AD. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0070 and 0100 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 3, 1997 (62 FR 4944). That action proposed to require a one-time operational test of the No. 1 pitot heating system, repair or replacement of failed elements, and repair or replacement of the pitot heating system with a new improved system. That action also proposed to require installation of new power supply wiring with increased gauge thickness, and a circuit breaker with an increased amperage rating.

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

One commenter supports the proposed rule.

Requests To Extend the Compliance Time for Replacement of Pitot Tube

Two commenters request that the compliance time, specified in paragraph (b)(2) of the proposed AD, for accomplishing the replacement of the pitot tube and associated electrical modifications be extended from the proposed 18 months to 24 months. The commenters state that such an extension will allow the replacement to be accomplished during a regularly scheduled heavy maintenance check for all but 7 of its affected airplanes, and thereby minimize any additional expenses that would be associated with special scheduling.

The FAA does not concur with the commenters' request. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's and foreign airworthiness authority's recommendations as to an appropriate compliance time, the availability of required parts, and the practical aspect of installing the required replacement within an interval of time that parallels the normal scheduled maintenance for the majority of affected operators. The FAA has determined that the compliance time, as proposed, represents the maximum interval of time allowable for the affected airplanes to continue to operate prior to accomplishing the required replacement without compromising safety. In addition, the commenters have not provided any data to substantiate why an extension of the compliance time would not compromise safety.

In consideration of all of these factors, and in consideration of the amount of time that has already elapsed since issuance of the original NPRM, the FAA has determined that further delay of this modification is not appropriate. However, under the provisions of paragraph (d) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Conclusion

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 as proposed.

Cost Impact

The FAA estimates that 129 Fokker Model F28 Mark 0100 and 0070 series airplanes of U.S. registry will be affected by this AD.

The required operational check will take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact for the operational check required by this AD on U.S. operators is estimated to be $7,740, or $60 per airplane.

The required replacement of the pitot heating system will take approximately 36 work hours per airplane, at an average labor rate of $60 per work hour. Required parts will cost approximately $16,000 per airplane. Based on these figures, the cost impact of this replacement required by this AD on U.S. operators is estimated to be $18,160 per airplane.

For airplanes on which replacement of the pitot heating system has been accomplished previously, the required installation of the power supply electrical wiring and circuit breaker will take approximately 12 work hours per airplane, at an average labor rate of $60 per work hour. Required parts will cost approximately $350 per airplane. Based on these figures, the cost impact is estimated to be $1,070 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish

those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–24–16 Fokker: Amendment 39–10223. Docket 95–NM–29–AD.

Applicability: Model F28 Mark 0070 and 0100 series airplanes, certificated in any category, and having the following serial numbers:

11244 through 11495, inclusive;
11497 through 11507, inclusive;
11509;
11511 through 11517, inclusive;
11519 through 11523, inclusive;
11527 through 11529, inclusive;
11532;
11536 through 11541, inclusive;
11543;
11545;
11547;
11549;
11551;
11553 through 11565, inclusive;
11567;
11570;
11573; and
11574.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent icing of the No. 1 pitot tube, which could result in failure of the No. 1 Air Data Computer (ADC #1) or output of erroneous airspeed data to all on-side subsidiary systems, including the Automatic Flight Control and Augmentation System (AFCAS), accomplish the following:

(a) For airplanes that have type 853JB pitot tubes installed: Within 30 days after the effective date of this AD, perform an operational test of the No. 1 pitot heating system in accordance with Part 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–30–015, Revision 2, dated January 25, 1995.

(1) If the pitot heating system passes the operational test, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, as applicable, at the time specified.

(2) If any pitot tube heating element is found to be inoperative, prior to further flight, repair or replace the failed element with a serviceable element, in accordance with the Fokker 100 Aircraft Maintenance Manual (AMM).

(b) For airplanes on which Fokker Service Bulletin SBF100–30–017, dated August 23, 1995, has *not* been accomplished: At the applicable time specified in either paragraph (b)(1) or (b)(2) of this AD, replace the type 853JB or type 853KK No. 1 pitot tube, with a type 853BR pitot tube; and install the inverter, current sensor, wiring, and circuit breaker; in accordance with Fokker Service Bulletin SBF100–30–019, dated June 20, 1996.

(1) For airplanes with the flight warning system (FWS) speed comparator not activated and with a type 853JB No. 1 pitot tube installed: Accomplish the replacement within 9 months after the effective date of this AD.

(2) For airplanes with the FWS speed comparator activated or with a type 853KK No. 1 pitot tube installed: Accomplish the replacement within 18 months after the effective date of this AD.

(c) For airplanes on which Fokker Service Bulletin SBF100–30–017, dated August 23, 1995, has been accomplished, either in service or factory-incorporated: Within 18 months after the effective date of this AD, replace the No. 1 pitot heating circuit breaker and modify the power supply electrical wiring, in accordance with Fokker Service Bulletin SBF100–30–020, dated June 20, 1996.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(f) The actions shall be done in accordance with Fokker Service Bulletin SBF100–30–015, Revision 2, dated January 25, 1995; Fokker Service Bulletin SBF100–30–019, dated June 20, 1996; and Fokker Service Bulletin SBF100–30–020, dated June 20, 1996. Revision 2 of Fokker Service Bulletin SBF100–30–015 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3, 9, 15, 17, 18, 22, 35, 36, 38	2	January 25, 1995.
2, 12, 14, 16, 25, 26, 30–32, 37	1	September 14, 1994.
4–8, 10, 11, 13, 19–21, 23, 24, 27–29, 33, 34, 39	Original	July 7, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, The Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Netherlands airworthiness directive BLA 94–114(A), dated August 5, 1994.

(g) This amendment becomes effective on January 2, 1998.

Issued in Renton, Washington, on November 19, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31021 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–185–AD; Amendment 39–10218; AD 97–24–11]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires repetitive inspections of certain flanges and finger strips at rib 5.0 of the vertical stabilizer to detect fatigue cracking, and repairs, if necessary. This amendment also requires modifications that would strengthen the torsion box at rib 5.0 and prevent fatigue cracking; one of these modifications constitutes terminating action for the repetitive inspections. This amendment is prompted by reports indicating that, during full-scale fatigue testing, cracking has been found on the vertical stabilizer of the test article. The actions specified by this AD are intended to detect and prevent fatigue cracking in the subject area, which, if not corrected, could reduce the structural integrity of the vertical stabilizer.

DATES: Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, The Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes was published in the **Federal Register** on January 14, 1997 (62 FR 1866). That action proposed to require repetitive eddy current inspections to detect fatigue cracking of the left-hand and right-hand flanges and finger strips at rib 5.0 of the vertical stabilizer, and repair, if necessary. That action also proposed to require modification of rib 5.0 by the installation of a stiffener to the torsion box; this modification would be preceded by an eddy current inspection to detect fatigue cracking, and repair, if necessary. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements. In addition, that action proposed to require another modification of rib 5.0 by cold-expanding certain bolt holes on the torsion box.

Comments

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

One commenter supports the proposed rule.

Requests To Extend the Compliance Time

Two commenters request that the compliance time for accomplishing the proposed eddy current inspection and modification of rib 5.0 of the vertical stabilizer [required by paragraphs (b)(1) and (b)(2) of the proposed AD, respectively] be extended from ''prior to the accumulation of 13,500 total landings, or within 6 months * * *'' to ''prior to the accumulation of 16,000 total landings or within 12 months.'' One of these commenters states that it is currently performing the subject inspection and modification during its F100 ''Q'' check visit, which is currently scheduled at 16,000 flight hours or 16,000 landings, whichever occurs first. The commenter also states that ten of its airplanes, which have accumulated between 10,972 and 14,976 flight cycles, have been inspected and modified. This commenter points out that no cracks have been detected on these airplanes. This commenter contends that accomplishment of the repetitive inspections required by paragraph (a) of the proposed AD at 2,000 flight cycle intervals will assure that the required level of safety is maintained.

The FAA does not concur with the commenters' request to extend the compliance time. The FAA points out that the proposed compliance time of paragraphs (b)(1) and (b)(2) of the AD was developed in consideration of not only the degree of urgency associated with addressing the unsafe condition, but such factors as the manufacturer's and the foreign airworthiness authority's [i.e., Rijksluchtvaartdienst (RLD)] recommendations, the availability of required parts, and the practical aspect of installing the required modification within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. The FAA also has consulted with the manufacturer and RLD and determined that 13,500 flight cycles represents the maximum number of flight cycles allowable for the affected airplanes to continue to operate prior to accomplishing the required inspections and modification without compromising safety. The proposed compliance times are based on results of fatigue tests and analysis of the effects of the thrust reverser loads on adjacent structure.

In addition, the FAA finds that the commenters have not submitted any data to substantiate why a 2,500 flight-cycle extension of the compliance time would not compromise safety, nor have the commenters addressed whether further inspections would be necessary to ensure the long term operational safety. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjustments to the compliance time if sufficient data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Conclusion

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 as proposed.

Cost Impact

The FAA estimates that 122 Fokker Model F28 Mark 0100 series airplanes of U.S. registry will be affected by this proposed AD.

Approximately 77 airplanes will be required to conduct repetitive inspections of the left-hand and right-hand flanges and finger strips at rib 5.0 of the vertical stabilizer. It will take approximately 10 work hours per airplane to accomplish each required inspection. The average labor rate is $60 per work hour. Based on these figures, the cost impact of these inspections required by this AD on U.S. operators of these airplanes is estimated to be $46,200, or $600 per airplane, per inspection.

Approximately 77 airplanes also will be required to accomplish the installation of steel reinforcement in the torsion box at rib 5.0 of the vertical stabilizer. It will take approximately 170 work hours per airplane to accomplish this modification (including a pre-modification inspection). The average labor rate is $60 per work hour. Required parts will cost approximately $27,000. Based on these figures, the cost impact of this modification required by this AD on U.S. operators of these airplanes is estimated to be $2,864,400, or $37,200 per airplane.

Approximately 122 airplanes will be required to accomplish the cold expansion of holes in the torsion box at rib 5.0 of the vertical stabilizer. It will take approximately 17 work hours per airplane to accomplish this modification, or approximately 8 work hours per airplane if this modification is done at the same time as the installation of steel reinforcement. The average labor rate is $60 per work hour. Required parts will cost approximately $206. Based on these figures, the cost impact of this modification required by this AD on U.S. operators of these airplanes is estimated to be between $83,692 and $149,572, or between $686 and $1,226 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–24–11 Fokker: Amendment 39–10218. Docket 96–NM–185–AD.

Applicability: Model F28 Mark 0100 series airplanes having the serial numbers specified in Table 1 of this AD; certificated in any category.

TABLE 1.—SERIAL NUMBERS OF AIRPLANES SUBJECT TO THIS AD

11244 through 11460, inclusive
11463 through 11469, inclusive
11471
11474 through 11483, inclusive
11489 through 11491, inclusive
11497 through 11499, inclusive
11501
11502
11504
11506
11507
11512 through 11515, inclusive
11517
11520

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

Compliance: Required as indicated, unless accomplished previously.

To detect and prevent fatigue cracking in the vertical stabilizer, which consequently could reduce its structural integrity, accomplish the following

(a) For airplanes having serial numbers 11244 through 11419, inclusive, and 11421: Except as provided by paragraph (c) of this AD, prior to the accumulation of 8,500 total landings or within 30 days after the effective date of this AD, whichever occurs later, perform an eddy current inspection to detect fatigue cracking in the left-hand and right-hand flanges and finger strips at rib 5.0 of the vertical stabilizer, in accordance with Fokker Service Bulletin SBF100–55–019, Revision 1, dated May 19, 1993.

(1) If no cracking is detected, repeat this inspection thereafter at intervals not to exceed 2,000 landings until the requirements of paragraph (b) of this AD are accomplished.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate.

(b) For airplanes with serial numbers 11244 through 11419 inclusive, and 11421, accomplish the requirements of both paragraphs (b)(1) and (b)(2) of this AD:

(1) Except as provided by paragraph (c) of this AD, prior to the accumulation of 13,500 total landings, or within 6 months after the effective date of this AD, whichever occurs later, perform an eddy current inspection to detect fatigue cracking in the left-hand and right-hand flanges and finger strips at rib 5.0 of the vertical stabilizer, in accordance with Part 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–55–018, Revision 1, dated December 27, 1993.

(i) If no cracking is detected, prior to further flight, accomplish the requirements of paragraph (b)(2) of this AD.

(ii) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, and

accomplish the requirements of paragraph (b)(2) of this AD.

(2) After accomplishing the requirements of paragraph (b)(1) of this AD, modify rib 5.0 of the vertical stabilizer by installing new stiffening, in accordance with Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–55–018, Revision 1, dated December 27, 1993. Accomplishment of this modification constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

(c) The following exceptions apply with regard to the requirements of paragraphs (a) and (b) of this AD:

(1) Accomplishment of the inspection specified in paragraph (a) and (b)(1) of this AD is not required if the modification specified in paragraph (b)(2) is accomplished prior to the accumulation of 7,300 total landings on the airplane.

(2) Compliance with AD 91–18–15, amendment 39–8018, is not required if the requirements of paragraph (b)(2) of this AD are accomplished prior to the accumulation of 6,000 total landings on the airplane.

(d) For all airplanes: At the applicable times specified in paragraph (d)(1) or (d)(2), modify the Hi-lok bolt holes at rib 5.0 of the vertical stabilizer by cold expansion, in accordance with Fokker Service Bulletin SBF100–55–023, dated January 3, 1995.

(1) For airplanes that have been modified in accordance with the requirements of paragraph (b) of this AD prior to the effective date of this AD: Modify prior to the accumulation of either 10,000 landings after in-service modification, or 10,000 landings after delivery with factory modification, as applicable; or within 30 days after the effective date of this AD, whichever occurs later.

(2) For all other airplanes: Modify concurrent with accomplishing the requirements of paragraph (b) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(g) The actions shall be done in accordance with the following Fokker service bulletins, which contain the following list of effective pages:

Referenced service bulletin and date	Page No.	Revision level shown on page	Date shown on page
SBF100–55–018, Revision 1, December 27, 1993.	1–4, 8–16, 18, 19, 21–23, 25–28	1	December 27, 1993.
	5–7, 17, 20, 24, 29–31	Original	May 19, 1993.
SBF100–55–019, Revision 1, May 19, 1993	1–3, 5, 9,	1	May 19, 1993.
	4, 6–8, 10–12	Original	August 11, 1992.
SBF100–55–023, January 3, 1995	1–17	Original	January 3, 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, The Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive (BLA) 93–069 (A), dated June 1, 1993.

(h) This amendment becomes effective on January 2, 1998.

Issued in Renton, Washington, on November 19, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31029 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–189–AD; Amendment 39–10220; AD 97–24–13]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace BAe Model ATP airplanes, that requires a detailed visual inspection of the flap drive torque tubes in the wing root area to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes; and follow-on repetitive inspections or corrective action, if necessary. Accomplishment of certain replacements and modifications would constitute terminating action for the repetitive inspections. This amendment is prompted by reports of inadequate clearance between flap drive torque tubes and surrounding structures, and possible scoring damage to the tubes. The actions specified by this AD are intended to prevent failure of the torque tubes, which could result in an asymmetric flap condition and reduced controllability of the airplane.

DATES: Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

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

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace BAe Model ATP airplanes was published in the **Federal Register**

on August 25, 1997 (62 FR 44917). That action proposed to require a detailed visual inspection of the flap drive torque tubes in the wing root area to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes; and follow-on repetitive inspections or corrective action, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 10 British Aerospace BAe Model ATP airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $600, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–24–13 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited, British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10220. Docket 96–NM–189–AD.

Applicability: BAe Model ATP airplanes, constructor numbers 2002 through 2063 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the torque tubes, which could result in an asymmetric flap condition and reduced controllability of the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, conduct a detailed visual inspection of the flap drive torque tubes in the left and right wing root areas to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes, in accordance with Jetstream Service Bulletin ATP–27–80, dated April 23, 1996.

(1) If adequate clearance exists between all flap drive torque tubes and surrounding structure at the sites specified in the service bulletin, with no scoring damage to any of the tubes, no further action is required by this AD.

(2) If inadequate clearance exists between any flap drive torque tube and surrounding structure at the sites specified in the service bulletin, with no scoring damage to the tubes: Accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) At intervals not to exceed 250 hours time-in-service, repeat the detailed visual inspections required by paragraph (a) of this AD.

(ii) Within 2,000 hours time-in-service after the initial inspection required by paragraph (a) of this AD, modify the structure to gain the required minimum clearance in accordance with the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspection requirement of paragraph (a)(2)(ii) of this AD.

(3) If any scoring damage to the torque tubes is detected, accomplish the requirements specified in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this AD, as applicable, in accordance with the service bulletin, and at the time specified in the applicable paragraph.

(i) If only one torque tube on one side or both sides of the airplane is damaged, and the scoring is within the maximum allowable damage limits in the service bulletin: Within 250 hours time-in-service after any inspection required by this AD in which the damage was initially detected, modify the surrounding structure to gain the required minimum clearance and install a new torque tube.

(ii) If both torque tubes on the same side of the airplane are damaged, and the scoring is within the maximum allowable damage limits in the service bulletin: Prior to further flight after any inspection required by this AD in which damage was initially detected, modify the surrounding structure to gain the required minimum clearance and replace at least one of the damaged torque tubes with a new torque tube. Within 250 hours time-in-service after any inspection in which damage was initially detected, replace the remaining damaged torque tube with a new torque tube.

(iii) If any torque tube is damaged, and the scoring is more than the allowable damage limits described in the service bulletin: Prior to further flight, modify the surrounding structure to gain the required minimum clearance and replace the damaged tube(s) with a new torque tube(s).

(b) Accomplishment of the modification to gain the required minimum clearance between the torque tubes and surrounding structure and the replacement of damaged torque tube(s) with a new torque tube(s) constitutes terminating action for the requirements of 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(e) The actions shall be done in accordance with Jetstream Service Bulletin ATP–27–80, dated April 23, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British airworthiness directive 003–04–96.

(f) This amendment becomes effective on January 2, 1998.

Issued in Renton, Washington, on November 19, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31027 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–187–AD; Amendment 39–10219; AD 97–24–12]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, that currently requires a one-time inspection to determine the tension of the control cables of the thrust reversers, and to detect breakage, damage, wear, or signs of corrosion; and corrective actions, if necessary. This amendment requires that the inspections be repeated at certain intervals. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the control cables, which may lead to the inability of the thrust reverser to deploy and/or an uncommanded deployment of the thrust reverser while the airplane is in flight.

DATES: Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace (Operations) Ltd., trading as British Aerospace Airbus Ltd., P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–17–02, amendment 39–8997 (59 FR 41235, August 11, 1994), which is applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, was published in the **Federal Register** on September 22, 1997 (62 FR 49458). The action proposed to require repetitive inspections of the control cables of the thrust reverser to determine the tension of the control cables of the thrust reversers, and to detect breakage, damage, wear, or signs of corrosion; and corrective actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 42 Model BAC 1–11 200 and 400 series airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 94–17–02 take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $7,560, or $180 per airplane, per inspection cycle.

The new actions that are required by this new AD will take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $7,560, or $180 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8997 (59 FR 41235, August 11, 1994), and by adding a new airworthiness directive (AD), amendment 39–10219, to read as follows:

97–24–12 British Aerospace: Amendment 39–10219. Docket : 96–NM–187–AD. Supersedes AD 94–17–02, Amendment 39–8997.

Applicability: All Model BAC 1–11 200 and 400 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 failure of the thrust reverser control cables, which may lead to the inability of the thrust reverser to deploy and/or an uncommanded thrust reverser deployment while the airplane is in flight, accomplish the following:

(a) Within 100 hours time-in-service or 30 days after the effective date of this AD, whichever occurs first, perform an inspection to determine the tension of the control cables of the thrust reverser, in accordance with British Aerospace, Alert Service Bulletin 76–A–PM6031, dated January 18, 1995. If the tension of any control cable is outside the limits specified in the alert service bulletin, prior to further flight, correct the tension of that cable in accordance with the alert service bulletin. Thereafter, repeat the inspection at intervals not to exceed 2,400 hours time-in-service or 12 months, whichever occurs first.

(b) Within 100 hours time-in-service or 30 days after the effective date of this AD, whichever occurs first, perform an inspection to detect breakage, damage, wear, or signs of corrosion (swelling) of the control cable of the thrust reverser, in accordance with British Aerospace Alert Service Bulletin 76–A–PM6031, dated January 18, 1995.

(1) If no discrepancy is found, prior to further flight, lubricate the cables in accordance with the alert service bulletin. Thereafter, repeat the inspection at intervals not to exceed 2,400 hours time-in-service or 12 months, whichever occurs first.

(2) If any control cable is damaged, is worn beyond the limits specified in the alert service bulletin, is corroded, or has a broken wire, prior to further flight, replace the discrepant cable with a serviceable cable, and lubricate the cables in accordance with the alert service bulletin. Thereafter, repeat the inspection at intervals not to exceed 2400 hours time-in-service or 12 months after the effective date of this AD, whichever occurs first.

(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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(e) The actions shall be done in accordance with British Aerospace Alert Service Bulletin 76–A–PM6031, dated January 18, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace (Operations) Ltd., trading as British Aerospace Airbus Ltd., P.O. Box 77, Bristol BS99 7AR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 2, 1998.

Issued in Renton, Washington, on November 19, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31028 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–126–AD; Amendment 39–10221; AD 97–24–14]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that requires inspection of the two-way check valve on the engine fire extinguishing system for discrepancies, and corrective action, if necessary. This amendment is prompted by issuance of mandatory continued airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent discrepancies of the check valve, which could result in improper functioning of the engine fire extinguishing system.

DATES: Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

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

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes was published in the **Federal Register** on September 23, 1997 (62 FR 49634). That action proposed to require inspection of the two-way check valve on the engine fire extinguishing system for

discrepancies, and corrective action, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 3 Model SAAB 2000 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $720, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–24–14 Saab Aircraft AB: Amendment 39–10221. Docket 97–NM–126–AD.

Applicability: Model SAAB 2000 airplanes, having serial numbers –002 through –043 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 discrepancies of the check valve, which could result in improper functioning of the engine fire extinguishing system, accomplish the following:

(a) Within 2 months after the effective date of this AD, perform an inspection of the two-way check valve on the engine fire extinguishing system for discrepancies, in accordance with Saab Service Bulletin 2000–26–010, dated July 5, 1996. If any discrepancy is found, prior to further flight, install a new two-way check valve in accordance with the service bulletin.

(b) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(d) The actions shall be done in accordance with Saab Service Bulletin 2000–26–010, dated July 5, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive SAD No. 1–099, dated July 8, 1996.

(e) This amendment becomes effective on January 2, 1998.

Issued in Renton, Washington, on November 19, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31030 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 314

[Docket No. 85N–0214]

Policy on 180-Day Marketing Exclusivity for Drugs Marketed Under Abbreviated New Drug Applications; Clarification

AGENCY: Food and Drug Administration, HHS.

ACTION: Clarification.

SUMMARY: The Center for Drug Evaluation and Research (CDER) of the Food and Drug Administration (FDA) is publishing this document to clarify the status of its practices governing 180 days of marketing exclusivity for generic drugs and the approval of abbreviated new drug applications (ANDA's) subject to patent litigation. This document is being published due to recent court decisions interpreting provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments).

FOR FURTHER INFORMATION CONTACT: Jerry Phillips, Center for Drug Evaluation and

Research (HFD–605), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5846.

SUPPLEMENTARY INFORMATION:

I. Background

The 1984 amendments included a provision, codified under section 505(j)(4)(B)(iv) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(4)(B)(iv)), granting 180 days of marketing exclusivity to the first applicant to submit an ANDA containing a challenge to a listed patent. Regulations interpreting this provision were proposed in 1989 (54 FR 28872, July 10, 1989), and made final in 1994 (59 FR 50338, October 3, 1994). These regulations are codified under § 314.107(c) (21 CFR 314.107(c)).

The regulations state that for a generic drug to qualify for 180 days of marketing exclusivity, the first ANDA applicant submitting a certification under section 505(j)(2)(A)(vii)(IV) of the act (paragraph IV certification) to the listed patent must, in addition to submitting the certification, be sued for patent infringement and successfully defend that suit (§ 314.107(c)). This interpretation has been the subject of legal action in *Inwood Laboratories, Inc.* v. *Young*, 723 F. Supp. 1523 (D.D.C. 1989), *vacated as moot*, 43 Fed.3d 712 (D.C.Cir. 1989); *Mova Pharmaceutical Corp.* v. *Shalala*, 955 F. Supp. 128 (D.D.C. 1997), and *Granutec, Inc. et al.* v. *Shalala et al.*, No. 5:97–CV–485–BO(1)(E.D.N.C. July 3, 1997). Both the *Inwood* and *Mova* courts held that 180 days of marketing exclusivity should be granted to the first ANDA applicant who files a paragraph IV certification, regardless of whether the applicant is subsequently sued for patent infringement. The *Mova* decision has been appealed to the U.S. Court of Appeals for the District of Columbia Circuit.

Following the *Mova* decision, in June 1997, the Office of Generic Drugs notified applicants with ANDA's for ranitidine hydrochloride (HCl) that the agency would acquiesce to the court's holding in *Mova*, pending an appellate decision. The agency determined that temporarily acquiescing to the court's holding in *Mova* would promote administrative uniformity in the application of section 505(j)(4)(B)(iv) of the act and would prevent forum shopping among disappointed ANDA applicants. Subsequently, the U.S. District Court for the Eastern District of North Carolina addressed the validity of § 314.107(c) in *Granutec* v. *Shalala*, and, in a holding contrary to the earlier *Mova* decision, ordered FDA to follow its regulations in approving ANDA's for ranitidine HCl. The *Granutec* decision was stayed and is on expedited appeal to the U.S. Court of Appeals for the 4th Circuit.

Because the uncertain state of the law makes it difficult for the industry to make business plans and other arrangements, CDER wishes to clarify its policy with respect to these exclusivity issues, pending their final resolution by the courts.

II. 180-Day Marketing Exclusivity

It is the agency's position that, given the uncertainty created by the conflict among the courts, the most reasonable policy is to apply the 180-day exclusivity provisions of the statute as set forth in § 314.107(c) to all ANDA's to which the regulation would, on its face, apply, whether they were submitted before or after the *Mova* decision. The only ANDA's to which the agency applied the *Mova* analysis, other than those ANDA's directly involved in the *Mova* litigation, were those for ranitidine HCl.

The regulations in § 314.107(c) were issued through notice and comment rulemaking with the active participation of the pharmaceutical industry and consumer groups. They are the product of careful consideration by the agency of the complex factors at issue in granting a period of exclusivity to generic drug applicants and in ensuring that the statute is implemented in a manner most consistent with its original purpose. These regulations will be applied until such time as the appellate courts complete their analyses of the agency's interpretation.

III. Approval of ANDA's After Judgment in the District Courts

The agency does not intend to acquiesce to the court's decision in *Torpharm* v. *Shalala*, Civil Action No. 97–1925 (JR) (D.D.C. Sept. 15, 1997), in which the court, finding that the term ''the court'' in section 505(j)(4)(B)(iii) of the act means district court, ordered FDA to approve an ANDA after the applicant had prevailed in patent infringement litigation in the district court, but before either the appeal was resolved or the 30-month stay had lapsed. The U.S. Court of Appeals for the District of Columbia has granted the appeal of *Torpharm* an expedited review. While *Torpharm* is pending on appeal, FDA will continue to interpret the statute as described in § 314.107(e), which defines ''the court'' as ''the court that enters final judgment from which no appeal can be or has been taken.''

Dated: November 7, 1997.

Roger Williams,

Deputy Center Director for Pharmaceutical Science.

[FR Doc. 97–31150 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 558

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for 47 new animal drug applications (NADA's) from Rhone Merieux, Inc., and 54 NADA's from Merck Research Laboratories, Division of Merck & Co., Inc., to Merial Ltd.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: Rhone Merieux, Inc., 7101 College Blvd., Overland Park, KS 66210, and Merck Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065 has informed FDA that it has transferred ownership of, and all rights and interests in, the approved NADA's to Merial Ltd., 2100 Ronson Rd., Iselin, NJ 08830–3077.

Accordingly, the agency is amending the regulations in 21 CFR parts 510, 520, 522, 524, and 558 to reflect the change of sponsor. The agency is also amending § 510.600(c)(1) and (c)(2) to remove the sponsor name for Rhone Merieux, Inc., and Merck Research Laboratories, Division of Merck & Co., Inc., because the firm no longer is the holder of any approved NADA's. The drug labeler code assigned to Rhone Merieux, Inc., is being retained as the drug labeler code for Merial Ltd.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, and 558

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 parts 510, 520, 522, 524, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entries for ''Rhone Merieux, Inc.'' and ''Merck Research Laboratories, Division of Merck & Co., Inc.'' and by alphabetically adding a new entry for ''Merial Ltd.,'' and in the table in paragraph (c)(2) by removing the entry for ''000006'' and by revising the entry for ''050604'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* * * *
Merial Ltd., 2100 Ronson Rd., Iselin, NJ 08830–3077	050604
* * *	* * * *

(2) * * *

Drug labeler code	Firm name and address
* * *	* * * *
050604	Merial Ltd., 2100 Ronson Rd., Iselin, NJ 08830–3077
* * *	* * * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.100a [Amended]

4. Section 520.100a *Amprolium drinking water* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.100b [Amended]

5. Section 520.100b *Amprolium drench* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.100c [Amended]

6. Section 520.100c *Amprolium crumbles* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.300a [Amended]

7. Section 520.300a *Cambendazole suspension* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.300b [Amended]

8. Section 520.300b *Cambendazole pellets* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.300c [Amended]

9. Section 520.300c *Cambendazole paste* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.420 [Amended]

10. Section 520.420 *Chlorothiazide tablets and boluses* is amended in paragraph (a)(2) by removing ''000006'' and adding in its place ''050604''.

§ 520.462 [Amended]

11. Section 520.462 *Clorsulon drench* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.804 [Amended]

12. Section 520.804 *Enalapril tablets* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.1192 [Amended]

13. Section 520.1192 *Ivermectin paste* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.1193 [Amended]

14. Section 520.1193 *Ivermectin tablets and chewables* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.1194 [Amended]

15. Section 520.1194 *Ivermectin drench* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.1195 [Amended]

16. Section 520.1195 *Ivermectin liquid* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.1196 [Amended]

17. Section 520.1196 *Ivermectin and pyrantel pamoate chewable tablet* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.1197 [Amended]

18. Section 520.1197 *Ivermectin sustained-release bolus* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.2170 [Amended]

19. Section 520.2170 *Sulfabromomethazine sodium boluses* is

amended in paragraph (c) by removing ''000006'' and adding in its place ''050604''.

§ 520.2380a [Amended]

20. Section 520.2380a *Thiabendazole top dressing and mineral protein feed block* is amended in paragraph (c)(2) by removing ''000006'' and adding in its place ''050604''.

§ 520.2380b [Amended]

21. Section 520.2380b *Thiabendazole drench or oral paste* is amended in paragraph (c) by removing ''000006'' and adding in its place ''050604''.

§ 520.2380c [Amended]

22. Section 520.2380c *Thiabendazole bolus* is amended in paragraph (c) by removing ''000006'' and adding in its place ''050604''.

§ 520.2380d [Amended]

23. Section 520.2380d *Thiabendazole, piperazine citrate suspension* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 520.2380f [Amended]

24. Section 520.2380f *Thiabendazole, piperazine phosphate powder* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

Authority: 21 U.S.C. 360b.

§ 522.1150 [Amended]

26. Section 522.1150 *Hydrochlorothiazide injection* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 522.1192 [Amended]

27. Section 522.1192 *Ivermectin injection* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 522.1193 [Amended]

28. Section 522.1193 *Ivermectin and clorsulon injection* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 522.1452 [Amended]

29. Section 522.1452 *Nalorphine hydrochloride injection* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 522.1885 [Amended]

30. Section 522.1885 *Prednisolone tertiary butylacetate suspension* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

31. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1193 [Amended]

32. Section 524.1193 *Ivermectin pour-on* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 524.1484g [Amended]

33. Section 524.1484g *Neomycin sulfate-thiabendazole-dexamethasone solution* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

§ 524.1883 [Amended]

34. Section 524.1883 *Prednisolone sodium phosphate-neomycin sulfate ophthalmic ointment* is amended in paragraph (b) by removing ''000006'' and adding in its place ''050604''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

35. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.55 [Amended]

36. Section 558.55 *Amprolium* is amended in paragraph (a) by removing ''000006'' and adding in its place ''050604''.

§ 558.58 [Amended]

37. Section 558.58 *Amprolium and ethopabate* is amended in the table in paragraph (d)(1), in the ''Limitations'' column by removing ''000006'' each time it appears and adding in its place ''050604''.

§ 558.95 [Amended]

38. Section 558.95 *Bambermycins* is amended in paragraphs (d)(1)(ii)(*b*), (d)(1)(iii)(*b*), (d)(1)(iv)(*b*), (d)(1)(v)(*b*), and (d)(1)(xiii)(*b*)(2)(iii)(*b*) by removing ''000006'' and adding in its place ''050604''.

§ 558.235 [Amended]

39. Section 558.235 *Efrotomycin* is amended in paragraph (a) by removing ''000006'' and adding in its place ''050604''.

§ 558.300 [Amended]

40. Section 558.300 *Ivermectin* is amended in paragraphs (a)(1) and (a)(2) by removing ''000006'' and adding in its place ''050604''.

§ 558.615 [Amended]

41. Section 558.615 *Thiabendazole* is amended in paragraph (a) by removing ''000006'' and adding in its place ''050604''.

Dated: November 10, 1997.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 97–31148 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 808

[Docket No. 96N–0249]

RIN 0910–AB19

Exemption From Preemption of State and Local Cigarette and Smokeless Tobacco Requirements; Applications for Exemption Submitted by Various State Governments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is granting exemptions from Federal preemption for certain cigarette and smokeless tobacco requirements in Alabama, Alaska, and Utah. These exemptions will permit those States to continue to enforce certain restrictions on the sale and distribution of cigarettes and smokeless tobacco that are more stringent than FDA counterpart restrictions under its regulations.

EFFECTIVE DATE: December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Anne M. Kirchner, Office of Policy (HF–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5321.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 521(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360k(a)), any State or local requirement applicable to a device is preempted if such requirement: (1) Is different from, or in addition to, any requirement applicable under the act to the device; and (2) relates to the safety or effectiveness of the device or any

other matter included in a requirement applicable to the device under the act.

In implementing section 521 of the act, FDA historically has interpreted that provision narrowly and has found it to have preemptive effect only for those State and local requirements that, in fact, clearly impose specific requirements with respect to specific devices that are manifestly in addition to analogous Federal requirements (see § 808.1(d) (21 CFR 808.1(d)). In addition, section 521 of the act ''does not preempt State or local requirements that are equal to, or substantially identical to, requirements imposed by or under the act'' (§ 808.1(d)(2)).

Section 521(b) of the act and its implementing regulations provide that by regulation issued after notice and an opportunity for an oral hearing, FDA may exempt a State or local requirement from preemption under such conditions as the agency may prescribe if the requirement is: (1) More stringent than a requirement under the act that would be applicable to the device if an exemption were not in effect; or (2) required by compelling local conditions and compliance with the State or local requirement would not cause the device to be in violation of any requirement applicable under the act.

In the **Federal Register** of November 7, 1996 (61 FR 57685), FDA invited all State and local governments to submit applications for exemptions from preemption for those State and local requirements pertaining to cigarettes and smokeless tobacco that are preempted by the agency's final rule at part 897 (21 CFR part 897) restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents, and that meet the exemption criteria. In order to facilitate and expedite review, FDA stated that it would consider applications in two groups. Group 1 applications are those seeking exemptions from Federal preemption of State and local age and identification requirements. Group 2 applications are those seeking exemptions from Federal preemption of State and local access, labeling, and advertising requirements.

This final rule responds to Group 1 applications for exemptions from preemption for State and local requirements governing the sale and distribution of cigarettes and smokeless tobacco that are different from, or in addition to, FDA requirements under § 897.14(a) and (b). Section 897.14(a) prohibits the sale of cigarettes or smokeless tobacco to any person under age 18. Section 897.14(b) requires that retailers verify, by means of photographic identification containing the bearer's birth date, that the person purchasing the product is at least 18 years of age. No such verification is required for persons over the age of 26.

The November 1996, **Federal Register** notice stated that Group 1 applications should be submitted by December 9, 1996, and that Group 2 applications, for exemption from preemption from any of the requirements under part 897 other than § 897.14(a) and (b), should be submitted by May 6, 1997 (61 FR 57685 at 57686).

In the **Federal Register** of February 19, 1997 (62 FR 7390), FDA issued a proposed rule responding to Group 1 applications submitted by the States of Alabama, Alaska, Utah, and Washington. The proposal gave the public 30 days to submit written comments. The comment period later was reopened for an additional 2 weeks (see 61 FR 11349, March 20, 1996).

FDA proposed to grant exemptions from Federal preemption for requirements in the States of Alabama, Alaska, and Utah. Washington State requirements were not preempted and, therefore, no exemption needed to be granted. The Alabama Code, the Alaska Statutes, and the Utah Code Annotated prohibit the sale of cigarettes or smokeless tobacco to any person under the age of 19. The proposed rule explained that these requirements are different from the age restriction contained in the tobacco rule at § 897.14(a), which prohibits sales of cigarettes or smokeless tobacco to anyone under age 18. However, the proposal stated FDA's tentative conclusion that the higher minimum age for sale of these products will provide increased health benefits and will not impose significant burdens on retailers. Therefore, to the extent that these State requirements are preempted, FDA proposed to grant them exemptions from preemption.

II. Request for a Hearing

FDA received one request for a hearing. Section 521(b) of the act requires that FDA offer an opportunity for an oral hearing to present evidence that the agency should consider before granting or denying exemptions from preemption. The request for a hearing submitted under this rulemaking raised only legal and policy issues that may be addressed adequately without holding an oral hearing. Consequently, consistent with FDA's regulation at 21 CFR 12.24(b), FDA is denying the request. The legal and policy issues raised in the request for a hearing are addressed in section III of this document.

III. Discussion of Comments

FDA received no comments about the agency's action concerning the application submitted by the State of Washington for exemption from Federal preemption for: (1) Section 26.28.080 of the Revised Code of Washington (RCW)[1], a State law prohibiting any person from selling or giving tobacco products to persons younger than 18 years of age, and (2) section 314–10–050 of the Washington Administrative Code (WAC)[2], a State regulation requiring that purchasers of tobacco products provide proof of age by providing certain Government-issued forms of identification. As discussed in the proposal (62 FR 7390 at 7393), FDA determined that portions of the State of Washington statute and regulations are narrower in scope than the tobacco rule and therefore are not preempted. Because neither RCW 26.28.080 nor WAC 314–10–050 prohibits the distribution of free samples of cigarettes and smokeless tobacco to persons 18 years or older, these provisions are less stringent than the total prohibition against free samples in the tobacco rule at § 897.16(d). In addition, to the extent that the RCW 26.28.080 and WAC 314–10–050 apply to products other than cigarettes and smokeless tobacco, they are not preempted by the tobacco rule because the tobacco rule does not establish ''specific counterpart

[1] RCW 26.28.080 Selling or giving tobacco to minor—Belief of representative capacity, no defense—Penalty.

Every person who sells or gives, or permits to be sold or given to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form is guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

[2] WAC 314-10-050 Sales to persons under 18 years of age.

(1) No person may sell or give or in any way provide tobacco products to any person under 18 years of age.

(2) Any person attempting to purchase tobacco products must present identification to show he/she is at least 18 years of age upon the request of any tobacco licensee, employee of tobacco licensee or enforcement officer as defined by RCW 7.8.040.

(3) All identification used to prove age must be officially issued and contain the bearer's age, signature and photograph. The only forms of identification which are acceptable as proof of age for the purchase of tobacco products are:

(a) A liquor control authority card of identification issued by a state of the United States or province of Canada,

(b) A driver's license, instruction permit or identification card issued by a state of the United States or a province of Canada,

(c) A United States military identification card,

(d) A passport, or

(e) A merchant marine identification card issued by the United States Coast Guard.

regulations'' or other requirements with respect to products other than cigarettes or smokeless tobacco (see § 808.1(d)). Finally, WAC 314–10–050 requires purchasers to present identification establishing the purchaser's age and specifies requirements for the type of identification that the purchaser must present. Because FDA has not established any specific counterpart regulations that place an affirmative duty on the purchaser to present identification or that require a specific type of photographic identification containing the bearer's birth date, WAC 314–10–050 is not preempted. Therefore, because RCW 26.28.080 and WAC 314–10–050 are not preempted, no exemption is necessary.

FDA received 15 comments on the proposed rule. Notably, none of the comments argued that FDA should deny the applications for exemption from preemption submitted by Alabama, Alaska, or Utah. In fact, several comments specifically urged that FDA grant these applications because active enforcement of the higher minimum age for sale in the three States has resulted in a decline in illegal sales of tobacco products to underage youths.

The remaining comments, while supporting FDA's proposal to grant exemptions from preemption for the Alabama, Alaska, and Utah requirements, argued that FDA misinterpreted the scope of preemption under 521(a) of the act by failing to find that all State and local requirements that are *less* stringent than Federal counterpart requirements are preempted. These comments urged FDA to reconsider its analysis of the Supreme Court decision in *Medtronic, Inc.* v. *Lohr*, 116 S. Ct. 2240 (1996), in light of *Papike* v. *Tambrands*, 107 F.3d 737 (1997), and argued that the agency's interpretation of the narrow scope of preemption under section 521(a) of the act would undermine State and local efforts to promote public health. A few comments stated that *more* stringent State or local restrictions should not be preempted because they safeguard the public health more than Federal counterpart restrictions do. Several comments argued that *Medtronic* is not dispositive of the extent to which 521(a) of the act preempts State or local tobacco control laws because the Medtronic Court determined whether 521(a) preempts general common law duties, not whether 521(a) would preempt a specific enactment of State or local law. Comments noted that, because State tobacco statutes are positive enactments of State law, they are precisely the type of requirement that is normally preempted by specific FDA requirements.

Comments relied on the recent Ninth Circuit decision, *Papike*, to support their interpretation of *Medtronic* and the scope of preemption under 521(a) of the act. The *Papike* court held that section 521(a) of the act preempts a State common law cause of action for failure to warn because FDA has established specific counterpart labeling regulations mandating the substantive content of the warning for the particular device and disease at issue in that case. The *Papike* court distinguished the case before it, which involved specific Federal requirements applicable to a specific device, from *Medtronic*, which involved general Federal requirements (good manufacturing practices and labeling requirements). (See *Papike* at 740.) Applying the reasoning in Papike, comments argued that specific Federal tobacco requirements preempt specific, and less stringent, State or local counterpart requirements.

FDA is not persuaded that it erred in its determination that 521(a) of the act preempts more restrictive, but not less restrictive, State or local counterpart requirements. First, FDA believes that the Supreme Court in *Medtronic* has addressed the very issue of whether less restrictive State or local requirements are preempted under section 521(a) of the act. As the agency stated in the proposed rule (62 FR 7390 at 7391), the *Medtronic* Court held that State requirements that are similar to, but narrower than, FDA requirements are not preempted under section 521 of the act. The Court reasoned that, while narrower State restrictions might be ''different from'' their more stringent Federal counterpart restrictions, ''* * * such a difference would surely provide a strange reason for finding a pre-emption of a state rule insofar as it duplicates the federal rule'' (*Medtronic*, 116 S.Ct. at 2255). Accordingly, FDA concludes that section 521(a) of the act does not preempt State or local restrictions to the extent that they are similar to, but narrower or less stringent than, counterpart FDA restrictions.

FDA disagrees with the comments' analysis of and reliance on *Papike*. The agency agrees that a determination of whether a State or Federal requirement is general or specific in nature is essential to any analysis of preemption under section 521(a) of the act. That determination, however, is not dispositive as to whether a particular State or local requirement is preempted. Rather, if there are specific Federal and State requirements applicable to the specific device at issue, the next question is whether the State requirement is different from, or in addition to, the Federal requirement. The Court in *Medtronic* concluded that a State or local requirement that is narrower than, or duplicative of, a counterpart Federal requirement, is not ''different from'' the Federal requirement and, consequently, is not preempted under section 521(a) of the act.

Several comments argued that FDA weakened the standard by which a narrower State or local requirement is found to be preempted. *Medtronic* held that State requirements are not preempted if they parallel Federal requirements or insofar as they duplicate Federal requirements (Id.). In the proposed rule (62 FR 7390 at 7391), FDA paraphrased this holding in stating that State or local requirements that are similar to, but narrower than, counterpart Federal requirements are not preempted. FDA believes that it has not weakened the *Medtronic* standard and that its application of the standard articulated by the Supreme Court in *Medtronic* is required by the Court's interpretation of the scope of preemption under section 521 of the act.

Other comments argued that, as a matter of policy, the finding that less stringent State or local requirements are not preempted weakens FDA's tobacco rule and undermines State and local public health initiatives to reduce tobacco use by children and adolescents.

First, the act clearly requires that a State or local enactment be ''different from,'' or ''in addition to'' a counterpart FDA requirement to be preempted, and FDA regulations enumerate the types of evidence or information that the agency will consider in determining whether to grant an exemption from preemption (see 21 CFR part 808). While the agency is always open to receiving information regarding its decisions, including evidence that a State or local requirement impairs the agency's ability to enforce its regulations, preemption does not occur under section 521 of the act absent a showing that such a requirement is ''different from,'' or ''in addition to,'' a specific counterpart FDA requirement. Second, as a matter of policy, FDA believes that States and localities are able to determine whether, in light of the Supreme Court's interpretation of the scope of Federal preemption under 521(a) of the act, additional or new legislation is warranted. If narrower or less stringent State or local requirements were preempted, as comments suggest, those States and localities would be left with no State or local requirements at all. Therefore, contrary to the concern

expressed by comments, the public health protection in those jurisdictions would be diminished, not enhanced.

A few comments urged that, rather than preempt more stringent State or local requirements, FDA should leave them intact. In that case, exemptions from preemption would not be required. Section 521 of the act clearly states that State or local restrictions that are ''different from'' or ''in addition to'' FDA restrictions are preempted. However, FDA will continue to consider applications for exemptions from preemption for more stringent State or local requirements that provide greater public health protection without imposing significant burdens on interstate commerce.

One comment urged FDA to refrain from issuing general determinations concerning whether a certain type of State or local requirement is preempted. Specifically, the comment disagreed with FDA's using as an example of a narrower restriction in the proposed rule State or local laws that hold retailers to a standard lower than strict liability for selling cigarettes or smokeless tobacco to persons under 18. This comment argued that, while as a general rule *Medtronic* holds that narrower State or local laws are not preempted under section 521(a) of the act, FDA should accept evidence that a specific State or local requirement, although narrower, is nonetheless ''different'' from the FDA requirement and preempted under the act.

FDA believes that it is important to provide States and localities with examples of how to apply the agency's interpretation of the scope of preemption under section 521 of the act, especially because the agency refined its interpretation of *Medtronic*. By providing an example FDA intends to assist States and localities in determining whether they need to apply for an exemption. FDA agrees with the comment that the agency must determine whether a particular requirement is preempted on a case-by-case basis considering, among other factors, the statutory, regulatory or other language, any judicial or administrative interpretations, and any information regarding implementation or enforcement of the requirement. Therefore, FDA remains open to receiving specific information regarding a particular State or local requirement and would consider the information in determining whether the requirement were preempted under section 521(a) of the act.

Several comments suggested that FDA preempt certain types of requirements, including State laws that hold retailers to a standard lower than strict liability for illegally selling tobacco products to minors, and State laws that prohibit using minors to aid in the inspection of tobacco retailers[3]. Comments argued that these types of requirements should be preempted because they frustrate the purpose of the tobacco rule by making it difficult for FDA to enforce the Federal requirements.

First, FDA continues to believe that under *Medtronic* State or local requirements holding retailers liable for knowingly or negligently selling cigarettes or smokeless tobacco to persons under age 18 are not preempted. As explained in the proposal (62 FR 7390 at 7391), State or local statutes that require proving a retailer's negligence or knowledge in an underage sale are similar to counterpart Federal requirements holding retailers strictly liable for illegally selling cigarettes or smokeless tobacco to minors, but they are narrower in scope than the tobacco rule's prohibition of sales to persons under age 18 and therefore are not preempted. Second, because FDA does not have before it a positive enactment to consider, the agency declines to issue an opinion on the preemptive effect of section 521 of the act on the types of requirements that prohibit the use of minors in inspections. Without a specific State or local enactment before the agency, including any legislative, administrative, judicial or enforcement history, the agency cannot determine the effect of either section 521(a) of the act or more general principles of Federal preemption.

Therefore, in response to applications received, FDA is granting exemptions from Federal preemption for certain State requirements in Alabama, Alaska, and Utah relating to cigarettes or smokeless tobacco.

List of Subjects in 21 CFR Part 808

Intergovernmental relations, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 808 is amended as follows:

[3] To ensure that retailers are complying with the tobacco rule and refusing to sell cigarettes or smokeless tobacco to persons under age 18, FDA will conduct compliance checks, wherein an adolescent, accompanied by a State commissioned officer, will attempt to purchase cigarettes or smokeless tobacco.

PART 808—EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL MEDICAL DEVICE REQUIREMENTS

1. The authority citation for 21 CFR part 808 continues to read as follows:

Authority: 21 U.S.C. 360j, 360k, 371.

2. Section 808.51 is added to subpart C to read as follows:

§ 808.51 Alabama.

To the extent that the age restriction on the sale, barter, and exchange of cigarettes and smokeless tobacco found in Alabama Code, section 13A–12–3, is preempted under section 521(a) of the act, the Food and Drug Administration has exempted it from preemption under section 521(b) of the act.

3. Section 808.52 is added to subpart C to read as follows:

§ 808.52 Alaska.

To the extent that the age restriction on the sale and exchange of cigarettes and smokeless tobacco found in Alaska Statutes, sections 11.76.100(a), is preempted under section 521(a) of the act, the Food and Drug Administration has exempted it from preemption under section 521(b) of the act.

4. Section 808.94 is added to subpart C to read as follows:

§ 808.94 Utah.

To the extent that the age restriction on sales of cigarettes and smokeless tobacco found in the Utah Code Annotated, section 76–10–104, is preempted under section 521(a) of the act, the Food and Drug Administration has exempted it from preemption under section 521(b) of the act.

Dated: November 18, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–31213 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AB90

Implementation of the Debt Collection Improvement Act of 1996

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

ACTION: Final rule.

SUMMARY: This rule implements the Federal Civil Monetary Penalty Inflation

Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation, certain civil money penalties authorized by the Surface Mining Control and Reclamation Act of 1977.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Andy DeVito, Office of Surface Mining Reclamation and Enforcement, Room 117, South Interior Building, 1951 Constitution Avenue, NW, Washington, DC 20240; Telephone (202) 208–2701. E-Mail/Internet: adevito@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Debt Collection Improvement Act of 1996
B. Civil Money Penalties Affected by this Adjustment

II. Procedural Matters

A. Effect in Federal Program States and on Indian Lands
B. Effect on State Programs
C. Administrative Procedure Act
D. Executive Order 12866
E. Regulatory Flexibility Act
F. Unfunded Mandates Reform Act
G. Federal Paperwork Reduction Act
H. National Environmental Policy Act
I. Executive Order 12988 on Civil Justice Reform

I. Background

A. The Debt Collection Improvement Act of 1996

In an effort to maintain the deterrent effect of civil money penalties (CMPs) and promote compliance with the law, the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 (the Act) (Pub. L. 101–410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) to require Federal agencies to regularly adjust certain CMPs for inflation. As amended, the Act requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every four years thereafter.

Under the amended Act, the inflation adjustment for a CMP is determined by increasing the CMP by the amount of the cost-of-living adjustment which is defined as the percentage of each CMP by which the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment, exceeds the CPI for the month of June of the calendar year in which the amount of the CMP was last set or adjusted. The amended Act further stipulates that any resulting increases in a CMP due to the calculated inflation adjustments (1) Should apply only to violations that occur after the date the increase takes effect, and (2) should not exceed 10 percent of the penalty indicated.

B. Civil Money Penalties Affected By This Adjustment

Section 518 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, authorizes the Secretary of the Interior to assess CMPs for violations of SMCRA. The regulations of the Office of Surface Mining Reclamation and Enforcement (OSM) implementing the CMP provisions of section 518 of SMCRA are located in 30 CFR 723.14, 723.15, 724.14, 845.14, 845.15, and 846.14. Sections 723.14 and 723.15 were promulgated on September 4, 1980 (45 FR 58783), sections 845.14 and 845.15 on August 16, 1982 (47 FR 35640), and sections 724.14 and 846.14 on February 8, 1988 (53 FR 3664). The CMPs have not been adjusted since the regulations were first issued. Since the cost-of-living adjustment described above would exceed 10 percent of the CMP, the adjustments being made to the CMPs by this rule are being limited to a 10 percent increase as directed by section 7 of the amended Act.

II. Procedural Matters

A. Effect in Federal Program States and on Indian Lands

The rule will apply through cross-referencing to the following Federal program states: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee and Washington. The Federal programs for these States appear at 30 CFR parts 905, 910, 912, 921, 922, 933, 937, 939, 941, 942 and 947, respectively. The rule also applies through cross-referencing to Indian lands under the Federal program for Indian lands as provided in 30 CFR 750.

B. Effect on State Programs

Section 518(i) of SMCRA and 30 CFR 840.13(a) require that the civil penalty provisions of each State program contain penalties which are ''no less stringent than'' those set forth in SMCRA. Following promulgation of the final rule, OSM will evaluate State programs approved under section 503 of SMCRA to determine any changes in those programs that will be necessary. When OSM determines that a particular State program provision should be amended in order to be made no less stringent than the revised Federal regulations, the particular States will be notified in accordance with the provisions of 30 CFR 732.17.

C. Administrative Procedure Act

This final rule has been issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA) (5 U.S.C. 553) provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. OSM has determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rulemaking is consistent with the statutory authority set forth in the Debt Collection Improvement Act of 1996. In that Act, Congress required that the agency issue the inflation adjustment amendments contained in this rule and provided no discretion to the agency regarding either their substance or their issuance. These same reasons also provide OSM with good cause under 5 U.S.C. 553(d)(3) of the APA to have the regulation become effective on a date that is less than 30 days after the date of publication in the **Federal Register**.

D. Executive Order 12866

This rule is not considered a significant regulatory action under the provisions of Executive Order 12866. The rule adjusts OSM's CMPs according to the formula contained in the law. OSM has no discretion in making the adjustments. Further, most coal mining operations subject to these regulations do not engage in prohibited activities and practices, and, as a result, OSM believes that the aggregate economic impact of these revised regulations will be minimal, affecting only those who may engage in prohibited behavior in violation of SMCRA. Consequently, the amount of the CMPs assessed under the revised schedule are not expected to exceed the threshold contained in Executive Order 12866 for an economically significant rule.

E. Regulatory Flexibility Act

The Department of the Interior certifies that this proposed revision would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). While some penalties may have an impact on small entities, it is the nature of the violation and not the size of the entity that will result in issuance of a violation notice and the assessment of a CMP. The aggregate economic impact of this rulemaking on small business entities

should be minimal, affecting only those who violate the provisions of SMCRA.

F. Unfunded Mandates Reform Act

For purposes of compliance with the Unfunded Mandates Reform Act of 1995, this rule does not impose any obligations that individually or cumulatively would require an aggregate expenditure of $100 million or more by State, local, and Tribal governments and the private sector in any given year.

G. Federal Paperwork Reduction Act

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

H. National Environmental Policy Act

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the requirement to prepare an environmental document under the National Environmental Policy Act of 1969. This determination was made in accordance with the Departmental Manual (516 DM 2, Appendix 1.10).

I. Executive Order 12988 on Civil Justice Reform

The Department of the Interior has determined that this rule meets the requirements of sections (3)(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform (61 FR 4729).

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 724

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 846

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

Dated: October 28, 1997.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR parts 723, 724, 845, and 846 are amended as follows.

PART 723—CIVIL PENALTIES

1. The authority citation for Part 723 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, Pub. L. 100–34, Pub. L. 101–410, and Pub. L. 104–134.

2. Section 723.14 is amended by revising the table to read as follows:

§ 723.14 Determination of amount of penalty.

* * * * *

Points	Dollars
1	22
2	44
3	66
4	88
5	110
6	132
7	154
8	176
9	198
10	220
11	242
12	264
13	286
14	308
15	330
16	352
17	374
18	396
19	418
20	440
21	462
22	484
23	506
24	528
25	550
26	660
27	770
28	880
29	990
30	1,100
31	1,210
32	1,320
33	1,430
34	1,540
35	1,650
36	1,760
37	1,870
38	1,980
39	2,090
40	2,200
41	2,310
42	2,420
43	2,530
44	2,640
45	2,750
46	2,860
47	2,970
48	3,080
49	3,190
50	3,300
51	3,410
52	3,520
53	3,630
54	3,740
55	3,850
56	3,960
57	4,070
58	4,180
59	4,290
60	4,400
61	4,510
62	4,620
63	4,730
64	4,840
65	4,950
66	5,060
67	5,170
68	5,280
69	5,390
70	5,500

3. In Section 723.15, paragraph (b) is revised by changing the dollar amount ''$750'' to ''$825.''

PART 724—INDIVIDUAL CIVIL PENALTIES

4. The authority citation for Part 724 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, Pub. L. 100–34, Pub. L. 101–410, and Pub. L. 104–134.

5. Section 724.14 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 724.14 Amount of individual civil penalty.

* * * * *

(b) The penalty shall not exceed $5,500 for each violation. * * *

PART 845—CIVIL PENALTIES

6. The authority citation for Part 845 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, Pub. L. 100–34, Pub. L. 100–202, Pub. L. 100–446, Pub. L. 101–410, and Pub. L. 104–134.

7. Section 845.14 is amended by revising the table to read as follows:

§ 845.14 Determination of amount of penalty.

* * * * *

Points	Dollars
1	22
2	44
3	66
4	88
5	110
6	132
7	154
8	176
9	198
10	220
11	242
12	264
13	286
14	308
15	330
16	352
17	374
18	396
19	418
20	440
21	462
22	484

Points	Dollars
23	506
24	528
25	550
26	660
27	770
28	880
29	990
30	1,100
31	1,210
32	1,320
33	1,430
34	1,540
35	1,650
36	1,760
37	1,870
38	1,980
39	2,090
40	2,200
41	2,310
42	2,420
43	2,530
44	2,640
45	2,750
46	2,860
47	2,970
48	3,080
49	3,190
50	3,300
51	3,410
52	3,520
53	3,630
54	3,740
55	3,850
56	3,960
57	4,070
58	4,180
59	4,290
60	4,400
61	4,510
62	4,620
63	4,730
64	4,840
65	4,950
66	5,060
67	5,170
68	5,280
69	5,390
70	5,500

8. In Section 845.15, paragraph (b) is revised by changing the dollar amount ''$750'' to ''$825.''

PART 846—INDIVIDUAL CIVIL PENALTIES

9. The authority citation for Part 846 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, Pub. L. 100–34, Pub. L. 101–410, and Pub. L. 104–134.

10. Section 846.14 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

* * * * *

(b) The penalty shall not exceed $5,500 for each violation. * * *

[FR Doc. 97–31267 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AH73

Loan Guaranty: Electronic Payment of Funding Fee

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the VA loan guaranty regulations to require that all funding fees (including late fees and interest) for VA-guaranteed loans be paid electronically through the Automated Clearing House (ACH) program. The adoption of the ACH program will eliminate lost mail and eliminate data errors resulting from manual recording. Further accounting reconciliation will be reduced. In addition, banking costs will be reduced. This document also corrects a typographical error in the ''Allowable fees and charges: manufactured home unit'' section.

DATES: *Effective date:* January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 273–7368.

SUPPLEMENTARY INFORMATION: On May 7, 1997, VA published in the **Federal Register** (62 FR 24872) proposed regulations that would require mortgage lenders to pay all funding fees (including late fees and interest) for VA-guaranteed loans electronically through the ACH program effective January 1, 1998. The regulations provide three methods for making payments through the ACH program and specify the standard information the lender must provide the collection agent when submitting loan guaranty funding fees. Please refer to the May 7, 1997, **Federal Register** for a complete discussion of the proposed amendments.

Public comments were requested on the proposal. The comment period ended July 7, 1997. VA received one comment. The comment supported the proposal. The commenter, the Financial Management Service of the Department of the Treasury, stated ''that the proposed rule change will bring significant cost savings to VA's internal operations and provide cash management savings to the Department of the Treasury.''

Based on the rationale set forth in the proposal and this document, the proposed rule is adopted as a final rule without change.

Paperwork Reduction Act

Information collection and recordkeeping requirements associated with the final rule (38 CFR 36.4232, 36.4254, and 36.4312) have been approved by OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3520) and have been assigned OMB control number 2900–0474. The information collection subject to this rulemaking concerns the requirement that lenders provide VA information necessary to get set up on the ACH system to pay the funding fee electronically and the existing requirement that lenders provide VA certain standard information when submitting loan guaranty funding fees. Interested parties were invited to submit comments on the collection of information. However, no comments were received regarding the collection of information.

VA is not authorized to impose a penalty on persons for failure to comply with information collection requirements which do not display a current OMB control number, if required.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The rule implements a program that will enhance operations and be cost beneficial for all participating lenders. Lenders will be able to participate by having access to a personal computer, and personal computing is pervasive within the industry. Lenders will also have the option of paying funding fees by calling an operator who will enter the information into the ACH system for them. Funding fees represent actions that have insignificant impact on lenders. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program numbers are 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Individuals with disabilities, Loan programs—housing and community development, Manufactured homes, Reporting and recordkeeping requirements, Veterans.

Approved: September 3, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36 is amended as set forth below.

PART 36—LOAN GUARANTY

1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501, 3701–3704, 3707, 3710–3714, 3719, 3720, 3729, 3762, unless otherwise noted.

2. In § 36.4232, paragraph (e)(1) is amended by removing ''(e)(4)'' and adding, in its place, ''(e)(5)''; paragraphs (e)(2) and (e)(3) are amended by removing ''paragraphs (e)(4) and'' and adding, in its place, ''paragraph''; and by redesignating paragraph (e)(4) as paragraph (e)(5); by adding a new paragraph (e)(4); and by revising the parenthetical at the end of the section to read as follows:

§ 36.4232 Allowable fees and charges; manufactured home unit.

* * * * *

(e) * * *

(4) The lender is required to pay to the Secretary electronically through the Automated Clearing House (ACH) system the fees described in paragraphs (e)(1) and (e)(2) of this section and any late fees and interest due on them. This shall be paid to a collection agent by operator-assisted telephone, terminal entry, or central processing unit-to-central processing unit (CPU-to-CPU) transmission. The collection agent will be identified by the Secretary. The lender shall provide the collection agent with the following: authorization for payment of the funding fee (including late fees and interest) along with the following information: VA lender ID number; four-digit personal identification number; dollar amount of debit; VA loan number; OJ (office of jurisdiction) code; closing date; loan amount; information about whether the payment includes a shortage, late charge, or interest; veteran name; loan type; sale amount; downpayment; whether the veteran is a reservist; and whether this is a subsequent use of entitlement. For all transactions received prior to 8:15 p.m. on a workday, VA will be credited with the amount paid to the collection agent at the opening of business the next banking day.

(Authority: 38 U.S.C. 3729(a))

* * * * *

(The information collection requirements in this section have been approved by the Office of Management and Budget under control numbers 2900–0474 and 2900–0516.)

3. Section 36.4254 is amended by redesignating paragraphs (d)(4) and (d)(5) as paragraphs (d)(5) and (d)(6), respectively; by adding a new paragraph (d)(4); and by adding a parenthetical at the end of the section to read as follows:

§ 36.4254 Fees and charges.

* * * * *

(d) * * *

(4) The lender is required to pay to the Secretary electronically through the Automated Clearing House (ACH) system the fees described in paragraphs (d)(1) and (d)(2) of this section and any late fees and interest due on them. This shall be paid to a collection agent by operator-assisted telephone, terminal entry, or CPU-to-CPU transmission. The collection agent will be identified by the Secretary. The lender shall provide the collection agent with the following: authorization for payment of the funding fee (including late fees and interest) along with the following information: VA lender ID number; four-digit personal identification number; dollar amount of debit; VA loan number; OJ (office of jurisdiction) code; closing date; loan amount; information about whether the payment includes a shortage, late charge, or interest; veteran name; loan type; sale amount; downpayment; whether the veteran is a reservist; and whether this is a subsequent use of entitlement. For all transactions received prior to 8:15 p.m. on a workday, VA will be credited with the amount paid to the collection agent at the opening of business the next banking day.

(Authority: 38 U.S.C. 3729(a))

* * * * *

(The information collection requirements in this section have been approved by the Office of Management and Budget under control number 2900–0474.)

4. Section 36.4312 is amended by redesignating paragraph (e)(4) as paragraph (e)(5); by adding a new paragraph (e)(4); and by revising the parenthetical at the end of the section to read as follows:

§ 36.4312 Charges and fees.

* * * * *

(e) * * *

(4) The lender is required to pay to the Secretary electronically through the Automated Clearing House (ACH) system the fees described in paragraphs (e)(1) and (e)(2) of this section and any late fees and interest due on them. This shall be paid to a collection agent by operator-assisted telephone, terminal entry, or CPU-to-CPU transmission. The collection agent will be identified by the Secretary. The lender shall provide the collection agent with the following: authorization for payment of the funding fee (including late fees and interest) along with the following information: VA lender ID number; four-digit personal identification number; dollar amount of debit; VA loan number; OJ (office of jurisdiction) code; closing date; loan amount; information about whether the payment includes a shortage, late charge, or interest; veteran name; loan type; sale amount; downpayment; whether the veteran is a reservist; and whether this is a subsequent use of entitlement. For all transactions received prior to 8:15 p.m. on a workday, VA will be credited with the amount paid to the collection agent at the opening of business the next banking day.

(Authority: 38 U.S.C. 3729(a))

* * * * *

(The information collection requirements in this section have been approved by the Office of Management and Budget under control numbers 2900–0474 and 2900–0516.)

[FR Doc. 97–30709 Filed 11–26–97; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 966

Rules of Practice in Proceedings Relative to Administrative Offsets Initiated Against Former Employees of the Postal Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Judicial Officer of the Postal Service hereby revises the rules of procedure governing the conduct of hearings relative to administrative offsets initiated by the Postal Service. This revision transfers the authority to pursue a claim from the Postal Inspection Service to other Postal Service officials, and expands the types of debt that can be considered in these proceedings. Part 966 is renamed to reflect these changes.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Administrative Judge Norman D. Menegat, (202) 268–2138.

SUPPLEMENTARY INFORMATION: Acting in accordance with authority delegated under 39 CFR 226.2(e)(1)(iv), the Judicial Officer revises as set forth below 39 CFR Part 966, the rules of practice governing proceedings relative to administrative offsets initiated by the Postal Service. The rules in this part apply to any hearing on the Postal Service's determination of the existence or amount of a debt owed the Postal

Service by a former postal employee or on the terms of the Postal Service's proposed debt repayment schedule.

The purpose of the revision is to transfer the authority to pursue a claim against a former employee from the Postal Inspection Service to other Postal Service officials. Under the previous rules, the Inspection Service initially asserted a claim against the former employee, received and acted upon the former employee's request for reconsideration and represented the Postal Service in any hearing requested by the former employee under Part 966. Under the revised rules, the claim will be initially asserted by the Postal Service's Minneapolis Accounting Service Center. Reconsideration of the claim, if sought by the former employee, is to be requested from the former employee's Postmaster/Installation Head, and the General Counsel or that officer's designee will represent the Postal Service in any hearing under Part 966.

The types of debt that could be considered in these proceedings were previously limited to those ''based on a loss from the mails or from Postal Service revenues.'' That limitation has been removed, and these procedures apply to debts the Postal Service determines the former employee owes, regardless of the basis of the debt. Additionally, the new rules provide that a former employee whose liability or offset schedule was finally determined while he or she was employed by the Postal Service may not obtain a hearing on the same debt or offset schedule under these procedures after separating from the Postal Service. The revised regulation includes other minor, clarifying changes, including that an oral hearing may be held by telephone or video conference as well as in person.

These revisions are changes in agency rules of procedure that do not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

List of Subjects in 39 CFR Part 966

Administrative practice and procedure, Claims, Debt Collection Act, rules of practice, Postal Service.

Accordingly, the Postal Service revises 39 CFR Part 966 to read as set forth below:

PART 966—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO ADMINISTRATIVE OFFSETS INITIATED AGAINST FORMER EMPLOYEES OF THE POSTAL SERVICE

Sec.

Sec. 966.1 Authority for rules.
Sec. 966.2 Scope of rules.
Sec. 966.3 Definitions.
Sec. 966.4 Petition for a hearing and supplement to petition.
Sec. 966.5 Effect of petition filing.
Sec. 966.6 Filing, docketing and serving documents; computation of time; representation of parties.
Sec. 966.7 Answer to petition.
Sec. 966.8 Authority and responsibilities of Hearing Official or Judicial Officer.
Sec. 966.9 Opportunity for oral hearing.
Sec. 966.10 Initial decision.
Sec. 966.11 Appeal.
Sec. 966.12 Waiver of rights.
Sec. 966.13 Ex parte communications.

Authority: 39 U.S.C. 204, 401, 2601.

§ 966.1 Authority for rules.

These rules of practice are issued by the Judicial Officer pursuant to authority delegated by the Postmaster General.

§ 966.2 Scope of rules.

The rules in this part apply to any petition filed by a former postal employee:

(a) To challenge the Postal Service's determination that he or she is liable to the Postal Service for a debt incurred in connection with his or her Postal Service employment; and/or

(b) To challenge the administrative offset schedule proposed by the Postal Service for collecting any such debt.

§ 966.3 Definitions.

(a) *Administrative offset* refers to the withholding of money payable by the Postal Service or the United States to, or held by the Postal Service or the United States for, a former employee in order to satisfy a debt determined to be owed by the former employee to the Postal Service.

(b) *Debt* refers to any amount determined by the Postal Service to be owed to the Postal Service by a former employee.

(c) *Former employee* refers to an individual whose employment with the Postal Service has ceased. An employee is considered formally separated from the Postal Service rolls as of close of business on the effective date of his or her separation. Postal Service Form 50.

(d) *General Counsel* refers to the General Counsel of the Postal Service, and includes a designated representative.

(e) *Hearing Official* refers to an Administrative Law Judge qualified to hear cases under the Administrative Procedure Act, an Administrative Judge appointed under the Contract Disputes Act of 1978, or any other qualified person licensed to practice law designated by the Judicial Officer to preside over a hearing conducted pursuant to this part.

(f) *Judicial Officer* refers to the Judicial Officer, Associate Judicial Officer, or Acting Judicial Officer of the Postal Service.

(g) *Postmaster/Installation Head* refers to the top management official at a particular post office or installation when an alleged debt owed by a former employee was incurred, or to that official's successor, or to the department head who had general supervisory responsibility for a former employee at Area Offices or National Headquarters when an alleged debt owed by that former employee was incurred, or to that official's successor. Where the former employee was a Postmaster/Installation Head, the term refers to the official to whom the Postmaster/Installation Head reported when an alleged debt owed by that former employee was incurred, or to that official's successor. Where the former employee was in the Inspection Service, the term refers to the former employee's immediate supervisor when an alleged debt owed by that former employee was incurred, or to that official's successor. Where the former employee was in the Office of Inspector General, the term refers to the Inspector General, or to the Inspector General's delegate.

(h) *Reconsideration* refers to the review of an alleged debt and/or the proposed offset schedule conducted by the Postmaster/Installation Head at the request of a former employee alleged to be indebted to the Postal Service.

(i) *Recorder* refers to the Recorder, Judicial Officer Department, United States Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–6100.

§ 966.4 Petition for a hearing and supplement to petition.

(a) A former employee who is alleged to be responsible for a debt to the Postal Service may petition for a hearing under this part, provided:

(1) Liability for the debt and/or the proposed offset schedule has not been established under Part 452.3 or Part 462.3 of the Employee & Labor Relations Manual;

(2) He or she has received a Notice from the Minneapolis Accounting Service Center (or its successor installation) informing him or her of the debt and an offset schedule to satisfy the debt and of the right to request

reconsideration by the Postmaster/Installation Head; and

(3) He or she has requested and received reconsideration of the existence or amount of the alleged debt and/or the offset schedule proposed by the Postal Service.

(b) Within thirty (30) calendar days after the date of receipt of the Postmaster/Installation Head's written decision upon reconsideration, the former employee must file a written, signed petition, requesting a written or oral hearing, with the Recorder, Judicial Officer Department, United States Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–6100.

(c) The petition must include the following:

(1) The words, ''Petition for Review Under 39 CFR Part 966'';

(2) The former employee's name and social security number;

(3) The former employee's home address and telephone number, and any other address and telephone number at which the former employee may be contacted about these proceedings;

(4) A statement of the date the former employee received the Postmaster/Installation Head's written decision upon reconsideration of the alleged debt, and a copy of the decision;

(5) A statement indicating whether the former employee requests an oral hearing or a decision based solely on written submissions;

(6) If the former employee requests an oral hearing, a statement describing the evidence he or she will produce which makes an oral hearing necessary, including a list of witnesses, with their addresses, whom the former employee expects to call; a summary of the testimony the witnesses are expected to present; the city requested for the hearing site, with justification for holding the hearing in that city; and at least three proposed dates for the hearing at least forty-five (45) days after the filing of the petition;

(7) A statement of the grounds upon which the former employee objects to the Postal Service's determination of the debt or to the administrative offset schedule proposed by the Postal Service for collecting any such debt. This statement should identify with reasonable specificity and brevity the facts, evidence, and legal arguments, if any, which support the former employee's position; and

(8) Copies of all records in the former employee's possession which relate to the debt and which the former employee may enter into the record of the hearing.

(d) The former employee may, if necessary, file with the Recorder additional information as a supplement to the petition at any time prior to the filing of the answer to the petition under § 966.7, or at such later time as permitted by the Hearing Official upon a showing of good cause.

§ 966.5 Effect of petition filing.

Upon receipt and docketing of the former employee's petition, the Recorder will notify the General Counsel that the petition has been filed and that a timely filed petition stays further collection action.

§ 966.6 Filing, docketing and serving documents; computation of time; representation of parties.

(a) *Filing.* All documents required under this part must be filed by the former employee or the General Counsel in triplicate with the Recorder. (Normal Recorder office business hours are between 8:15 a.m. and 4:45 p.m., eastern standard or daylight saving time as appropriate during the year.) The Recorder will transmit a copy of each document filed to the other party, and the original to the Hearing Official.

(b) *Docketing.* The Recorder will maintain a docket record of proceedings under this part and will assign each petition a docket number. After notification of the docket number, the former employee and General Counsel should refer to it on any further filings regarding the petition.

(c) *Time computation.* A filing period under the rules in this part excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

(d) *Representation of parties.* After the filing of the petition, further document transmittals for, or communications with, the Postal Service shall be through its representative, the General Counsel. If a former employee is represented by an attorney authorized to practice law in any of the United States or the District of Columbia or a territory of the United States, further transmissions of documents and other communications with the former employee shall be made through his or her attorney rather than directly with the former employee.

§ 966.7 Answer to petition.

Within thirty (30) days after the date of receipt of the petition, the General Counsel shall file an answer to the petition, and attach all available relevant records and documents in support of the Postal Service's claim, or the administrative offset schedule proposed by the Postal Service for collecting any such claim; a statement of whether the Postal Service concurs in, or objects to, an oral hearing, if the former employee requests one, with the reason(s) for the Postal Service's objection; a list of witnesses the Postal Service intends to call if an oral hearing is requested and the request is granted; a synopsis of the testimony of each witness; a statement of concurrence or objection to the proposed location and dates for the oral hearing; and a statement of the basis for the determination of debt or offset schedule if not contained in the relevant records or documents. If the former employee files a supplement to the petition, the General Counsel may file any supplemental answer and records to support the position of the Postal Service within twenty (20) calendar days from the date of receipt of the supplement filed with the Recorder.

§ 966.8 Authority and responsibilities of Hearing Official or Judicial Officer.

(a) In processing a case under this part, the Hearing Official's authority includes, but is not limited to, the following:

(1) Ruling on all offers, motions, or requests by the parties;

(2) Issuing any notices, orders, or memoranda to the parties concerning the hearing procedures;

(3) Conducting telephone conferences with the parties to expedite the proceedings (a memorandum of a telephone conference will be transmitted to both parties);

(4) Determining if an oral hearing is necessary, the type of oral hearing that would be appropriate, and setting the place, date, and time for such hearing;

(5) Administering oaths or affirmations to witnesses;

(6) Conducting the hearing in a manner to maintain discipline and decorum while assuring that relevant, reliable, and probative evidence is elicited on the issues in dispute, and that irrelevant, immaterial, or repetitious evidence is excluded;

(7) Establishing the record in the case;

(8) Issuing an initial decision or one on remand; and

(9) Granting, at the request of either party, reasonable time extensions.

(b) The Judicial Officer, in addition to possessing such authority as is described elsewhere in this part, shall possess all of the authority and responsibilities of a Hearing Official.

§ 966.9 Opportunity for oral hearing.

An oral hearing generally will be held only in those cases which, in the opinion of the Hearing Official, cannot be resolved by a review of the documentary evidence, such as when

the existence, or amount, of a debt turns on issues of credibility or veracity. An oral hearing includes an in-person hearing, a telephonic hearing, or a hearing by video conference. When the Hearing Official determines that an oral hearing is not necessary, the decision shall be based solely on written submissions.

§ 966.10 Initial decision.

(a) After the receipt of written submissions or after the conclusion of the hearing and the receipt of any post-hearing briefs, the Hearing Official shall issue a written initial decision, including findings of fact and conclusions of law, which the Hearing Official relied upon in determining whether the former employee is indebted to the Postal Service, or in upholding or revising the administrative offset schedule proposed by the Postal Service for collecting a former employee's debt. When the Judicial Officer presides at a hearing he or she shall issue a final or a tentative decision.

(b) The Hearing Official shall promptly send to each party a copy of the initial or tentative decision, and a statement describing the right of appeal to the Judicial Officer in accordance with § 966.11.

§ 966.11 Appeal.

The initial or tentative decision will become final and an order to that effect will be issued by the Judicial Officer thirty (30) days after issuance and receipt by the parties of the initial or tentative decision unless the Judicial Officer, in his discretion, grants review upon appeal by either party, or on his own motion. If an appeal is denied, the initial or tentative decision becomes the final agency decision upon the issuance of such denial. The Judicial Officer's decision on appeal is the final agency decision with no further right of appeal within the agency.

§ 966.12 Waiver of rights.

The Hearing Official may determine the former employee has waived his or her right to a hearing and administrative offset may be initiated if the former employee:

(a) Files a petition for hearing after the end of the prescribed thirty (30) day period, and fails to demonstrate to the satisfaction of the Hearing Official good cause for the delay;

(b) Has received notice to appear at an oral hearing but fails to do so without showing circumstances beyond the former employee's control;

(c) Fails to file required submissions or to comply with orders of the Hearing Official; or

(d) Files a withdrawal of his or her petition for a hearing with the Recorder.

§ 966.13 Ex parte communications.

Ex parte communications between a Hearing Official or his or her staff and a party shall not be made. This prohibition does not apply to procedural matters. A memorandum of any communication between the Hearing Official and a party will be transmitted to both parties.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–30010 Filed 11–26–97; 8:45 am]

BILLING CODE 7710–12–P

Proposed Rules

Federal Register
Vol. 62, No. 229
Friday, November 28, 1997

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AH61

Federal Employees Health Benefits Program: Disenrollment

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations that are consistent with existing administrative procedures requiring employing offices to provide information about enrollees in the Federal Employees Health Benefits (FEHB) Program to the carriers of the FEHB plans in which they are enrolled. Carriers are also required to use the information provided by employing offices to reconcile their enrollment records. The proposed regulations would also regularize the conditions that would allow carriers to disenroll individuals when their employing office of record does not show them as enrolled in the carrier's plan and the carrier is otherwise unable to verify the enrollment. The purpose of these proposed regulations is to facilitate reconciliation of carrier and employing office enrollment records, especially in cases where the carrier has not previously received a notice showing an enrollment no longer is valid.

DATES: Comments must be received on or before December 29, 1997.

ADDRESSES: Send written comments to Frank D. Titus, Assistant Director for Insurance Programs, Retirement and Insurance Service, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; or deliver to OPM, Room 3425, 1900 E Street NW., Washington, DC; or FAX to (202) 606–0633.

FOR FURTHER INFORMATION CONTACT: Margaret Sears (202) 606–0004.

SUPPLEMENTARY INFORMATION: The proposed regulations are consistent with existing procedures that require employing offices to report to each carrier on a quarterly basis the names and certain other data about employees and other individuals serviced through its payroll office(s) who are enrolled in the carrier's plan. OPM would specify the format and the information to be contained in the report, such as the individual's Social Security Number and the amount of withholdings and contributions for that individual. Carriers would use the information to reconcile their enrollment records.

Currently, when the carrier receives a quarterly report, it is required by contract to compare the enrollees listed with its own record of enrollees for that payroll office. If the carrier records show an enrollee that is not listed by the payroll office, the carrier contacts the payroll office for an explanation. The payroll office provides documentation to resolve the discrepancy or gives the reason the employee is no longer in the plan or no longer on the payroll (for example, the employee canceled the enrollment, separated from Federal service, retired, changed plans, or transferred to a different agency) and the effective date of the change.

The proposed regulations would adopt as regulatory requirements the current administrative quarterly reporting requirement and the requirement for carriers to use the information to reconcile their enrollment records. If the payroll office of record with the carrier is unable to provide information about the enrollment, the proposed regulations would give the carrier the authority to disenroll the individual, after giving him or her the opportunity to respond. Carriers do not currently have the authority to disenroll individuals.

The proposed regulations also provide an administrative procedure for notifying the enrollee of the disenrollment. Under these procedures the carrier would be required to notify the enrollee that the employing agency of record did not show him or her as enrolled. The enrollee would have 31 days after the date of the notice to provide documentation showing that he or she was enrolled in the plan. If the enrollee did not provide such documentation within the required time frame, the carrier would disenroll him or her without further notice.

Under the proposed regulations the employee or annuitant could ask his or her employing office or retirement system to reconsider the carrier's decision to disenroll the enrollee. The employing office would be required to notify both the enrollee and the carrier of its determination, fully explaining its findings and conclusions.

We expect that few individuals would reach the end of this process without their actual enrollment status becoming clear. However, in the event that an individual was disenrolled under the proposed regulations and it is later discovered that another provision of the regulations should have been applied to the individual's circumstances, the disenrollment under this regulation would become void and the enrollment would be reinstated retroactively to the date of the disenrollment. For example, if it later became clear that the individual's enrollment should have continued because he or she retired under circumstances allowing continued enrollment, the disenrollment would become void.

The proposed regulations would allow a carrier to end a self only enrollment upon receipt of reliable information that the enrollee had died. A carrier may learn of the death of an enrollee when it processes the claim for hospital or physician costs incurred at the time of death. It may also learn of an enrollee's death when correspondence is returned by the Postal Service with the notation that the addressee is deceased. These would be considered reliable sources. Since proof of death is not required, the carrier would send notification of its action to the enrollee so that the enrollee, if still living, could so inform the carrier. The discovery that the report of death was in error would void the disenrollment.

The proposed regulations would allow a carrier to disenroll a child survivor annuitant when the child becomes age 22, unless the carrier has information indicating that the child is eligible for continued coverage because the child is incapable of self support due to a physical or mental disability. The proposed regulations include an administrative procedure under which the child can ask the retirement system to reconsider the carrier's decision to disenroll the child. The carrier is also required to provide the child with notice of his or her conversion right and possible eligibility for temporary continuation of coverage.

Finally, the proposed regulations allow the carrier to disenroll a former employee who notifies the carrier that he or she has separated from Federal employment under circumstances that do not entitle him or her to an immediate annuity. The carrier would be required to send the individual a written notice prescribed or approved by OPM.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect administrative procedures for Federal agencies and health benefit carriers that participate in the FEHB Program.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,

Acting Director.

Accordingly, OPM proposes to amend 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.102(f) also issued under sec. 153 of Pub. L. 104–134; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended.

2. In subpart A, § 890.110 is added to read as follows:

§ 890.110 Enrollment reconciliation.

(a) Each employing office must report to each carrier on a quarterly basis the names of the individuals who are enrolled in the carrier's plan in a format and containing such information as required by OPM.

(b) The carrier must compare the data provided with its own enrollment records. When the carrier finds in its aggregate enrollment records individuals whose names do not appear in the report from the employing office of record, the carrier must request the employing office to provide the documentation necessary to resolve the discrepancy.

3. In subpart C, § 890.308 is added to read as follows:

§ 890.308 Disenrollment.

(a)(1) Except as otherwise provided in this section, a carrier that cannot reconcile its record of an individual's enrollment with agency enrollment records must provide written notice to the individual that the employing office of record does not show him or her as enrolled in the carrier's plan and that he or she will be disenrolled 31 days after the date of the notice unless the enrollee provides appropriate documentation to resolve the discrepancy. Appropriate documentation includes, but is not limited to, a copy of the Standard Form 2809 (basic enrollment document), the Standard Form 2810 transferring the enrollment into the gaining employing office (or the equivalent electronic submission), copies of earnings and leave statements or annuity statements showing withholdings for the health benefits plan, or a document or other credible information from the enrollee's employing office stating that the employee is entitled to continued enrollment in the plan and that the premiums are being paid.

(2) If the carrier does not receive documentation required under paragraph (a)(1) of this section within the specified time frame, the carrier must disenroll the individual, without further notice.

(3) The enrollee may request his or her employing office to reconsider the carrier's decision to disenroll the individual. The request for reconsideration must be made in writing and must include the enrollee's name, address, Social Security Number or other personal identification number, name of carrier, reason(s) for the request, and, if applicable, retirement claim number.

(4) A request for reconsideration of the carrier's decision must be filed within 60 calendar days after the date of the carrier's disenrollment notice. The time limit on filing may be extended when the individual shows that he or she was not notified of the time limit and was not otherwise aware of it, or that he or she was prevented by circumstances beyond his or her control from making the request within the time limit.

(5) After reconsideration, the employing office must issue a written notice of its final decision to the individual and the carrier. The notice must fully set forth the findings and conclusions on which the decision was based.

(6) If, at any time after the disenrollment has occurred, the employing office or OPM determines that another provision of this part applies to the individual's enrollment or the carrier discovers or receives appropriate documentation showing that another section of this part applies to the individual's enrollment, the disenrollment under paragraph (a)(2) of this section is void and coverage is reinstated retroactively.

(b) When a carrier receives, from any reliable source, information of the death of an enrollee with a self only enrollment, the carrier may take action to disenroll the individual on the date set forth in § 890.304(a)(1)(iv) or § 890.304(b)(4) of this part, as appropriate. The carrier must attempt to notify the affected individual or a family member of the disenrollment. If, at any time after the disenrollment has occurred, the employing office or OPM determines that another provision of this part applies to the individual's enrollment or the carrier discovers or receives appropriate documentation showing that another section of this part applies to the individual's enrollment, the disenrollment under this paragraph (b) is void and coverage is reinstated retroactively.

(c)(1) When a child survivor annuitant covered under a self only enrollment reaches age 22, the carrier may take action to disenroll the individual effective with the date set forth in § 890.304(c)(1) unless records with the carrier indicate that the child is incapable of self support due to a physical or mental disability. The carrier must provide the enrollee with a written notice of disenrollment prescribed or approved by OPM.

(2) The child survivor enrollee may request the retirement system to reconsider the carrier's decision to disenroll the individual. The request for reconsideration must be made in writing and include the enrollee's name, address, Social Security Number or other identifier, name of carrier, reason(s) for the request, and the survivor annuity claim number.

(3) A request for reconsideration of the carrier's decision must be filed with the retirement system within 30 calendar days from the date of the carrier's disenrollment notice. The time limit on filing may be extended when the individual shows that he or she was not notified of the time limit and was not otherwise aware of it, or that he or she was prevented by circumstances beyond his or her control from making the request within the time limit.

(4) After reconsideration, the retirement system must issue a written

notice of its final decision to the individual and provide a copy to the carrier. The notice must fully set forth the findings and conclusions on which the decision was based.

(5) If, at any time after the disenrollment has occurred, the employing office or OPM determines that another provision of this part applies to the individual's enrollment or the carrier discovers or receives appropriate documentation showing that another section of this part applies to the individual's enrollment, the disenrollment under paragraph (c)(1) of this section is void and coverage is reinstated retroactively.

(d) When an enrollee notifies the carrier that he or she has separated from Federal employment and is no longer eligible for enrollment, the carrier must disenroll the individual, subject to the 31-day temporary extension of coverage and conversion right under § 890.401, on the last day of the pay period in which the separation occurred, if known, otherwise the carrier must disenroll the employee on the date the employee provides as the date of separation. The carrier must notify the enrollee of his or her right to convert to a nongroup contract with the carrier and possible eligibility to enroll under the temporary continuation of coverage provisions as set forth in subpart K of this part based on the termination of enrollment as provided under § 890.304(a)(1)(i).

[FR Doc. 97–31166 Filed 11–26–97; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 97–006P]

RIN 0583–AC33

Addition of Mexico to the List of Countries Eligible to Export Poultry Products Into the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to add Mexico to the list of countries eligible to export poultry products into the United States. Reviews of Mexico's laws, regulations, and other materials show that its poultry processing system meets requirements equivalent to all provisions in the Poultry Products Inspection Act (PPIA) and its implementing regulations.

Only poultry products that have been slaughtered in federally inspected establishments in the United States or in establishments in other countries eligible to export poultry to the United States and have then been processed in certified Mexican establishments would be permitted to be imported into the United States. All poultry products exported from Mexico to the United States must be reinspected at the U.S. ports-of-entry by FSIS inspectors.

This action would enable certified poultry processing establishments in Mexico to export processed poultry products into the United States.

DATES: Comments must be received on or before January 27, 1998.

ADDRESSES: Send an original and two copies of comments to: FSIS Docket Clerk, Docket #97–006P, Room 102, Cotton Annex, 300 C Street, SW, Washington, DC 20250–3700. Reference materials cited in this document and any comments received will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Manis, Director, International Policy Development Division, Office of Policy, Program Development and Evaluation; (202) 720–6400.

SUPPLEMENTARY INFORMATION:

Background

FSIS is proposing to amend the poultry products inspection regulations to add Mexico to the list of countries eligible to export poultry products to the United States. Section 17 of the PPIA (21 U.S.C. 466) prohibits the importation into the United States of slaughtered poultry or poultry products unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food. Imported poultry products must be in compliance with the poultry products inspection regulations to ensure that they meet the standards provided in the PPIA. 9 CFR 381.196 establishes the procedures by which foreign countries wanting to export poultry or poultry products to the United States may become eligible to do so.

Section 381.196(a) requires authorities in a foreign country's poultry inspection system to certify that (1) the system provides standards equivalent to those of the United States and (2) the legal authority for the system and its implementing regulations are equivalent to those of the United States. Specifically, a country's regulations must impose requirements equivalent to those of the United States in the following areas: (1) Ante-mortem and post-mortem inspection; (2) official controls by the national government over plant construction, facilities, and equipment; (3) direct and continuous supervision of slaughter activities and product preparation by official inspection personnel; (4) separation of establishments certified to export from those not certified; (5) maintenance of a single standard of inspection and sanitation throughout certified establishments; and (6) official controls over condemned product.

Section 381.196 also requires a poultry inspection system maintained by a foreign country, with respect to establishments preparing products in that country for export to the United States, to ensure that those establishments and their poultry products comply with requirements equivalent to the provisions of the PPIA and the poultry products inspection regulations. Foreign country authorities must be able to ensure that all certifications required under Subpart T of the poultry product inspection regulations (Imported Poultry Products) can be relied upon before approval to export poultry and poultry products to the United States may be granted. Here, the government of Mexico would be responsible for establishing a system of controls to ensure that only poultry from eligible countries and establishments is used in poultry products processed in Mexico and destined for the United States. Besides relying on its initial determination of a country's eligibility, coupled with ongoing reviews to ensure that products shipped to the United States are safe, wholesome and properly labeled and packaged, FSIS randomly samples imported meat and poultry products for reinspection as they enter the United States.

In addition to meeting the certification requirements, a foreign country's inspection system must be evaluated by FSIS before eligibility to export poultry and poultry products can be granted. This evaluation consists of two processes: a document review and an on-site review. The document review is an evaluation of the laws, regulations, and other written materials used by the country to operate its inspection program. To help the country in organizing its material, FSIS gives the country questionnaires asking for detailed information about the country's inspection practices and procedures in

five risk areas. These five risk areas, which are the focus of the evaluation, are contamination, disease, processing, residues, and compliance/economic fraud. FSIS evaluates the information to verify that the critical points in the five risk areas are addressed satisfactorily with respect to standards, activities, resources, and enforcement. If the document review is satisfactory, on-site reviews are scheduled using a multi-disciplinary team to evaluate all aspects of the country's delivery of its inspection program, including laboratories and individual establishments within the country.

Evaluation of the Mexican Inspection System

In 1988, following an in-depth evaluation of its meat inspection system, Mexico was granted eligibility to export fresh and further processed meat products subject to the Federal Meat Inspection Act to the United States. The government agency in Mexico responsible for inspecting meat for export to the United States also has authority over poultry inspection. Thus, the authorities operating the Mexican inspection system have for several years demonstrated their knowledge of the U.S. inspection system, and successfully provided inspection equivalence for fresh and processed meat.

In response to a request from the Mexican government for approval to export poultry to the United States, FSIS conducted a review of the Mexican poultry inspection system to determine if it was equivalent to the U.S. poultry inspection system. First, FSIS compared Mexico's poultry inspection laws and regulations with U.S. requirements. The study concluded that the requirements contained in Mexico's poultry inspection laws and regulations are equivalent to those mandated by the PPIA and implementing regulations. FSIS then conducted an on-site review of the Mexican poultry inspection system in operation. This review was conducted between May 28 and June 5, 1996. The FSIS review team concluded that Mexico's implementation of poultry processing standards and procedures was equivalent to that of the United States and that Mexico's official residue control laboratory was fully capable of testing poultry products. The parties have agreed to postpone final decision making regarding Mexico's implementation of slaughter processing standards and procedures until a later date. As a result, poultry processed in Mexican establishments approved to export to the United States must be slaughtered in the United States under USDA inspection or in establishments in other countries that are certified as eligible to export to the United States. The Mexican government has agreed to conduct its program in a way that ensures that only poultry from eligible countries and establishments is used in poultry products processed in Mexico destined for the United States.

All lots of poultry products exported to the United States from Mexico will be reinspected at the ports-of-entry for transportation damage, labeling, proper certification, general condition and accurate count. Other types of inspection will also be conducted, including examining the product for defects and performing laboratory analyses that will detect chemical residues on the product or determine whether the product is microbiologically contaminated.

Products that pass reinspection will be stamped with the official mark of inspection and allowed to enter U.S. commerce. If they do not meet U.S. requirements, they will be stamped ''U.S. Refused Entry'' and must be reexported, destroyed or converted to animal food.

Accordingly, FSIS is proposing to amend § 381.196 of the poultry products inspection regulations to add Mexico as a country from which poultry products may be eligible for import into the United States. As a country eligible to export poultry products into the United States, the government of Mexico would certify to FSIS those establishments wishing to export such products to the United States and operating according to U.S. requirements. FSIS would retain the right to verify that establishments certified by the Mexican government are meeting the U.S. requirements. This would be done through on-site reviews of the establishments while they are in operation.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) all state and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be significant and has been reviewed by OMB under Executive Order 12866.

In accordance with 5 U.S.C. 603, FSIS has also conducted an initial regulatory flexibility analysis regarding the impact of the rule on small entities. However, FSIS does not currently have all the data necessary for a comprehensive analysis of the effects of this rule on small entities. Therefore, FSIS is inviting comments concerning potential effects. In particular, FSIS is interested in determining the number and type of small entities that may incur benefits or costs from implementation of this proposed rule.

This proposed rule would add Mexico to the list of countries eligible to export poultry products into the United States. However, through use of required certificates, poultry imports from Mexico would be limited to only products derived from carcasses slaughtered under federal inspection in the United States or slaughtered under the inspection systems of other countries that are now eligible to export poultry to the United States. Currently, only Canada, Great Britain, France, Israel and Hong Kong are on the list of countries eligible to export poultry products into the United States. Any exports from Hong Kong are restricted to products slaughtered under federal inspection in the United States or slaughtered in the inspection systems of Canada, Great Britain, France or Israel.

With implementation of the proposed rule, FSIS expects to see some domestic poultry establishments shipping whole carcasses or parts of carcasses to certified Mexican establishments. These carcasses or parts of carcasses would then be cut-up, deboned or further processed in these Mexican establishments. Some processed poultry products, particularly higher valued products such as boneless breast meat, would then be shipped to markets in the United States. Products shipped to the United States could also include poultry sausage and other cooked products.

As this process unfolds, total pounds of poultry exports would go up. Because some further processed products would be shipped back to the United States, imports of poultry products would also increase. A corresponding decrease in domestic jobs associated with cutting and deboning operations would occur.

With implementation, poultry firms could lower overall processing costs by having labor-intensive cut-up and deboning operations performed in certified Mexican establishments where wages can be expected to be lower. However, FSIS believes the potential for any significant changes in overall production costs would be limited. First, cut-up and boning operations are currently conducted by relatively lower wage employees. The value added by these operations is relatively small. In 1996, wholesale prices of whole broilers

averaged $.61 per pound, whereas wholesale prices of cut-up broilers averaged $.66 per pound. Second, the potential for lowering production costs using lower wage employees would be offset by export fees, import fees and increased shipping/transportation costs.

Considering these factors, FSIS does not anticipate any measurable change in market prices for processed poultry products. Because of shipping and transportation costs, FSIS expects most of the change to be limited to firms located relatively close to the Mexican border. For the same reasons, FSIS does not expect to see increases in poultry imports from Mexico processed from birds slaughtered in other countries such as Canada and Great Britain. Currently, Mexico imports very little poultry from other countries. In 1996, Mexico imported approximately 396 million pounds of poultry and poultry products. More than 97 percent was imported from the United States.

FSIS does not believe this rule would offset enough product to affect domestic poultry prices. In 1996, U.S. poultry production was approximately 32.3 billion pounds on a ready-to-cook carcass weight basis. The United States exported approximately 386 million pounds to Mexico. With this rule, exports would likely increase more than imports on a pound basis. However, considering that imports would consist of value-added products, it is possible that the dollar value of imports will increase more than the value of exports.

As noted above, FSIS is requesting comments on the potential effect of this proposal on small entities. While most poultry is cut-up and boned in large firms, there are many small businesses involved in cut-up, boning and further poultry processing operations. Although changes in prices would affect these small businesses, FSIS does not expect measurable price changes for the reasons already discussed.

Paperwork Requirements

No new paperwork requirements are associated with this proposed rule. Foreign countries wanting to export poultry or poultry products to the United States are required to provide information to FSIS certifying that its inspection system provides standards equivalent to those of the United States and that the legal authority for the system and its implementing regulations are equivalent to those of the United States's before they may start exporting such product to the United States. FSIS collects this information one time only. FSIS gave Mexico questionnaires asking for detailed information about the country's inspection practices and procedures to assist the country in organizing its materials. This information collection was approved under OMB number 0583–0094. The proposed rule contains no other paperwork requirements.

List of Subjects 9 CFR Part 381

Imports, Poultry and poultry products.

For the reasons set out in the preamble, 9 CFR part 381 would be amended as follows:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 would continue to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 450; 21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

§ 381.196 [Amended]

2. Section 381.196 would be amended by adding ''Mexico'' in alphabetical order to the list of countries in paragraph (b).

Done at Washington, DC, on: November 18, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97–31177 Filed 11–24–97; 10:10 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–154–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

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 all Dornier Model 328 series airplanes. This proposal would require a one-time inspection of the date stamp affixed to the wing deicing boots to determine the cure date, and replacement of the deicing boot with a new boot, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent delamination of the wing deicing boots, and resultant inflation of the deicing boots to a distorted aerodynamic shape during flight, which could result in reduced controllability of the airplane.

DATES: Comments must be received by December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–154–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Dornier Deutsche Aerospace, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 shall 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 Number 97–NM–154–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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–154–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on all Dornier Model 328–100 series airplanes. The LBA advises that it has received two reports indicating that, during routine inspections, a wing deicing boot was found to be delaminated. The cause of the delamination of certain boots (i.e., those having cure dates of January 31, 1994, or earlier) has been attributed to the curing process used during manufacture. This condition, if not detected and corrected in a timely manner, could allow a deicing boot to inflate to a distorted aerodynamic shape during flight, which could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB–328–30–171, dated September 20, 1996, including Annexes 1 and 2 (undated), which describes procedures for performing a one-time visual inspection of the date stamp affixed to the wing deicing boots to determine the cure date; and replacement of the boot with a new boot, if the cure date is January 31, 1994, or earlier. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 96–320, dated November 7, 1996, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 50 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,000, or $60 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

Dornier: Docket 97–NM–154–AD.

Applicability: All Model 328–100 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent delamination of the wing deicing boots and resultant inflation of the deicing boots to a distorted aerodynamic shape during flight, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 120 days after the effective date of this AD, perform a one-time visual inspection of the date stamp affixed to each wing deicing boot to determine the cure date, in accordance with Dornier Service Bulletin SB–328–30–171, dated September 20, 1996, including Annexes 1 and 2 (undated). If the cure date of any deicing boot is January 31, 1994, or earlier, or if the cure date of the deicing boot cannot be determined, prior to further flight, replace the deicing boot with a new deicing boot having a cure date later than January 31, 1994, in accordance with the service bulletin.

(b) As of the effective date of this AD, no person shall install on any airplane a wing deicing boot having a cure date of January 31, 1994, or earlier.

(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, nternational Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 3: The subject of this AD is addressed in German airworthiness directive 96–320, dated November 7, 1996.

Issued in Renton, Washington, on November 20, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31157 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–231–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model

EMB–120 Series Airplanes

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 certain EMBRAER Model EMB–120 series airplanes. This proposal would require deactivation of certain circuit breakers, and a revision to the Airplane Flight Manual (AFM) to provide operational procedures to prevent loss of electrical power following an engine flameout. This proposal also would require modifications of the electrical system, which would terminate the requirement for the AFM revision and allow reactivation of the circuit breakers. This proposal is prompted by the issuance of mandatory continued airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent generator overload conditions that could result in loss of electrical power and failure of certain flight and landing control systems, and to prevent power interruption to the attitude heading reference system (AHRS) that could result in the display of erroneous heading information.

DATES: Comments must be received by December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–231–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S/A, Sao Jose dos Campos, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: John W. McGraw, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6098; fax (770) 703–6097.

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 shall 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 Number 97–NM–231–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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–231–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–120 series airplanes. The DAC advises that it received a report of one instance of substantial electrical power loss after flameout of the number 1 engine. The power loss was caused by activation of the system overload protection due to excessive loads on the remaining number 2 engine generator, which led to loss of certain flight and landing control systems. The DAC also advises that, due to power interruption for a few milliseconds to the attitude heading reference system (AHRS), erroneous heading information in both electronic horizontal situation indicators (EHSI) may be provided, without warning to the pilots, during an electrical emergency or when the electrical emergency switch is set to the ''EMERGENCY'' position. This condition, if not corrected, could result in generator overload conditions that could result in loss of electrical power and failure of certain flight and landing control systems, and power interruption to the AHRS that could result in display of erroneous heading information.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 120–24–0008, Change 04, dated October 3, 1995, which describes procedures for modification of the electrical system.

This modification involves revising the electrical connections and wiring in the relay boxes and circuit breaker panels.

EMBRAER has also issued Service Bulletin 120–24–0051, Change 04, dated March 8, 1995, which also describes procedures for modification of the electrical system. This modification involves electrical load redistribution and introduction of a contactor to connect a direct current (DC) bus to the emergency bus.

Accomplishment of the actions specified in these service bulletins is

intended to adequately address the identified unsafe condition.

The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directives (DAE) 93–24–01, dated December 31, 1993; 94–03–01R1, dated December 10, 1994, and 93–12–01R1, dated December 12, 1994, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil 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 DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

The proposed AD also would require a revision to the FAA-approved Airplane Flight Manual (AFM) to provide operational procedures in the event of loss of electrical power following an engine flameout.

Differences Between the Proposal and Related Brazilian AD

This proposed AD differs from the parallel Brazilian airworthiness directives in the following four respects:

1. It would not require (as DAE 93–24–01 and DAE 93–12–01R1 require) that the electrical emergency switch be set to the ''EMERGENCY'' position prior to takeoff for operations without auxiliary power units (APU); rather, it would require electrical loads to be reduced to below 400 amps. The FAA has determined that reduction of loads to below 400 amps prevents the unsafe generator overload condition.

2. It would require that the APU be operational for all flights into known or forecast icing conditions and during takeoff and landing. DAE 93–12–01R1 makes no limitation with respect to such icing conditions. The FAA has determined that the APU must be operational for flights into known or forecast icing conditions to ensure adequate electrical power for systems that are necessary for operation in such conditions.

3. It would extend the proposed compliance time for accomplishment of the modifications beyond that specified by DAE 93–12–01R1 and DAE 94–03–01R1. The FAA has determined that the compliance time specified in this proposed AD would allow the modifications to be accomplished during regularly scheduled maintenance.

4. It would not require the accomplishment of PART C of DAE 94–03–01R1, which requires revision of Section 4 (''Normal Procedures'') of the AFM. The FAA has determined that Part C has been incorporated by a previously approved change to the AFM and need not be mandated.

Cost Impact

The FAA estimates that 227 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFM revisions proposed by this AD on U.S. operators is estimated to be $13,620, or $60 per airplane.

It would take approximately 90 work hours per airplane to accomplish the proposed modifications at an average labor rate of $60 per work hour. Required parts would cost approximately $4,150 per airplane. Based on these figures, the cost impact of the modifications proposed by this AD on U.S. operators is estimated to be $2,167,850, or $9,550 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that 43 U.S.-registered airplanes are in compliance in accordance with the requirements of this proposed AD. Therefore, the future economic cost impact of this rule on U.S. operators is now $11,040 for accomplishment of the AFM revisions, and $1,757,200 for accomplishment of the modifications.

Regulatory Impact

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

For the reasons discussed above, I certify that this 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 the following new airworthiness directive:

Empresa Brasileira de Aeronautica, S.A. (EMBRAER): Docket 97–NM–231–AD.

Applicability: Model EMB–120, EMB–120RT, and EMB–120ER series airplanes; up to and including serial number 120291; certificated in any category.

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

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent generator overload conditions that could result in loss of electrical power and failure of certain flight and landing control systems, and to prevent power interruption to the attitude heading reference system (AHRS) that could result in the display of erroneous heading information, accomplish the following:

(a) For airplanes not equipped with an auxiliary power unit (APU); except serial numbers 120004, 120006 through 120024 inclusive, 120026 through 120030 inclusive, 120033 through 120035 inclusive, 120037, and 120040; on which Part I, II, or III of EMBRAER Service Bulletin 120–24–0008, Change 03, dated August 19, 1994, or Change 04, dated October 3, 1995, has not been accomplished: Within 3 days after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(1) Trip (pull open) circuit breakers (CB) 534 (auxiliary generator 2 bus control) and CB 535 (auxiliary generator 1 bus control) located in the right-hand direct current (DC) relay box and left-hand DC relay box, respectively.

(2) Install circuit breaker collars to prevent the circuit breakers from closing.

(3) Install, near CB 534 and CB 535, a placard or tag with the following wording: ''Do not close CB 534 or CB 535.''

(b) For all airplanes: Within 30 days after the effective date of this AD, accomplish paragraphs (b)(1), (b)(2), and (b)(3) of this AD.

(1) Revise the Abnormal Procedures section of the FAA-approved Airplanese Gen Flight Manual (AFM) to include the following. This may be accomplished by inserting a copy of this AD into the AFM.

''Section III—Abnormal Procedures:

Engine Failure

One Engine Inoperative Approach and Landing

If auxiliary power unit (APU) is not available

Electrical Load—Reduce to Below 400 Amps

At least the following systems should be turned off: windshield heating, propeller de-ice, gasper fans, recirculation fans, logotype lights, and taxi lights.

Caution

Should an unexpected electrical power loss occur during a rejected takeoff or landing run, remember:

—Emergency brake will be available

—Below 45 knots (KT), turn anti-skid off to recover one normal brake pair (inboard or outboard).

Electrical Failure

Short Circuit in the Relay Box Direct Current (DC) Bus 1

—Gen 1 off Bus, Bus 1 off. Emerg Bus off, Central Bus off, Batt off Bus and inverter 2 INOP lights illuminated on the electrical panel.

Note: In some cases, the Central Bus off light may not illuminate.

—ELEC light illuminated on the multiple alarm panel.

—CAUTION light flashing.

Caution: Do not try to Reset the Electrical System.

Electrical Emergency Switch—Emerg

Altitude—At or Below 25,000 FT

Airplane is limited to 25,000 ft since the left engine bleed is closed due to loss of the electrical power.

The engines or APU airstart and electrical crossfeed are not possible.

The equipment connected to the relay box DC BUS 1, DC BUS 1, radio master DC buses 1B and 1C are out. Land as soon as practical.

Note:

- For airplanes Pre-Mod SB 120–24–0008, the AHRS 1 and the equipment connected to the radio master DC BUS 1A are out too.
- For airplanes Post-Mod SB 120–33–0033 or S/N 120.273 and on:

—The emergency lights will be automatically turned on when the electrical system is in emergency operating mode.

—The emergency lights must be turned off, in order to save the emergency light batteries.

—The emergency lights must be turned on during approach or when necessary.''

(2) Revise the Normal Procedures section of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD into the AFM.

''Section IV—Normal Procedures: Before Takeoff

If APU is available:

APU Generator .....ON

Takeoff must be carried out with APU generator connected to the central DC bus, thus providing another source to avoid overload should one engine flame out.

If APU is not available:

Electrical Load.....Reduce to Below 400 Amps

At least the following systems should be turned off: windshield heating, propeller de-ice, gasper fans, recirculation fans, logotype lights, and taxi lights.

After Takeoff

If APU is available:

APU.....As Required

If APU is not available:

Electrical load—RESTORE

Windshield heating—AS REQUIRED

Emergency lights switch—OFF, then ARM

Approach

If APU is available:

APU Generator .....ON

Approach and landing must be carried out with APU generator connected to the central DC bus.

Before Landing

If APU is not available:

Electrical Load.....Reduce to Below 400 Amps

At least the following systems should be turned off: windshield heating, propeller de-ice, gasper fans, recirculation fans, logotype lights, and taxi lights.

Caution:

Do not set electrical emergency switch to emergency position during approach or landing.''

(3) Revise the Limitations section (Section II) of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD into the AFM.

''Both starter/generators must operate normally prior to flight. The APU generator must operate normally prior to flight in known or forecast icing conditions. [Note: This supersedes any relief provided by the Master Minimum Equipment List (MMEL).]''

(c) Within 12 months after the effective date of this AD, accomplish paragraph (c)(1) and (c)(2) of this AD, as applicable.

(1) For all airplanes except serial numbers 120004, 120006 through 120024 inclusive, 120026 through 120030 inclusive, 120033 through 120035 inclusive, 120037, and 120040; on which Part I, II, or III of EMBRAER Service Bulletin 120–24–0008, Change 03, dated August 19, 1994, or Change 04, dated October 3, 1995; has not been accomplished: Modify the electrical system in accordance with Part IV of EMBRAER Service Bulletin 120–24–0008, Change 04, dated October 3, 1995. After this modification is accomplished, the modification required by paragraph (a) of this AD may be removed and the affected circuit breakers reactivated.

(2) For all airplanes: Modify the electrical system in accordance with EMBRAER Service Bulletin 120–24–0051, Change 04, dated March 8, 1995. After this modification is accomplished, the AFM revisions required by paragraph (b) of this AD may be removed from the AFM.

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

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

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

Note 3: The subject of this AD is addressed in Brazilian airworthiness directives 93–24–01, dated December 31, 1993; 94–03–01R1, dated December 10, 1994; and 93–12–01R1, dated December 12, 1994.

Issued in Renton, Washington, on November 20, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31156 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–274–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and F.28 Mark 0100 Series Airplanes

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 all Fokker Model F.28 Mark 0070 and F.28 Mark 0100 series airplanes. This proposal would require modification of the wing leading edge torsion box. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent a possible ignition hazard due to accumulation of water and fuel between the front spar and auxiliary spar, which could result in increased risk of an in-flight fire.

DATES: Comments must be received by December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–274–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Service B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 shall 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 Number 97–NM–274–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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–274–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker Model F.28 Mark 0070 and F.28 Mark 0100 series airplanes. The RLD advises that it has received a report indicating that water and fuel can accumulate in the area between the front spar and auxiliary spar (wing leading edge torsion box). Other electrical equipment installed in this area can provide an ignition source. This condition, if not corrected, could result in increased risk of an in-flight fire.

Explanation of Relevant Service Information

The manufacturer has issued Fokker Service Bulletin SBF100–57–034, dated December 20, 1996, which describes procedures for modification of the wing leading edge torsion box. The modification involves making a drain provision in the torsion box of the wing leading edge. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA No. 1996–153 (A), dated December 31, 1996, in order to assure the airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 129 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed action, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $30,960, or $240 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

Fokker Aircraft B.V.: Docket 97–NM–274–AD.

Applicability: Model F.28 Mark 0070 and Model F.28 Mark 0100 series airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 a possible ignition hazard due to accumulation of water and fuel between the front spar and auxiliary spar, which could result in increased risk of an in-flight fire, accomplish the following:

(a) Within 12 months after the effective date of this AD, modify the wing leading edge torsion box, in accordance with Fokker Service Bulletin SBF100–57–034, dated December 20, 1996.

(b) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA No. 1996–153 (A), dated December 31, 1996.

Issued in Renton, Washington, on November 20, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31160 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–249–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes

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 certain Fokker Model F28 Mark 0070 and Mark 0100 series airplanes. This proposal would require a one-time visual inspection to detect heat damage of the fuselage skin and stubwing structure. This proposal also would require either repetitive leak tests of the seals of the bleed air system, or repair of any heat-damaged structure, as necessary; and replacement of corrujoint seals with new improved seals. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent the leakage of hot air from the corrujoint seals of the low- and high-pressure check valves located in the stubwings, which could result in heat damage to the fuselage skin and stubwing structure, and consequent reduced structural integrity of the airplane.

DATES: Comments must be received by December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–249–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 shall 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 Number 97–NM–249–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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–249–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0070 and Mark 0100 series airplanes. The RLD advises that several operators of Fokker Model F28 Mark 0100 series airplanes have reported bleed air leakage at corrujoint seals at the 7th stage low-pressure and 12th stage high-pressure check valves, which are located in the stubwings (engine pylons). On a few airplanes, leakage of hot air from these joints has resulted in heat damage to the fuselage skin and stubwing structure, which required internal and external repairs to ensure structural integrity. Such heat damage, if not corrected, could result in reduced structural integrity of the airplane.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF100–53–084, dated July 6, 1996, which describes the following procedures:

- An inspection of aircraft maintenance records to determine whether maintenance was accomplished on certain components for the bleed air system.
- A one-time visual inspection to detect heat damage of the fuselage skin and stubwing structure.
- Repetitive leak tests of the seals of the bleed air system, or repair of any heat-damaged structure, as necessary.
- Replacement of corrujoint seals with new improved seals.

Fokker has also issued Service Bulletin SBF100–36–026, Revision 1, dated July 6, 1996, which describes procedures for the replacement of certain corrujoint seals at the 7th stage low-pressure and 12th stage high-pressure check valves of the left- and right-hand bleed air systems with new improved seals.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The RLD classified these service bulletins as mandatory and issued Dutch airworthiness directive BLA 1995–076/2 (A), dated August 30, 1996, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, unlike the procedures described in Fokker Service Bulletin SBF100–53–084, this proposed AD does not require an inspection of the maintenance records to determine whether maintenance was accomplished on certain components (check valves and corrujoint seals) of the bleed air system. The FAA has determined that such a records inspection is unnecessary; instead, this AD specifies applicability to those airplanes equipped with any corrujoint seal having P/N BE20061 (Rolls-Royce P/N 3405891).

Cost Impact

The FAA estimates that 131 Fokker Model F28 Mark 0070 and Mark 0100 series airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 3 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this action on U.S. operators is estimated to be $23,580, or $180 per airplane.

The FAA estimates that it would take approximately 7 work hours per airplane to replace the corrujoint seals, at an average labor rate of $60 per work hour. Required parts would cost approximately $80 per airplane. Based on these figures, the cost impact of this action on U.S. operators is estimated to be $65,500, or $500 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

Fokker: Docket 97–NM–249–AD.

Applicability: Model F28 Mark 0070 and Mark 0100 series airplanes; as listed in Fokker Service Bulletin SBF100–53–084, dated July 6, 1996; if equipped with any corrujoint seal having part number (P/N) BE20061 (Rolls-Royce P/N 3405891); certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the leakage of hot air from the corrujoint seals of low-and high-pressure check valves located in the stubwings, which could result in heat damage to the fuselage skin and stubwing structure and consequent reduced structural integrity, accomplish the following:

(a) Within 3,000 flight hours or 12 months after the effective date of this AD, whichever occurs first, perform a one-time visual inspection of the fuselage skin in the left-and right-hand stubwings to detect heat damage; in accordance with Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–084, dated July 6, 1996.

(b) If no heat damage is found during the inspection required by paragraph (a) of this AD, prior to further flight, perform a leak test of each corrujoint seal at the 7th stage low-pressure and 12th stage high-pressure check valves of the left-and right-hand bleed air systems, in accordance with Part 3 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–084, dated July 6, 1996.

(1) If any leakage is found at a seal, prior to further flight, replace that seal with a new improved seal having part number EU15969, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–36–026, Revision 1, dated July 6, 1996.

(2) If no leakage is found at a seal, perform an additional leak test of that seal within 250 flight hours after the initial test.

(i) If no leakage is found during the additional test of the seal, within 3,000 flight hours after the additional test, replace the seal with an improved seal having P/N EU15969, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–36–026, Revision 1, dated July 6, 1996.

(ii) If any leakage is found during the additional test of the seal, prior to further flight, accomplish paragraphs (b)(2)(ii)(A) and (b)(2)(ii)(B) of this AD.

(A) Replace the seal with a new improved seal having P/N EU15969, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–36–026, Revision 1, dated July 6, 1996.

(B) Inspect the fuselage skin in the applicable left-or right-hand stubwing to detect heat damage, in accordance with Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–084, dated July 6, 1996.

(c) If any heat damage is found during the inspection required by paragraph (a) or paragraph (b)(2)(ii)(B) of this AD, prior to further flight, perform a detailed inspection of the fuselage skin and stubwing structure to detect the extent of heat damage, in accordance with Parts 4 and 5 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–084, dated July 6, 1996; and accomplish paragraphs (c)(1) and (c)(2) of this AD.

(1) Repair the affected structure, in accordance with Part 6 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–084, dated July 6, 1996. And

(2) Replace all corrujoint seals having P/N BE20061 (Rolls-Royce P/N 3405891) at the 7th stage low-pressure and 12th stage high-pressure check valves of the left-and right-hand bleed air systems with new improved corrujoint seals having P/N EU15969, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–36–026, Revision 1, dated July 6, 1996.

(d) As of the effective date of this AD, no person shall install a corrujoint seal having P/N BE20061 (Rolls-Royce P/N 3405891) on any airplane.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA 1995–076/2 (A), dated August 30, 1996.

Issued in Renton, Washington, on November 20, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31159 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–264–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes

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 all Fokker Model F28 Mark 0070 and Mark 0100 series airplanes. This proposal would require a one-time visual inspection to detect cracking of the brake torque tube lever, and corrective action, if necessary. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the brake torque tube lever, which could result in a disconnection between the brake pedal and brake system, and consequent reduced directional controllability of the airplane during landing.

DATES: Comments must be received by December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–264–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Service B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the

FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 shall 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 Number 97–NM–264–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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–264–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker Model F28 Mark 0070 and Mark 0100 series airplanes. The RLD advises that it has received a report of the failure of a brake torque tube lever, which occurred while the operator of a Fokker Model F28 Mark 0100 series airplane was attempting to set the parking brake. Subsequent inspection during routine maintenance on two other airplanes in the fleet revealed small cracks in the same lever. Such cracking, if not corrected, could result in failure of the captain's left-hand brake torque tube lever, which could result in a disconnection between the captain's left-hand brake pedal and left-hand brake system, and consequent reduced directional controllability of the airplane during landing.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF100–32–108, dated February 7, 1997, which describes procedures for a one-time visual inspection using a mirror or borescope to detect cracking of the captain's left-hand brake torque tube lever. The service bulletin also describes procedures for replacement of any cracked lever with a new or serviceable lever, or, as an alternative, replacement of the entire brake torque tube assembly with a new or serviceable assembly. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive 1997–025 (A), dated February 28, 1997, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 131 Fokker Model F28 Mark 0070 and Mark 0100 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the inspection proposed by this AD, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed inspection of this AD on U.S. operators is estimated to be $23,580, or $180 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

Fokker: Docket 97–NM–264–AD.

Applicability: All Model F28 Mark 0070 and Mark 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 failure of the captain's left-hand brake torque tube lever, which could result in a disconnection between the captain's left-hand brake pedal and left-hand brake system, and consequent reduced directional controllability of the airplane during landing, accomplish the following:

(a) Perform a one-time visual inspection using a mirror or borescope to detect cracking of the brake torque tube lever having part number (P/N) D75669–001, in accordance with Fokker Service Bulletin SBF100–32–108, dated February 7, 1997, at the time specified in paragraph (a)(1) or (a)(2), as applicable, of this AD. If any crack is detected, prior to further flight, replace either the lever or the entire assembly with a new or serviceable component, in accordance with the Accomplishment Instructions of the service bulletin.

(1) For airplanes that have accumulated 15,000 or more total flight cycles as of the effective date of this AD: Inspect within 30 days after the effective date of this AD.

(2) For airplanes that have accumulated fewer than 15,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 10,000 total flight cycles, or within 2 months after the effective date of this AD, whichever occurs later.

(b) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive 1997–025 (A), dated February 28, 1997.

Issued in Renton, Washington, on November 20, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31161 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–188–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

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 all Airbus Model A300, A310, and A300–600 series airplanes. For certain airplanes, this proposal would require replacing the bearings of the throttle control levers with new sealed bearings. For certain other airplanes, this proposal would require replacing the throttle control assemblies with new assemblies. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent asymmetric engine thrust on the airplane when the autothrottle is engaged, which could result in roll and yaw disturbances, and consequent reduced controllability of the airplane.

DATES: Comments must be received by December 29, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–188–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4556, telephone (425) 227–2110; fax (425) 227–1149.

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 shall 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 Number 97-NM–188-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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–188–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A300, A310, and A300–600 series airplanes. The DGAC advises that it received reports indicating that the throttle control levers were difficult to move. This excessive friction or seizure of throttle control levers has been attributed to lack of lubrication and dust contamination of the bearings. In the case of airplanes equipped with full authority digital engine control (FADEC), this condition can also be attributed to excessive roller wear. These conditions could lead to asymmetric throttle movements and engine thrust when the autothrottle is engaged. Such asymmetric movements, if not corrected, could result in roll and yaw disturbances, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A300–76–0018, dated October 12, 1995, as revised by Change Notice O.A., dated February 18, 1997 (for Model A300 series airplanes); and Service Bulletin A300–76–6010, dated October 12, 1995, as revised by Change Notice O.A., dated February 18, 1997 (for Model A300–600 series airplanes); and Service Bulletin A310–76–2013, dated October 12, 1995, as revised by Change Notice O.A., dated February 18, 1997 (for Model A310 series airplanes). These service bulletins describe procedures for replacement of the four bearings located on both throttle control levers with new sealed bearings. Replacement of these bearings will ensure a smooth and consistent operation of both throttles.

Airbus also has issued Service Bulletin A310–76–2014, Revision 2, dated January 6, 1997 (for Model A310 series airplanes); and Service Bulletin A300–76–6011, Revision 2, dated January 6, 1997 (for Model A300–600 series airplanes). These service bulletins describe procedures for replacement of two throttle control assemblies equipped with rollers with new throttle control assemblies equipped with bearings. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directive (C/N) 96–270–209 (B), dated November 20, 1996, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. 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.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 66 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that the proposed replacement of the bearings would be required to be accomplished on 57 airplanes. It would take approximately 24 work hours per airplane to accomplish that action, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the replacement of the bearings proposed by this AD on U.S. operators is estimated to be $82,080, or $1,440 per airplane.

The FAA estimates that the proposed replacement of the throttle support assemblies would be required to be accomplished on 9 airplanes. It would take approximately 28 work hours per airplane to accomplish that action, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,138 per airplane. Based on these figures, the cost impact of the replacement of the throttle support assemblies proposed by this AD on U.S. operators is estimated to be $25,362, or $2,818 per airplane.

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

Regulatory Impact

The regulations 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 ''Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–188–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.''

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 the following new airworthiness directive:

Airbus Industrie: Docket 97–NM–188–AD.

Applicability: All Model A300, A310, and A300–600 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding

applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 asymmetric engine thrust on the airplane when the autothrottle is engaged, which could result in roll and yaw disturbances, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 18 months or 3,500 flight hours after the effective date of this AD, whichever occurs first, accomplish paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For Model A300, A300–600, and A310 series airplanes: Replace the four bearings located on both throttle control levers with new sealed bearings, in accordance with Airbus Service Bulletin A300–76–0018, dated October 12, 1995, as revised by Airbus Service Bulletin Change Notice O.A., dated February 18, 1997 (for Model A300 series airplanes); Airbus Service Bulletin A300–76–6010, dated October 12, 1995, as revised by Airbus Service Bulletin Change Notice O.A, dated February 18, 1997 (for Model A300–600 series airplanes); or Airbus Service Bulletin A310–76–2013, dated October 12, 1995, as revised by Airbus Service Bulletin Change Notice O.A., dated February 18, 1997; as applicable.

(2) For Model A310 and A300–600 series airplanes equipped with full authority digital engine control (FADEC): Replace the two throttle support assemblies equipped with rollers with new throttle support assemblies equipped with bearings, in accordance with Airbus Service Bulletin A310–76–2014, Revision 2, dated January 6, 1997 (for Model A310 series airplanes); or Airbus Service Bulletin A300–76–6011, Revision 2, dated January 6, 1997 (for Model A300–600 series airplanes); as applicable.

Note 2: Replacements accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A310–76–2014, Revision 1, dated March 25, 1996; or Airbus Service Bulletin A300–76–6011, Revision 1, dated March 25, 1996; are considered acceptable for compliance with the applicable action specified in paragraph (a)(2) of this AD.

(b) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 4: The subject of this AD is addressed in French airworthiness directive 96–270–209 (B), dated November 20, 1996.

Issued in Renton, Washington, on November 20, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–31158 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RIN 1506–AA12

Financial Crimes Enforcement Network; Bank Secrecy Act Regulations; Exemptions From the Requirement to Report Transactions in Currency—Phase II; Extension of Comment Period; Request for Comments

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Proposed regulations; extension of comment period; request for additional comments.

SUMMARY: The Financial Crimes Enforcement Network (''FinCEN'') is extending the comment period for the proposed Bank Secrecy Act regulations relating to exemptions from the requirement to report transactions in currency, published on September 8, 1997. FinCEN is also soliciting comments regarding additional alternatives to the proposed requirement to estimate, and to file annual reports of, the aggregate currency deposits and withdrawals of certain customers, and regarding certain other matters.

DATES: Written comments on all aspects of the proposed rule are welcome and must be received on or before January 16, 1998.

ADDRESSES: *Written comments should be submitted to:* Office of Legal Counsel, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182, *Attention:* NPRM—CTR Exemptions, Phase II. Comments may also be submitted by electronic mail to the following Internet address: ''regcomments@fincen.treas.gov'' with the caption in the body of the text, ''Attention: NPRM—CTR Exemptions, Phase II.'' For additional instructions on the submission of comments, see Supplementary Information under the heading ''Submission of Comments'' in the notice of proposed rulemaking on this topic.

FOR FURTHER INFORMATION CONTACT: Peter Djinis, Associate Director (703) 905–3819, and Charles Klingman, Financial Institutions Policy Specialist, Office of Program Development FinCEN, (703) 905–3602; Stephen R. Kroll, Legal Counsel (703) 905–3534, Cynthia L. Clark, Acting Senior Counsel for Regulatory Affairs, (703) 905–3758, and Albert R. Zarate, Attorney-Advisor, Office of Legal Counsel, FinCEN, (703) 905–3807.

SUPPLEMENTARY INFORMATION: On September 8, 1997, FinCEN issued proposed regulations (62 FR 47156) to reform and simplify the process by which banks may exempt transactions of retail and other businesses from the requirement to report transactions in currency in excess of $10,000. As part of the simplified exemption system, the proposed regulations introduced two new classes of exempt persons: ''non-listed businesses'' and ''payroll customers.'' To prevent abuse of the new system, however, the proposed regulations would require a bank initially to estimate and then to report annually the aggregate currency deposits and withdrawals of any non-listed business or payroll customer that the bank exempted. In the proposal, FinCEN solicited comments on a number of matters, including alternative ways to counter potential abuse of the proposed system.

FinCEN announced (62 FR 58909, October 31, 1997) that it would hold an

open working meeting on November 7, 1997, in Washington, D.C. to discuss the proposed regulations. At the meeting a number of commenters expressed their views and concerns concerning a number of matters, including most importantly the requirement in the proposed rule that banks estimate when granting an exemption, and file annual reports of, aggregate currency deposits and withdrawals by non-listed businesses and payroll customers. The decision to extend the comment period, and the request for additional comments contained in this document, result from that meeting.

Annual Reporting of Aggregate Currency Transactions

In light of the comments made at the meeting, FinCEN does not believe that additional comments concerning the proposed estimation and aggregate currency reporting provision are necessary to complete the administrative record. Thus persons who attended the meeting, and other commenters, need not, if they do not wish to, file written comments regarding these provisions.

The comments made at the open meeting did indicate, however, that it is important that alternatives to annual aggregate currency reporting be brought forward by interested parties. The preamble to the proposed rule specifically sought comment on several such possible alternatives. FinCEN is considering an additional alternative about which it would like to receive specific comments.

The proposed alternative has two elements.

1. The initial designation of a non-listed business or payroll customer as an ''exempt person'' under the rule would include a specific statement by the bank of the manner in which it applies its ''know-your-customer'' standards to the tracking of currency deposits of commercial businesses. (The necessary statements could be made once for all exempt persons designated by a bank, as reflective of general bank policies.)

2. The annual renewal of the status of a non-listed or payroll customer as an exempt person would include a certification by the bank. The bank would certify that during the preceding year there was no transaction involving any accounts of the person at the bank that would have required the bank to file a suspicious transaction report with respect to that person under 31 CFR 103.21 (that is, no transaction had occurred with respect to the account that the bank knew, suspected, or had reason to suspect was described in 31 CFR 103.21(a)(2)(i), (ii), or (iii).[1]

FinCEN specifically invites comment on this alternative and on ways to allow such an alternative to operate with clear lines and without uncertainty or unnecessary burdens. It also again invites suggestion of any other alternatives to the proposed requirement that a bank initially estimate and subsequently report annually the aggregate currency deposits and withdrawals of a non-listed business or payroll customer that the bank wishes to exempt.

Uniform Treatment of Accounts of Exempt Persons

FinCEN understands from comments at the November 7 meeting that banks are concerned about the use of the words ''shall'' in proposed 31 CFR 103.22(d)(5)(v) and ''may'' in proposed 31 CFR 103.22(d)(5)(vi). As stated in the notice of proposed rulemaking, the intent of the proposed rule is to reform and simplify the process by which banks may exempt transactions from the reporting requirements. FinCEN believes that relief would be better provided by making both provisions optional rather than mandatory, so that institutions may, but need not, treat all accounts of a person at a single institution as exempt. FinCEN would appreciate comments on whether such a change would improve the operation of the proposed rule.

Commingling

Other comments at the November 7 meeting indicated that banks were not exempting certain publicly traded businesses, such as grocery stores, under the first phase of exemptive relief, 31 CFR 103.22(h), because of the uncertainty about the treatment of currency deposits that commingle receipts from the sale of groceries with receipts from the sale of money services products such as money orders or money transmissions. FinCEN specifically solicited comments on this matter in the proposed rule, as it relates not only to the treatment of non-listed companies but also listed companies.

The extent to which segregation of funds is required in circumstances such as these is still under consideration, and FinCEN repeats here the request, made in the notice of proposed rulemaking, for comments on that issue. Any rule requiring a grocery store or similar entity that qualifies as a listed entity under 31 CFR 103.22(h)(2)(iii), (iv), or (v) to segregate money from the sale of money services products in order to secure treatment as an ''exempt person'' for any deposit, will not become effective until the effective date of the proposed regulations, when issued in final form.

Dated: November 24, 1997.

Stephen R. Kroll,

Federal Register Liaison Officer, Financial Crimes Enforcement Network.

[FR Doc. 97–31299 Filed 11–26–97; 8:45 am]

BILLING CODE 4820–03–P

[1] Under the proposed rule, non-listed businesses are businesses, otherwise eligible for exemption, whose stock is not listed on the nation's major securities exchanges. Payroll customers are businesses, otherwise eligible for exemption, that require cash withdrawals for payroll purposes.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42187K; FRL–5759–2]

RIN 2070–AC76

Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the public comment period from December 1, 1997 to January 9, 1998, on the proposed rule published in the **Federal Register** of June 26, 1996 (61 FR 33178)(FRL–4869–1) requiring the testing of 21 hazardous air pollutants (HAPs) for certain health effects. This extension is needed to allow the Agency more time to amend the HAPs test rule proposal.

DATES: Written comments on the proposed rule must be received by EPA on or before January 9, 1998.

ADDRESSES: Submit three copies of written comments on the proposed HAPs test rule, identified by docket control number (OPPTS–42187A; FRL–4869–1) to: Environmental Protection Agency, Office of Pollution Prevention and Toxics (OPPT), Document Control Office (7407), Rm. G–099, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically to oppt.ncic@epamail.epa.gov. Follow the instructions under Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: For general information, Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. ET–543B, Office of Pollution Prevention and Toxics,

Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone (202) 554–1404; TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov. For technical information contact: Richard W. Leukroth, Jr., Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–0321; fax: (202) 260–8850; e-mail: leukroth.rich@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of this document, all **Federal Register** support documents, and the eleven TSCA test guidelines are available from the EPA Home Page at the **Federal Register** — Environmental Documents entry under ''Laws and Regulations'' (http:// www.epa.gov/ fedrgstr).

I. Background and General Information

On June 26, 1996 (61 FR 33178), EPA proposed health effects testing, under section 4(a) of TSCA, of the following hazardous air pollutants (HAPs): 1,1'-biphenyl, carbonyl sulfide, chlorine, chlorobenzene, chloroprene, cresols (3 isomers: *ortho-*, *meta-*, *para-*), diethanolamine, ethylbenzene, ethylene dichloride, ethylene glycol, hydrochloric acid, hydrogen fluoride, maleic anhydride, methyl isobutyl ketone, methyl methacrylate, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride. EPA would use the data generated under the rule to implement several provisions of section 112 of the Clean Air Act and to meet other EPA data needs and those of other Federal agencies. In the HAPs proposal, EPA invited the submission of proposals for pharmacokinetics (PK) studies for the HAPs chemicals, which could provide the basis for negotiation of enforceable consent agreements (ECAs). These PK studies would be used to conduct route-to-route extrapolation of toxicity data from routes other than inhalation to predict the effects of inhalation exposure, as an alternative to testing proposed under the HAPs rule.

On October 18, 1996, EPA extended the public comment period on the proposed rule from December 23, 1996, to January 31, 1997 (61 FR 54383) (FRL–5571–3). This extension was for the purpose of allowing more time for the submission of PK proposals and adequate time for comments on the proposed rule to be submitted after the Agency had responded to the proposals. Due to the complexity of the issues raised by the eight PK proposals that the Agency received in response to the HAPs proposal and other issues related to test guidelines, EPA successively extended the public comment period (61 FR 67516, December 23, 1996 (FRL–5580–6); 62 FR 9142, February 28, 1997 (FRL–5592–1); 62 FR 14850, March 28, 1997 (FRL–5598–4); 62 FR 29318, May 30, 1997 (FRL–5722–1); 62 FR 37833, July 15, 1997 (FRL–5732–2)); to allow the Agency more time to respond to the PK proposals and to finalize the test guidelines to be referenced in the proposed HAPs test rule. EPA extended the comment period again (62 FR 50546, September 26, 1997 (FRL–5748–8)), to allow the Agency time to complete work on amending the proposed HAPs test rule to incorporate the new TSCA 799 test guidelines, revise the economic analysis in consideration of the new test guidelines, and to complete preliminary technical analyses for each PK proposal. This extension of the comment period is needed to allow the Agency more time to complete work on amending the proposed HAPs test rule.

EPA has completed preliminary technical analyses for each PK proposal submitted in response to the Agency's June 26, 1996 solicitation. These include the HAPs chemicals: hydrogen fluoride, 1,1,2-trichlorethane, ethylene dichloride, maleic anhydride, phthalic anhydride, 1,2,4-trichlorobenzene, diethanolamine, and ethylene glycol. Copies of these preliminary technical analyses have been sent to the submitters and placed in the public record for this action (OPPTS–42187B; FRL–4869–1). The Agency recognizes that submitters may need to revise their proposals based on EPA comments. If the Agency decides to proceed with the ECA process, EPA will announce, in the **Federal Register**, one or more public meetings to discuss the proposals and to negotiate ECAs. In that document, the Agency will solicit persons interested in participating in or monitoring negotiations to develop ECAs based on: the PK testing proposals or revisions thereof, EPA's preliminary technical analyses, and additional comments on EPA's preliminary technical analyses provided by the submitters. The procedures for ECA negotiations are described at 40 CFR 790.22(b).

The Agency emphasizes that the submission of proposals to develop ECAs to conduct alternative testing using PK is no guarantee that EPA and the submitters will, in fact, conclude such agreements. Therefore, EPA urges all submitters of PK proposals to comment on the HAPs proposed rule as an activity separate from the PK proposal/ECA process.

On August 15, 1997, EPA promulgated eleven new TSCA test guidelines (62 FR 43820)(FRL–5719–5), codified at 40 CFR part 799, subpart H. These TSCA part 799 test guidelines were developed based on the Office of Pollution Prevention and Toxic Substances (OPPTS) harmonized guidelines that were developed from the OPPTS guideline harmonization process. In the original HAPs proposal and subsequent notices extending the comment period on the rule, EPA indicated that, for the purposes of this rulemaking and testing under TSCA section 4(a), the Office of Pollution Prevention and Toxics (OPPT) intends to reference final TSCA test guidelines developed from the OPPTS harmonized guidelines. The eleven TSCA test guidelines are included in the record for this rulemaking. EPA is amending the proposed HAPs test rule to reference the eleven new TSCA part 799 test guidelines and to seek comment on the guidelines as referenced in enforceable test standards in the forthcoming amended HAPs proposal. In addition, the amendment will provide a revised economic assessment and describe other changes and clarifications to the proposed test rule. This amendment to the proposed HAPs test rule will be published in the **Federal Register** as soon as possible but in any event no later than January 9, 1998.

II. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number (OPPTS–42187A; FRL–4869–1) (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm NE–B607, 401 M St., SW., Washington, DC.

Electronic comments can be sent directly to EPA at oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number (OPPTS–42187A; FRL–4869–1). Electronic

comments on the proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 20, 1997.

Charles M. Auer,

Chemical Control Division, Office of Pollution Prevention and Toxics.

Accordingly, EPA is extending the comment period on the proposed rule to January 9, 1997.

[FR Doc. 97–31128 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 52 and 64

[CC Docket No. 92–237; DA 97–2439]

Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On November 21, 1997, the Network Services Division of the Commission's Common Carrier Bureau, released an Order extending the deadline for filing comments to the Further Notice of Proposed Rulemaking in this docket addressing carrier identification code use and assignment [62 FR 54817 (10/22/97)]. The Order is intended to grant the extension request filed by the North American Numbering Council (NANC) and to make the public aware of the extensions of the filing deadlines.

DATES: Comments must be filed on or before March 6, 1998, and reply comments must be filed on or before April 3, 1998.

ADDRESSES: Federal Communications Commission, Secretary, Room 222, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Elizabeth Nightingale, Attorney, Network Services Division, Common Carrier Bureau, (202) 418–2352.

SUPPLEMENTARY INFORMATION:

Administration of the North American Numbering Plan, Carrier Identification Codes (CICs); Order [CC Docket No. 92–237; DA 97–2439]

[*Adopted:* November 20, 1997; *Released:* November 21, 1997]

1. On October 9, 1997, the Commission released a *Further Notice of Proposed Rulemaking and Order*[1] in this docket, addressing issues related to Feature Group D carrier identification code (CIC) use and assignment.[2] In the *FNPRM*, the Commission sought comment on, for example, the use and application of Feature Group D CICs, on the definition of ''entity'' used to determine who may receive a CIC, and on CIC conservation issues. In the *Order*, the Commission directed the North American Numbering Council (NANC) to present to the Commission, no later than December 15, 1997, the NANC's recommendations on the tentative conclusions and proposals in the *FNPRM*, including any alternatives to them. The Commission stated that NANC's recommendations (including any recommended rules or recommended resolutions of ambiguities or policy disputes) should address, for example, how to define ''entity'' and whether CIC conservation measures, such as a limit on CIC assignments per entity, a limit on the total number of four-digit CICs available for assignment, and mandatory CIC reclamation procedures, are needed to meet the Commission's numbering policy goals.

2. In a letter dated November 19, 1997, the North American Numbering Council (NANC), through its Chairman, Alan C. Hasselwander, requested extension of the deadlines set in the *FNPRM and Order*. Specifically, NANC asks that the deadline by which it must present recommendations to the Commission, as required by the *Order*, be extended from December 15, 1997, to February 19, 1998 (the day following NANC's February meeting). In addition, NANC requested that the time by which parties must file comments and reply comments in response to the *FNPRM* be extended from November 24, 1997, and December 22, 1997, respectively, to a period following the date for NANC's submission.

3. NANC states that at its November 18, 1997 meeting, the members unanimously agreed that such a delay is required. NANC also asserts that the delay ''will allow NANC to assemble a diverse group of industry representatives to consider the questions raised in the Order and work diligently to find common ground.'' In support of its request that the time by which parties must file comments in response to the *FNPRM* be extended until after the deadline for NANC's submission, NANC states that ''industry may achieve a more uniform position if NANC attempts to achieve consensus before interested parties have publicly stated their positions.''

4. The Commission does not routinely grant extensions of time.[3] It is important, however, that the record be as complete as possible. A recommendation from NANC that reflects consensus based on a diverse group of industry views is desirable. Granting NANC's additional time to submit its recommendation to the Commission increases the likelihood that the recommendation will be comprehensive. Further, if delaying the pleading cycle until after NANC reports will allow NANC to achieve a more uniform view from a cross-section of the industry, because interested parties would not have publicly stated their positions in advance of NANC's opportunity to address them, the record in this proceeding will benefit. For these reasons, we grant NANC's request and, accordingly, we: (1) extend the period of time by which NANC must provide its recommendations to the Commission until February 19, 1998; and (2) extend the period of time by which parties must file comments and reply comments on the issues raised in the *FNPRM* until March 6, 1998, and April 3, 1998, respectively. We emphasize that the comments and reply comments on the *FNPRM* should address the proposals and tentative conclusions raised by the Commission in the *FNPRM*, and should not be limited to NANC's recommendations.

5. Accordingly, *it is ordered*, pursuant to Section 1.46 of the Commission's Rules, 47 CFR § 1.46, that the North American Numbering Council's request to extend the deadline by which it must present recommendations to the Commission in response to the *Order* issued in this proceeding on October 9, 1997, *Is granted*, by extending the deadline until February 19, 1998.

6. *It is further ordered*, pursuant to Section 1.46 of the Commission's Rules, 47 CFR 1.46, that the North American

[1] Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), *Further Notice of Proposed Rulemaking and Order*, CC Docket No. 92–237, FCC 97–364 (released October 9, 1997) (62 FR 54817 (10/22/97) (*FNPRM and Order*).

[2] CICs are numeric codes that enable local exchange carriers (LECs) providing interstate interexchange access services to identify the interstate interexchange carrier (IXC) that the originating caller wishes to use to transmit its interstate call. LECs use the CICs to route traffic to the proper IXC and to bill for the interstate access service provided. CICs facilitate competition by enabling callers to use the services of telecommunications service providers either by presubscription or by dialing CAC, which incorporates that carrier's unique Feature Group D CIC.

[3] *See* 47 CFR 1.45.

Numbering Council's request to extend the deadlines by which parties must file comments and reply comments in response to the *Further Notice of Proposed Rulemaking* issued in this proceeding on October 9, 1997, IS GRANTED, by extending the deadline for filing comments until March 6, 1998, and by extending the deadline for filing reply comments until April 3, 1998.

Federal Communications Commission.

Geraldine A. Matise,

Chief, Network Services Division Common Carrier Bureau.

[FR Doc. 97–31248 Filed 11–26–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 97–213, FCC 97–356]

Communications Assistance for Law Enforcement Act

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: On October 10, 1997, the Commission released a Notice of Proposed Rulemaking in CC Docket No. 97–213 to implement the portion of the Communications Assistance for Law Enforcement Act that requires Commission rulemaking. This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

DATES: Comments are due December 12, 1997; Reply Comments are due January 12, 1997. Written comments by the public on the proposed and/or modified information collections are due December 12, 1997. Written comments must be submitted by the OMB on the proposed and/or modified information collections on or before 60 days after the date of publication in the **Federal Register**.

ADDRESSES: In addition to filing comments with the Secretary, Federal Communications Commission, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: David Ward, Network Services Division, Common Carrier Bureau, (202) 418–2320. For additional information concerning the information collections contained in this NPRM contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Notice of Proposed Rulemaking in CC Docket No. 97–213, In the Matter of Communications Assistance for Law Enforcement Act, FCC 97–356, adopted October 2, 1997, and released October 10, 1997, as corrected in Erratum, CC Docket No. 97–213, rel. October 24, 1997. The record in this proceeding is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington, D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2000 M Street, N.W., Suite 140, Washington, D.C. 20037, phone (202) 857–3800.

Paperwork Reduction Act

This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 60 days from the date of publication of this NPRM in the **Federal Register**. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: None.

Title: Communications Assistance for Law Enforcement Act, NPRM.

CC Docket No: 97–213.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for profit.

Proposed requirement	Number of respondents	Estimated time per response	Total annual burden hours
Affidavits (proposed Sec. 64.1704(c))	3,500	2.45	8,575
Record keeping (proposed Sec. 64.1704)	3,500	4.9	17,150
Compliance Statements (proposed Sec. 64.1704)	3,500	1.0	3,500
List of Designated Personnel	3,500	5.0	17,500
Total Annual Burden Hours	.....	.....	46,725
Estimated Cost per Respondent: $700.			

Needs and Uses

The Communications Assistance for Law Enforcement Act (CALEA) requires the Commission to adopt rules that regulate the conduct and record keeping of lawful electronic surveillance. CALEA also requires the Commission to adjudicate petitions from telecommunications carriers and interested parties to the extent to which they must comply with CALEA's requirements, capability standards, and the reasonable achievability of law enforcement officials' capability requirements. The information submitted to the Commission by telecommunications carriers will be used to determine whether or not the telecommunications carriers are in conformance with CALEA's requirements. The information maintained by telecommunications carriers will be used by law enforcement

officials to determine the accountability and accuracy of telecommunications carriers' compliance with lawful electronic surveillance orders.

Analysis of Proceeding

1. In the *Notice of Proposed Rulemaking*, CC Docket No. 97–213, the Commission asks for comment on the identity and classes of carriers that should be included or excluded from the Communications Assistance of Law Enforcement Act's (CALEA's) definition of ''telecommunications carrier.'' CALEA only applies to telecommunications carriers. Thus, if a carrier is not classified a telecommunications carrier, it does not have to conform to CALEA's requirements. CALEA grants the Commission the authority to include entities in the definition of ''telecommunications carriers.'' The Commission also asks for comment on the criteria to determine which carriers and classes of carriers meet the definition of telecommunications carrier.

2. CALEA directs the Commission to rule upon petitions from carriers that contend that they cannot ''reasonably achieve'' compliance with CALEA's capability requirements. CALEA states that petitioners must be reimbursed by the Attorney General for the expense of CALEA compliance if the Commission determines that compliance is not reasonably achievable, or are deemed to be in compliance to the extent that the Attorney General agrees to reimburse the petitioner. In the *Notice of Proposed Rulemaking* (NPRM), the Commission asks for comment with respect to the statutory criteria established for determining whether compliance is ''reasonably achievable.''

3. CALEA directs the Commission to adopt rules to ensure the system security and integrity of lawful electronic surveillance conducted by telecommunications carriers. In the NPRM, the Commission asks for comment on the policies and procedures that telecommunications carriers must adopt to meet this requirement and on proposed reporting and record keeping rules to accomplish this requirement. The Commission also asks for comment on a proposal that provides small telecommunications carriers with a less burdensome reporting procedure.

4. CALEA contains a deadline when all telecommunications carriers must be in compliance with CALEA's capability requirements. CALEA authorizes the Commission to grant extensions to telecommunications carriers that petition the Commission. In the NPRM, the Commission asks for comment on the criteria for granting petitions for extensions to the statutory deadline.

List of Subjects in 47 CFR Part 64

Common carrier, Reporting and recordkeeping requirements, telecommunications.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Proposed Rules

Title 47 of the Code of Federal Regulations, part 64, is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 is revised to read as follows:

Authority: 47 U.S.C. 151, 154, 201, 202, 205, 218–220, and 332 unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended, 47 U.S.C. 201–204, 218, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

2. Part 64 is proposed to be amended be revising subpart Q to read as follows:

Subpart Q—Telecommunications Carrier Interceptions pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

Sec.

64.1700 Purpose.
64.1701 Scope.
64.1702 Definitions.
64.1703 Interception Requirements and Restrictions.
64.1704 Carrier Records.
64.1705 Compliance Statements.

§ 64.1700 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act, Pub. L. No. 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains implementation and compliance rules to govern telecommunications carriers subject to CALEA. These rules are in addition to rules promulgated by the Department of Justice pursuant to CALEA requirements.

§ 64.1701 Scope.

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA's requirements.

§ 64.1702 Definitions.

(a) *Telecommunications carrier.* The term ''telecommunications carrier'' means—

(1) A person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire; and

(2) Includes—

(i) A person or entity engaged in providing commercial mobile service (as defined in Section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)); or

(ii) A person or entity engaged in providing wire or electronic communication switching or transmission service to the extent that the Commission finds that such service is a replacement for a substantial portion of the local telephone exchange service and that it is in the public interest to deem such a person or entity to be a telecommunications carrier for purposes of this title; but

(3) Does not include persons or entities insofar as they are engaged in providing information services.

(b) *Information services.* The term ''information services''

(1) Means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications; and

(2) Includes—

(i) A service that permits a customer to retrieve stored information from, or file information for storage in, information storage facilities;

(ii) Electronic publishing; and

(iii) Electronic messaging services; but

(3) Does not include any capability for a telecommunications carrier's internal management, control, or operation of its telecommunications network.

(c) *Appropriate legal authorization.* The term ''appropriate legal authorization'' means:

(1) A court order signed by a judge of competent jurisdiction authorizing or approving interception of wire or electronic communications; or

(2) A certification in writing by a person specified in 18 U.S.C. 2518(7); or

(3) A certification in writing by the Attorney General of the United States that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required.

(d) *Appropriate carrier authorization.* The term ''appropriate carrier authorization'' means policies adopted by telecommunications carriers to identify carrier employees authorized to assist law enforcement in conducting communications authorizations.

(e) *Third party.* ''Third party'' means a person other than those authorized to receive a communication pursuant to 47 U.S.C. 605 of the Communications Act.

§ 64.1703 Interception requirements and restrictions.

An employee or officer of a telecommunications carrier shall assist in intercepting and disclosing to a third party a wire, oral, or electronic communication or shall provide access to call-identifying information only upon receiving a court order or other lawful authorization.

§ 64.1704 Carrier records.

(a) The officers of any telecommunications carrier shall ensure that the carrier maintains records of any assistance provided for the interception and disclosure to third parties of any wire, oral, or electronic communication or of any call-identifying information. The record will be made either contemporaneously with each interception, or not later than 48 hours from the time each interception begins, and shall include:

(1) The telephone number(s) or circuit number(s) involved;

(2) The date and time the interception started;

(3) The date and time the interception stopped;

(4) The identity of the law enforcement officer presenting the authorization;

(5) The name of the judge or prosecuting attorney signing the authorization;

(6) The type of interception (*e.g.*, pen register, trap and trace, ''Title III'' interception pursuant to 18 U.S.C. 2510 *et seq.* and collateral state statutes, Foreign Intelligence Surveillance Act (''FISA'') 50 U.S.C. 1801 *et seq.*); and

(7) The names of all telecommunications carrier personnel involved in performing, supervising, and internally authorizing, the interception, and the names of those who possessed knowledge of the interception.

(b) A separate record shall be kept of any instances of interception, and of the identities of third parties to which disclosure of call-identifying information is made. In addition to the information listed in paragraphs (a) (1) through (7) of this section, these records will provide a complete discussion of the facts and circumstances surrounding the interception and disclosure. Each record shall be maintained in a secure location accessible only by authorized carrier personnel for a period of ten (10) years from its creation.

(c) The officers of any telecommunications carrier shall assure that any employee, agent, or officer of the carrier engaged in performing authorized interceptions for law enforcement personnel or having access to such information does not disclose to any other person any information about such activity. Any employee or officer who has access to such information shall sign a statement that provides as follows:

(1) The telephone number(s) or circuit identification number(s) involved;

(2) The name of each employee or officer who effected the interception and possessed information concerning its existence, and their respective positions within the telecommunications carrier;

(3) The date and time the interception started;

(4) The date and time the interception stopped;

(5) The type of interception (e.g., pen register, trap and trace, ''Title III'' interception pursuant to 18 U.S.C. 2510 *et seq.* and collateral state statutes, Foreign Intelligence Surveillance Act (''FISA'') 50 U.S.C. 1801 *et seq.*);

(6) A copy or description of the written authorization for the employee and officer to participate in surveillance activity; and

(7) A statement that the employee or officer will not disclose information about the interception to any person, not properly authorized by statute or court order.

§ 64.1705 Compliance statements.

(a) Each telecommunications carrier having annual revenues from telecommunications operations in excess of the threshold defined in 47 CFR 32.9000 shall file with the Commission a statement of the policies, processes and procedures it uses to comply with the requirements of this subpart. These statements shall be filed with the Secretary, Federal Communications Commission, on or before [Date to be inserted in Final Rule], and shall be captioned, ''Interception Procedures'' filed pursuant to § 64.1704. Carriers seeking confidential treatment for any part of the statement shall clearly state the authority justifying such treatment pursuant to 47 CFR 0.459 and shall fully document all facts upon which that carrier proposes to rely in its request for confidential treatment.

(b) Any telecommunications carrier having annual revenues from telecommunications operations that do not exceed the threshold defined in 47 CFR 32.9000 may elect:

(1) To file the statement required in paragraph (a) of this section; or

(2) To certify that it observes procedures specified in the submission made pursuant to paragraph (a) of this section.

[FR Doc. 97–30902 Filed 11–26–97; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST–97–1472; Notice 97–12]

RIN: 2105–AC68

Privacy Act Implementation: Coast Guard's Marine Safety Information System

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: DOT proposes to amend its rules implementing the Privacy Act of 1974 to exempt from certain provisions of the Act the Coast Guard's Marine Safety Information System. Public comment is invited.

DATES: Comments are due December 29, 1997.

ADDRESSES: Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL401, Docket OST–97–1472, Department of Transportation, C–55, Washington, DC 20590. Any person wishing acknowledgment that his/her comments have been received should include a self-addressed stamped postcard. Comments received will be available for public inspection and copying in the Documentary Services Division, Room PL401, Department of Transportation Building, 400 Seventh Street, SW., Washington, DC, from 9:00 AM to 5:00 PM ET Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–10, Department of Transportation, Washington, DC 20590, telephone (202) 366–9156. Fax (202) 366–9170.

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard's Marine Safety Information System (MSIS) collects selected information on commercial and/or documented vessels operating in US waters, and collects and manages the data needed to monitor the safety performance of maritime vessels and facilities, with which the Coast Guard comes into contact while performing its marine safety functions. It also monitors the identities of individuals and corporations that own or operate these

vessels, and, if appropriate, aids the Coast Guard to develop law enforcement actions against such vessels, facilities, individuals, and corporations.

MSIS consolidates information from two other Coast Guard Privacy Act record systems: DOT/CG 561, Port Safety Reporting System (Individual Violation Histories), and DOT/CG 587, Investigation of Marine Safety Laws or Regulations. It also encompasses the automated, but not the manual, portions of DOT/C 591, Merchant Vessel Documentation System.

Because of the capability to retrieve information by the names or other unique identifiers of individuals, MSIS is subject to the Privacy Act, which imposes many restrictions on the use and dissemination of information in the system. However, because MSIS can be used for law enforcement purposes, it is exempted from some of these restrictions.

Privacy Act Exemption

All records in this system that fall within 5 U.S.C. 552a(k)(2) are exempt from the provisions of 5 U.S.C. 552a, subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). However, should at any time Exemption (j)(2) be deemed inapplicable, then under Exemption (k)(2), if a person is denied any right, privilege, or benefit to which he or she would otherwise be entitled to by Federal law as a result of keeping this material, the material must be released to the subject of the record, unless doing so would reveal the identity of a confidential source.

These records are exempt from subsection (c)(3) because the release of the accounting for disclosures made pursuant to subsection (b), including those permitted under the routine uses published for this system of records, would permit the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he or she is the subject or investigation, or to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants and would therefore present a serious impediment to law enforcement.

These records are exempt from subsection (d) because access to information contained in this records system would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, or the nature and scope of the information and evidence obtained as to his activities, or the identity of witnesses and informants. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of an investigation, lead to the improper influencing of witnesses, the destruction of evidence, or disclose information which would constitute an unwarranted invasion of another individual's personal privacy.

To require the Coast Guard to amend information thought to be incorrect, irrelevant or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations attempting to resolve questions of accuracy, etc.

These records are also exempt from subsections (e)(1), (e)(4)(G), (H), and (I) because of and to the extent that the records are exempt from the individual access provisions of subsection (d). The nature of the investigative activities is such that vital information about an individual can only be obtained from other persons who are familiar with such individual and his activities. In such investigations, it is not feasible to rely upon information furnished by the individual concerning his or her own activities.

In a criminal investigation, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation would be placed on notice as to the existence of the investigation and would be able to avoid detection, influence witnesses improperly, destroy evidence, or fabricate testimony.

In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restriction of subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

In the course of criminal and other law enforcement investigations, cases and matters, the Coast Guard will occasionally obtain information concerning actual or potential violations of law which are not strictly within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific inquiry. In the interests of effective law enforcement, it is necessary to retain such information in this system of records since it can aid in establishing pattern of criminal activity and can provide valuable leads for other law enforcement agencies.

These records are exempt from subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him or her dealing with an actual or potential criminal, civil, or regulatory investigation must be exempted because such notice to an individual would be detrimental to the successful conduction and/or completion of an investigation, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under, or may become the subject of, an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act the rules required pursuant to subsection (f)(2) through (5) are inapplicable to the system of records to the extent that this system of records is exempted from subsection (d).

Analysis of Regulatory Impacts

This amendment is not a ''significant regulatory action'' within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this proposal will not have a significant economic impact on a substantial number of small entities, because the reporting requirements, themselves, are not changed.

This proposal does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969.

The Department has analyzed this rule under the principles and criteria contained in Executive Order 12612 (''Federalism'') and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule does not impose any unfunded

mandates as defined by the Unfunded Mandates Reform Act of 1995.

Finally, the proposal does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1995.

List of Subjects in 49 CFR Part 10:

Penalties, Privacy.

Accordingly, DOT proposes to amend 49 CFR part 10 as follows:

PART 10—[AMENDED]

1. The authority citation to part 10 would remain as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

2. Part II.A of the appendix to part 10 would be amended by adding a new paragraph 15, to read as follows:

Appendix to Part 10—Exemptions

* * * * *

Part II. Specific exemptions.

A. * * *

* * * * *

15. Marine Safety Information System, maintained by the Operations Systems Center, U.S. Coast Guard (DOT/CG 588). The purpose of this exemption is to prevent persons who are the subjects of criminal investigations from learning too early in the investigative process that they are subjects, what information there is in Coast Guard files that indicates that they may have committed unlawful conduct, and who provided such information.

* * * * *

Issued in Washington, DC, on November 18, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–31171 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172 and 175

[Docket HM–224A; Notice No. 97–15]

RIN 2137–AC92

Hazardous Materials: Prohibition of Oxidizers Aboard Aircraft; Notice of Public Meeting and Reopening of Comment Period

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

ACTION: Proposed rules; public meeting and reopening of comment period.

SUMMARY: RSPA is inviting additional comments concerning proposals to prohibit the transportation of oxidizers in passenger-carrying aircraft and in inaccessible locations on cargo aircraft, as issued by RSPA in a notice of proposed rulemaking on December 30, 1996, and a supplemental notice of proposed rulemaking on August 20, 1997. RSPA and FAA will hold a public meeting on January 14, 1998, in Washington, DC. In addition, RSPA is reopening the comment period for Docket HM–224A until February 13, 1998.

DATES: *Comments.* Comments must be received by February 13, 1998.

Public meeting The public meeting will be held on January 14, 1998 beginning at 9:00 a.m.

ADDRESSES: *Comments.* Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, room 8421, 400 Seventh Street, SW, Washington, D.C. 20590–0001. Comments should identify the docket number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. Comments may also be submitted by e-mail to the following address: rules@rspa.dot.gov. The Dockets Unit is located in the Department of Transportation headquarters building (Nassif Building) at the above address on the eighth floor. Public dockets may be reviewed there between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Public meeting The public meeting will be held at the Federal Aviation Administration Auditorium, Third floor, 800 Independence Avenue, SW, Washington, D.C. 20591. Any person planning to present a statement at the public meeting should notify Diane LaValle, by telephone or by e-mail before January 9, 1998. Oral statements should be limited to 10 minutes in length.

FOR FURTHER INFORMATION CONTACT: Diane LaValle or John Gale, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590–0001. E-mail address: rules@rspa.dot.gov.

SUPPLEMENTARY INFORMATION: On December 30, 1996, RSPA published a notice of proposed rulemaking in the **Federal Register** [61 FR 68955] which proposed to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to prohibit the carriage of oxidizers, including compressed oxygen, in passenger-carrying aircraft and in inaccessible locations on cargo aircraft. The December 30, 1996 notice of proposed rulemaking analyzed Class D cargo compartments. On August 20, 1997 a supplemental notice of proposed rulemaking was published in the **Federal Register** [62 FR 44374] which specifically analyzed the prohibition of oxidizers in other than Class D cargo compartments.

Nine associations requested that RSPA schedule a public meeting to more fully explore issues relating to the necessity and effect of the proposed ban on transportation of oxidizers aboard aircraft. RSPA believes the request has merit and will hold a public meeting on January 14, 1998 to provide an opportunity for oral comment on the proposed action. RSPA is also reopening the comment period to provide additional time for submission of written comments.

Issued in Washington, DC on November 21, 1997 under authority delegated in 49 CFR, Part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97–31114 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–97–3148]

RIN 2127–AC62

Federal Motor Vehicle Safety Standards; Fuel System Integrity; Crossover Lines

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

ACTION: Termination of rulemaking.

SUMMARY: This document terminates a rulemaking in which the agency had considered amending Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*, to limit fuel spillage experienced by vehicles equipped with a crossover fuel line. Upon reviewing the comments on its proposal, the agency concludes that the safety benefits of the proposed amendment are too small to justify its issuance.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Dr. William J.J. Liu, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C., 20590. Telephone: (202) 366–4923. FAX (202) 366–4329.

For legal issues: Ms. Nicole Fradette, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

I. Background

A. Standard No. 301, Fuel System Integrity

Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*, specifies requirements for the integrity of motor vehicle fuel systems, including the fuel tanks, lines and connections and emission controls. The standard's principal purpose is to reduce deaths and injuries from fires caused by fuel spillage during and after motor vehicle crashes. The standard currently applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less and use fuel with a boiling point above 32° Fahrenheit. The only type of vehicle with a GVWR over 10,000 pounds to which the Standard applies is school buses.

B. California Highway Patrol Rulemaking Petition

On May 30, 1986, the California Highway Patrol (CHP) submitted a rulemaking petition requesting NHTSA to amend Standard No. 301 to establish requirements to protect fuel lines, crossover lines and bottom fittings on medium and heavy trucks [1] against breakage when struck by road debris. The petitioner believed that such requirements would reduce the frequency and magnitude of fuel spills caused when road debris damage the fuel tank, the shut-off valve, or the crossover line on medium and heavy trucks and truck tractors.

The CHP based its petition on data gathered from 142 diesel fuel spills that occurred on Southern California highways during 1984 and 1985. According to the petition, ''one-third of the 142 spills were caused by an object on the road being struck by [a heavy vehicle's] front wheels and thrown against the tank or fuel lines.'' CHP stated that the major consequence of these diesel fuel spills was the cost to the State of cleaning the spill, investigating the leak, and undertaking traffic control. In addition, CHP stated that seven ''secondary'' crashes were caused by vehicles that struck a dropped fuel tank or skidded out-of-control on spilled fuel. Based on the above considerations, CHP requested that NHTSA issue standards that would protect fuel lines, crossover lines and bottom fittings against breakage from road debris.

On May 2, 1988, NHTSA published a notice granting the CHP petition to establish performance requirements for crossover lines, end fittings, and shut off valves. (53 FR 15578). In the grant notice, the agency stated that—

> The issues raised by the petitioner warrant further consideration. NHTSA plans to conduct research into the issue of heavy vehicle post-crash fires to determine whether rulemaking is appropriate on this issue.

C. Crossover Fuel Lines

The principal focus of the CHP petition was crossover fuel lines. These fuel lines are used on heavy vehicles with dual fuel tanks to enable the tanks to maintain a constant fuel level and to allow the engine to draw fuel from only one tank. The crossover line is typically one of the fuel system components closest to the ground. In this location, an unprotected crossover line is susceptible to being struck by road debris, or being snagged in crashes when the truck rides over another vehicle or highway structure.

Given the vulnerability of a crossover line, fuel spills can be prevented by routing the fuel line through a metal sleeve or attaching the fuel line to the rear of an angle iron or beam. Such means of protection have become increasingly common. Another way to prevent fuel spills is through the use of breakaway/frangible valves installed at the point where the line would otherwise be attached to each tank. These valves are designed to break before any other part of the line and to seal both sides of the break. [2] To date, relatively few motor vehicles have been equipped with these devices.

II. NHTSA Proposal

Following its grant of the CHP petition, NHTSA conducted a test program at its Vehicle Research and Test Center (VRTC) to develop an appropriate test procedure for crossover lines. On May 17, 1994, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 301 to limit fuel spillage experienced by vehicles equipped with a crossover fuel line (59 FR 25590). The proposal incorporated the VRTC test procedure, which is documented in a report submitted to the docket. [3]

The agency proposed that fuel leakage be limited to 30 grams (1 ounce) by weight, beginning with the onset of the application of a 11,100 Newtons (2,500 pounds) test force to the crossover fuel line and ending two minutes after the end of the test force application. NHTSA tentatively concluded that the proposed requirements would eliminate most of the fuel spillage from crossover line breakage and estimated that it would prevent one fatality and 55 injuries each year that occur in secondary crashes due to fuel spillage. NHTSA requested comments on whether there is a safety need for the proposal.

D. Society of Automotive Engineers and NHTSA Tests

While NHTSA analyzed the public comments on the NPRM, the agency also conducted a test program to evaluate and compare the proposed test procedure with a test procedure for crossover lines independently developed by the Society of Automotive Engineers (SAE). SAE had drafted Recommended Practice J1624, *Fuel Crossover Line*, to evaluate and set minimum strength requirements for crossover lines. The SAE draft Recommended Practice included a different test procedure than the proposed procedure. The Recommended Practice specifies a different and higher load level of 22,200 Newtons (5,000 pounds) compared to the 11,100-Newton (2,500 pound) load of the proposed procedure, and applies the load in a different manner.

The VRTC report concluded that the proposed test procedure and the SAE draft test procedure were both generally reasonable and practicable.[4] The report further stated that the draft SAE J1624 Recommended Practice included test procedures and requirements that were more rigorous than necessary to evaluate current crossover fuel lines. The report concluded that the SAE test procedure may result in much higher costs to manufacturers and consumers than fuel systems meeting the NHTSA tests. Although it favored the VRTC procedure over the SAE procedure, the report concluded that both procedures needed significant modifications before they could be incorporated into a Federal motor vehicle safety standard.

III. Comments

NHTSA received 15 comments on the NPRM proposing to prevent fuel spillage from crossover fuel lines. The commenters included nine vehicle manufacturers (Mack Trucks,

[1] Those trucks that have a GVWR greater than 10,000 pounds.

[2] These valves are referred to as frangible valves throughout the remainder of the document.

[3] ''Testing to Develop Fuel System Integrity Standard,'' VRTC, March 1992.

[4] ''Testing to Evaluate Two Proposed Fuel Crossover Line Protection Procedures,'' VRTC, June 1995.

Mitsubishi, Ford, PACCAR, Flxible, General Motors (GM), Navistar, Bugatti Automobili, and Lotus), four associations (the California Trucking Association (CTA), the National Truck Equipment Association (NTEA), American Trucking Associations (ATA), and the American Automobile Manufacturers Association (AAMA)), and two safety groups (the National Fire Protection Association (NFPA) and Advocates for Highway and Auto Safety (Advocates).

Commenters expressed differing views about the need to require crossover fuel line protection. Advocates, NFPA, CTA and Mitsubishi supported the proposal. Mack, ATA, NTEA, AAMA, GM, Ford, Bugatti, and Lotus opposed it. ATA, NTEA, and AAMA stated that they were not aware of any safety problem associated with fires resulting from crossover line failure. ATA stated that manufacturers have already recognized the need to provide fuel systems with greater resistance to fuel leakage and are voluntarily providing them. Mack, NTEA, and GM stated that there was a trend in the industry away from crossover fuel lines.

Commenters addressed other issues including harmonization with a SAE Recommended Practice, frangible valves, cost and application, leadtime, and the proposed test procedures and performance requirements.

IV. Agency Decision

After reviewing its own reports and the public comments on this proposal, NHTSA has decided not to issue a requirement for crossover fuel line protection and to terminate rulemaking on this issue.

To complete rulemaking on the proposed amendment, the agency would need to devote significant agency resources to refine the proposed test procedures. The agency believes such an expenditure of additional resources is not warranted, given the limited and uncertain benefits that could be obtained from such a requirement.

The comments show that the vehicle manufacturers have developed and implemented new designs that eliminate the need for crossover lines in many vehicles. The agency anticipates that the trend toward new systems that eliminate crossover lines will continue. In the interval since the NPRM was issued, the industry has significantly improved their design for those vehicles that will continue to use crossover lines. Based on information supplied by the industry, the agency estimates that less than 50 percent of trucks are still produced with crossover lines. Of these vehicles, 90 percent are equipped with substantial protective structures that are able to withstand the 2,500-pound test load proposed in the NPRM. Thus, the agency believes that the proposed requirement would affect fewer than five percent of the new truck population. The agency further believes that even fewer heavy trucks will be equipped with crossover lines in the future.

The agency estimated in the NPRM that the requirement would prevent one fatality and two nonfatal injuries per year due to fires (and 0.6 fatality and 55 nonfatal injuries due to secondary crashes caused by fuel spillage). In view of the trends in manufacturing practices noted above, the agency believes that these estimates overstate the benefits that would result in the future from the requirement.

In addition to the reduced benefits from the requirement, the per-vehicle costs would have been substantial ($50 or more per truck and $1,000 per test).

For the reasons set forth above, NHTSA has decided to terminate the rulemaking action to amend Standard No. 301 that would have required crossover fuel line protection.

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

Issued on: September 24, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[Signature page for RIN 2127–AC62]

(Termination of Rulemaking)

[FR Doc. 97–31263 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285, 630, 644, and 678

[I.D. 100897B]

Atlantic Highly Migratory Species; Scoping Document; Extension of Comment Period

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

ACTION: Notice of availability; request for comments; extension of comment period.

SUMMARY: NMFS announces the extension of the public comment period on the scoping document for Highly Migratory Species (HMS) fishery management. The public comment period is hereby extended from December 1, 1997, to January 9, 1998, to give members of the public additional time to review and comment on the issues and options that are discussed in the scoping document. Any written comments received by that date will be considered by NMFS in developing a set of alternatives for management measures.

DATES: Acceptance of written comments is extended from December 1, 1997, to January 9, 1998.

ADDRESSES: Written comments and requests for copies of the scoping document should be directed to the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD. 20910. PHONE:(301)713–2347. FAX: (301)713–1917. The scoping document is also available on the Internet at http://kingfish.ssp.nmfs.gov/sfa/.

FOR FURTHER INFORMATION CONTACT: Liz Lauck or Jill Stevenson, (301) 713–2347.

SUPPLEMENTARY INFORMATION: NMFS is considering management measures for the fisheries for Atlantic tunas, Atlantic swordfish, Atlantic shark, and Atlantic billfish to be included in a comprehensive Fishery Management Plan (FMP) for Atlantic tunas, swordfish and sharks, and an amendment to the Billfish FMP. Options for management may include long-term rebuilding programs, reallocation of quotas, recreational bag limits, commercial trip limits, minimum size restrictions, time/area closures, regional quotas, consistency between state and Federal regulations, gear restrictions, limited access, identification and protection of essential fish habitat, and permitting and reporting requirements.

Consistent with the new requirements of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS established an HMS Advisory Panel (AP) and a Billfish AP to assist in developing and amending FMPs for HMS species. In the case of any species identified as overfished, the APs will also assist in developing rebuilding programs. The scoping document, developed with input from the APs, outlines major issues and options under consideration.

NMFS has held a series of scoping meetings to gather public input on a broad range of issues and options that may be considered in addressing HMS issues (62 FR 54035, October 17, 1997). Public input is also sought through written comments that may be mailed or faxed to the Highly Migratory Species Management Division (see **ADDRESSES**). Based upon several requests from the

public as well as the fact that extension of the comment period is not anticipated to delay development of the FMP, NMFS is extending the comment period on this scoping document from December 1, 1997 to January 9. 1998.

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

Dated: November 20, 1997.

Gary C. Matlock,

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

[FR Doc. 97–31190 Filed 11–26–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 112097E]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 3-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Tuesday, December 9, 1997, at 10 a.m., on Wednesday, December 10, 1997, at 8:30 a.m., and on Thursday, December 11, 1997, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Peabody Marriott, 8A Centennial Drive, Peabody, MA; telephone (978) 977-9700. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone (781) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231-0422.

SUPPLEMENTARY INFORMATION:

Tuesday, December 9, 1997

After introductions the Council meeting will begin with the Multispecies Monitoring Committee Annual Report. The presentation will include landings projections for the 1997 fishing year, target total allowable catches (TACs) for the 1998 fishing year, options for reaching or maintaining the rebuilding plan fishing mortality objectives for cod, haddock, and yellowtail flounder stocks, and the status of fisheries for pollock, redfish, winter flounder, witch flounder, American plaice, windowpane flounder, and white hake.

Following the report, the Council's Groundfish Committee will discuss and seek approval of initial action on Framework Adjustment 25 to the Northeast Multispecies Fishery Management Plan (FMP). The adjustment would include measures to meet the 1998 fishing year rebuilding plan objectives (based on the report of the Multispecies Monitoring Committee) through the use of any of the following measures—area closures, trip limits, adjustments to days-at-sea (DAS) or gear modifications. The framework adjustment would also include measures to adjust the opening date of the Cultivator Shoal Whiting Exempted Fishery, require a raised footrope trawl in the Small Mesh Area 2 Exempted Fishery, restrict or prohibit the use of ''streetsweeper'' gear, and modify the regulations that now require vessel monitoring systems (VMS) on all individual DAS vessels. VMS options under consideration would include, but are not limited to, voluntary use of VMS, mandatory use only on vessels with DAS allocations over a specified level, or mandatory use only on vessels with specific violations. The framework may also prohibit fishing for regulated species in groundfish closed areas by vessels using exempted gears such as lobster pots, even when such vessels are fishing in the DAS program.

Wednesday, December 10, 1997

If necessary, the Council will continue consideration of Framework Adjustment 25. The Overfishing Definition Review Panel will present a preliminary report on new overfishing definitions developed to comply with the Sustainable Fisheries Act. Species to be discussed include Atlantic sea scallops, Georges Bank yellowtail flounder, monkfish, Atlantic mackerel, and possibly others. Prior to addressing sea scallop issues there will be reports from the Scallop Advisory Panel and the Scallop Plan Development Team (PDT). The Scallop Committee will then recommend final measures to be included in Amendment 7 to the Scallop Fishery Management Plan. Currently, the proposal contains a program to allow consolidation of DAS and the use of closed area management. There will also be further consideration of Framework Adjustment 10, an action to modify the scallop DAS schedule following the third-year review of the DAS scallop effort reduction program. There will be a review of committee discussions on VMS regulations and measures to allow scallop vessels to fish in the areas closed for groundfish conservation. After reports from the Herring Advisory Panel and PDT, the Herring Committee will seek approval of proposed fishery management plan objectives, as well as the array of management measures to be discussed at public hearings. Measures may include vessel/dealer/operator permits, spawning area closures, a target TAC, vessel size limits, prohibitions on directed mealing, area management, limits on fishing time, and possibly other measures.

Thursday, December 11, 1997

The Monkfish Advisory Panel and the Monkfish PDT will report to the Council, followed by consideration and approval of monkfish measures for Amendment 9 to the Northeast Multispecies FMP. There may be a request to the Secretary of Commerce to implement interim management measures for the monkfish fishery. The afternoon session will begin with reports from the Council Chairman, Executive Director, NMFS Regional Administrator, Northeast Fisheries Science Center, and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard and the Atlantic States Marine Fisheries Commission (ASMFC). There will be a briefing on the recent Habitat Advisory Panel meeting and progress on the development of essential fish habitat information. This will be followed by an update on revisions to draft Amendment 10 to the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan to manage ocean quahogs in the Gulf of Maine.

The Chairman of the Council's Lobster Committee will review the ASMFC's final fishery management plan for American lobster and discuss options to address any concerns with the plan. There also may be consideration of future management strategies, if necessary, to meet the requirements of the Sustainable Fisheries Act. The meeting will adjourn after the conclusion of any other outstanding Council business.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council actions will be restricted to those issues specifically listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: November 21, 1997.

Gary C. Matlock,

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

[FR Doc. 97–31245 Filed 11–24–97; 3:18 pm]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 62, No. 229

Friday, November 28, 1997

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. PY–98–001]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection in support of the Regulations Governing the Grading of Poultry Products and Rabbit Products.

DATES: Comments on this notice must be received by January 27, 1998.

ADDITIONAL INFORMATION: Contact Shields Jones, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 0259, Washington, DC 20050–0259, (202) 720–3506.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing the Grading of Poultry Products and Rabbit Products—7 CFR Part 70.

OMB Number: 0581–0127.

Expiration Date of Approval: April 30, 1998.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The regulations provide a voluntary program for grading poultry and rabbit products on the basis of U.S. standards and grades. In addition, the poultry and rabbit industries and users of the products have requested that other types of voluntary services be developed and provided under these regulations; e.g., contract and specification acceptance services and certification of quantity. This voluntary grading service is available on a resident basis or a lot-fee basis. Respondents may request resident service on a continuous basis or on an as-needed basis. The service is paid for by the user (user-fee).

The Agricultural Marketing Act of 1946 (60 Stat. 1087–1091, as amended; 7 U.S.C. 1621–1627) (AMA) directs and authorizes the Department to develop standards of quality, grades, grading programs, and services which facilitate trading of agricultural products and assure consumers of quality products which are graded and identified under USDA programs.

To provide programs and services, section 203(h) of the AMA directs and authorizes the Secretary of Agriculture to inspect, certify and identify, and identify the grade, class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of the service.

Because this is a voluntary program, respondents need to request or apply for the specific service they wish, and in doing so, they provide information. Since the AMA requires that cost of service be assessed and collected, there is no alternative but to provide programs on a fee-for-service basis and to collect the information needed to establish the cost.

The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer the program.

The information collected is used only by authorized representatives of the USDA (AMS, Poultry Programs' national staff; regional directors and their staffs; Federal-State supervisors and their staffs; and resident Federal-State graders, which includes State agencies). The information is used to administer and to conduct and carry out the grading services requested by the respondents. The Agency is the primary user of the information, and the secondary user is each authorized State agency which has a cooperative agreement with AMS.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.09 hours per response.

Respondents: State or local governments, businesses or other for-profit, Federal agencies or employees, small businesses or organizations.

Estimated Number of Respondents: 749.

Estimated Number of Responses per Respondent: 38.67.

Estimated Total Annual Burden on Respondents: 1,913 hours.

Copies of this information collection can be obtained from Shields Jones, Standardization Branch, at (202) 720–3506.

Send comments regarding, but not limited to, the following: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; or (d) ways to 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, to: Douglas C. Bailey, Chief, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Stop 0259, Washington, DC 20250-0259.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: November 20, 1997.

D. Michael Holbrook,

Deputy Administrator, Poultry Programs.

[FR Doc. 97–31179 Filed 11–26–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–114–1]

Monsanto Co.; Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Tomato

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Monsanto Company seeking a determination of nonregulated status for a tomato line designated as 5345, which has been genetically engineered for resistance to certain lepidopteran insect pests. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether this tomato line presents a plant pest risk.

DATES: Written comments must be received on or before January 27, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–114–1, 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. 97–114–1. A copy of the petition and any 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 access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Sivramiah Shantharam, Biotechnology Evaluation, BSS, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–4882. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734–4885; e-mail: mkpeterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On October 14, 1997, APHIS received a petition (APHIS Petition No. 97–287–01p) from Monsanto Company (Monsanto) of St. Louis, MO, requesting a determination of nonregulated status under 7 CFR part 340 for a genetically engineered, insect-resistant tomato line designated as 5345. The petition states that the subject tomato line should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, tomato line 5345 has been genetically engineered to express a CryIA(c) insect control protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *kurstaki* HD–73 (Btk). The petitioner states that expression of the Btk delta-endotoxin protein protects the subject tomato line from damage caused by certain lepidopteran insect pests. Tomato line 5345 also expresses the NPTII protein which serves as a selectable marker in the plant transformation process. While the subject tomato line contains the *aad* gene, tests indicate that the AAD protein, which serves as a selectable marker in the laboratory prior to plant transformation, is not expressed in the plant. The added genes were introduced into the UC82B parental tomato plants by the *Agrobacterium tumefaciens* transformation system, and their expression is controlled in part by gene sequences derived from the plant pathogens cauliflower mosaic virus and *A. tumefaciens.*

The subject tomato line is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogenic sources. Tomato line 5345 has been evaluated in field trials conducted since 1994 under APHIS notifications. In the process of reviewing the notifications for field trials of this tomato line, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical containment or isolation, would not present a risk of plant pest introduction or dissemination.

In the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), ''plant pest'' is defined as ''any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured or other products of plants.'' APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including insecticides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which the genetically modified plant allows for a new or different use pattern for a pesticide, EPA must approve the new or different use. Residue tolerances for pesticides are established by the EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA. The EPA has granted exemptions from the requirement of a tolerance for residues of the CryIA(c) and NPTII proteins and the genetic material necessary for their production in all plants.

The FDA published a statement of policy on foods derived from new plant varieties in the **Federal Register** on May 29, 1992 (57 FR 22984–23005). The FDA statement of policy includes a discussion of the FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of Monsanto's insect-resistant tomato line 5345 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 150aa-150jj, 151–167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(c).

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

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–31222 Filed 11–26–97; 8:45 am]

BILLING CODE 3410–34–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: December 29, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On October 10, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (62 FR 52969) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Janitorial/Custodial, Keene USARC, 682 Main Street, Keene, New Hampshire.
Janitorial/Custodial, Grenier Field USARC, Manchester, New Hampshire.
Janitorial/Custodial, Craft Bros. USARC, 11 St. Anselm's Drive, Manchester, New Hampshire.
Janitorial/Custodial, Paul A. Doble USARC, 125 Cottage Street, Portsmouth, New Hampshire.
Janitorial/Custodial, Raymond Bisson USARC, 70 Rochester Hill Road, Rochester, New Hampshire.
Janitorial/Custodial, Rainbow Bridge U.S. Plaza, Niagara Falls, New York.
Switchboard Operation, Veterans Affairs Medical Center, 423 East 23rd Street, New York, New York.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–31379 Filed 11–26–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 29, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which

they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies

(Requirements for the following activities: Naval Station, San Diego, CA; Naval Air Station, North Island, CA; Marine Corps Air Station, Miramar, CA; Marine Corps Air Station, Yuma, AZ; Naval Station, Ingleside, TX; Naval Air Station, El Toro, CA; Naval Air Weapons Command, Point Mugu, CA and the Naval Air Weapons Command, China Lake, CA)
NPA: Pacific Coast Community Services, Alameda, California.

Services

Grounds Maintenance, Veterans Affairs Medical Center, 601 Perdido Street, New Orleans, Louisiana, NPA: Goodwill Industries of Southeastern Louisiana, Inc., New Orleans, Louisiana.
Janitorial/Custodial, U.S. Customs Service, Canine Enforcement Training Center (Various Buildings), Front Royal, Virginia, NPA: Northwestern Workshop, Inc., Winchester, Virginia.
Janitorial/Grounds Maintenance, West Los Angeles Federal Building and U.S. Post Office, 11000 Wilshire Boulevard, Los Angeles, California, NPA: Exceptional Children's Foundation, Los Angeles, California.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–31380 Filed 11–26–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 29, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and service have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Gloves

M.R. 509
M.R. 415
M.R. 416
M.R. 417
M.R. 418
M.R. 514
M.R. 515

NPA: New York City Industries for the Blind, Long Island City, New York.

Service

Janitorial/Custodial, Naval Command Control & Ocean Surveillance Center, East Coast Division Complex (trailers/laboratories), Charleston, South Carolina. NPA: Goodwill Industries of Lower South Carolina, Inc., Charleston, South Carolina.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–31381 Filed 11–26–97; 8:45 am]

BILLING CODE 6353–01–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, December 5, 1997, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

Status

Agenda

I. Approval of Agenda
II. Approval of Minutes of November 14, 1997 Meeting
III. Announcements
IV. Staff Director's Report
V. State Advisory Committee Appointments for Arkansas, Ohio, Oklahoma, Pennsylvania, South Carolina, and South Dakota
VI. Future Agenda Items
10:00 a.m. Briefing on Asian Pacific Americans

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376–8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 97–31399 Filed 11–25–97; 12:29 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 80–97]

Foreign-Trade Zone 2—New Orleans, Louisiana Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Board of Commissioners of the Port of New Orleans, grantee of FTZ 2, requesting

authority to expand its zone in the New Orleans, Louisiana area, within the New Orleans Customs port of entry. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 18, 1997.

FTZ 2 was approved on July 16, 1946 (Board Order 12, 11 FR 8235, 7/31/46) and expanded on April 9, 1984 (Board Order 245, 49 FR 15006, 4/16/84); May 8, 1986 (Board Order 331, 51 FR 17783, 5/15/86); and, November 13, 1991 (Board Order 544, 56 FR 58682, 11/21/91). The zone project currently consists of the following sites: *Site 1* (19 acres)—at the Napoleon Avenue Wharf; New Orleans; *Site 2* (76 acres)—within the Almonaster-Michoud Industrial District (AMID) on the Inner Harbor Navigation Canal and the Mississippi River Gulf Outlet, New Orleans; *Site 3* (700 acres)—Newport Industrial Park, adjacent to AMID, New Orleans; *Site 4* (159,000 sq. ft)—warehouse facility at 200 Crofton Road, adjacent to the New Orleans International Airport, Kenner (Jefferson Parish);. and, *Site 5* (23,500 sq. ft.)—warehouse facility at 2445–2447 Aberdeen Street, adjacent to the New Orleans International Airport.

The applicant is now requesting authority to expand the general-purpose zone to include two Mississippi River port terminal facilities at the Port of St. Bernard in St. Bernard Parish, adjacent to New Orleans: *Site 6* (136 acres)—Arabi Terminal and Industrial Park, at Mile Point 90.5 on the Mississippi River, Arabi; and, *Site 7* (216 acres)—Chalmette Terminal and Industrial Park, one mile downriver from the Arabi Terminal. Both sites are owned and operated by the St. Bernard Port, Harbor and Terminal District, and the entire Port site is an Enterprise Zone. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 27, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to February 11, 1998).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Export Assistance Center, Suite 2150, One Canal Place, 365 Canal Street, New Orleans, LA 70130

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: November 20, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–31284 Filed 11–26–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 79–97]

Foreign-Trade Zone 33—Pittsburgh, Pennsylvania Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Regional Industrial Development Corporation of Southwestern Pennsylvania, grantee of FTZ 33, requesting authority to expand its zone in the Pittsburgh, Pennsylvania area, within the Pittsburgh Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 17, 1997.

Zone 33 was approved on November 9, 1977 (Board Order 124, 42 F.R. 59398, 11/17/77) and expanded on March 16, 1981 (Board Order 172, 46 F.R. 18063, 3/23/81). The general-purpose portion of the FTZ project currently consists of two sites: *Site 1* (43 acres)—within the 500-acre RIDC Park West, Park West Drive, Findlay Township, Allegheny County; and, *Site 2* (3 acres)—S.H. Bell Company's London Metal Exchange warehouse facility, One Third Street, Allegheny County, Braddock.

The applicant is now requesting authority to expand both existing sites and to add two new general-purpose sites to its zone project as follows: *Site 1*—add 6 acres to the existing 43-acre Site 1 within the RIDC Park West complex (includes 3 acres that was previously transferred to Site 2 in 1994); *Site 2*—add 6 acres to the existing Site 2, covering the entire S.H. Bell Company's warehouse facility; *Proposed Site 3* (5,427 acres)—within the 10,000-acre Pittsburgh International Airport complex (includes an aviation fuel depot consisting of four storage tanks), approximately 10 miles from Pittsburgh; and, *Proposed Site 4* (140 acres)—Leetsdale Industrial Park, First and Center Avenues, Leetsdale. The proposed changes to Sites 1 and 2 would increase these sites to 49 acres and 9 acres respectively. With the changes, the new FTZ plan would cover some 5,625 acres with 25 buildings (1.4 mil. sq. ft.). The two additional sites would be used primarily for warehousing/distribution and air cargo activity. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 27, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 13, 1998.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Federal Building, Suite 2002, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: November 20, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–31283 Filed 11–26–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Certificate of Eligibility for Billfishes; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to

take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 27, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Jill Stevenson, F/SF1, 1315 East-West Highway, Silver Spring, MD 20910 (301–713–2347).

SUPPLEMENTARY INFORMATION:

I. Abstract

A Certificate of Eligibility for Billfishes is required under 50 CFR Section 644 to accompany all billfish except for a billfish landed in a Pacific state and remaining in the state of landing. This documentation certifies that the accompanying billfish was not harvested from the Atlantic Ocean management unit (described on the form). The certificate must accompany the billfish to any dealer or processor who subsequently receives or possesses the billfish. This collection is necessary to implement the Atlantic Billfish Fishery Management Plan whose objective is to reserve Atlantic billfish for the recreational fishery.

II. Method of Collection

Completion of certificate and recordkeeping.

III. Data

OMB Number: 0648–0216
Form Number: None assigned.
Type of Review: Regular submission.
Affected Public: Businesses and other for-profit (seafood importers, distributors).
Estimated Number of Respondents: 10 for completion of certificate and 250 for recordkeeping.
Estimated Time Per Response: 20 minutes for completion of certificate and 2 minutes for recordkeeping.
Estimated Total Annual Burden Hours: 117 hours.
Estimated Total Annual Cost: $0 (no capital expenditures are required).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 20, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–31174 Filed 11–26–97; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.111497A]

Ecosystem Principles Advisory Panel; Advisory Panel Meeting

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

ACTION: Notice of advisory panel meeting.

SUMMARY: Pursuant to section 406 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires NMFS to establish an advisory panel to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities, NMFS is announcing the date, time, and location of the second of three advisory panel meetings scheduled as follows:

DATES: The second advisory panel meeting will be held Monday, December 15, 1997, 9 a.m. to 6:15 p.m. and Tuesday, December 16, 1997, 8:30 a.m. to 5:00 p.m.

ADDRESSES: Edmond Meany Hotel, 4507 Brooklyn Ave. NE, Seattle, Washington 98104.

FOR FURTHER INFORMATION CONTACT: Ned Cyr, Office of Science and Technology, NMFS, 1315 East-West Hwy., Silver Spring, MD 20910; Telephone: (301)713-2363, Fax: (301)713-1875.

SUPPLEMENTARY INFORMATION: Section 406 of the Magnuson-Stevens Act requires NMFS to establish an advisory panel, no later than April 11, 1997, to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities. The panel will consist of no more than 20 individuals with expertise in the structures, functions, and physical and biological characteristics of ecosystems. The panel will also consist of representatives from the Regional Fishery Management Councils, states, fishing industry, conservation organizations, or others with expertise in the management of marine resources. The panel is required to submit a report to Congress by October 11, 1998, to include the following: an analysis of the extent to which ecosystem principles are being applied in fishery conservation and management activities, including research activities; proposed actions by the Secretary of Commerce and by Congress that should be undertaken to expand the application of ecosystem principles in fishery conservation and management; and such other information as may be appropriate.

The first Advisory Panel meeting was held Wednesday, September 10 and Thursday, September 11, 1997, in Washington, DC.

Time will be allotted for public comments at the meeting. Persons planning to comment at the panel meeting should notify NMFS at least 2 weeks prior to the meeting (close of business Monday, December 1, 1997).

Special Accommodations

The review panel meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ned Cyr at (301) 713-2363 at least 10 days prior to the advisory panel meeting.

Dated: November 21, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–31191 Filed 11-26-97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 111997B]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of its Stone Crab Advisory Panel and Scientific and Statistical Committee via conference call on Monday, December 15, 1997, beginning at 8:30 a.m. eastern standard time.

ADDRESSES: A listening phone will be located at each of the following locations:

NMFS Southeast Regional Office, 9721 Executive Center Drive North, St. Petersburg, FL; telephone: 813–570–5301;

NMFS Miami Laboratory, 75 Virginia Beach Drive, Room 200, Miami, FL; telephone: 305–361–4259.

Council addressy: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, at the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The meeting is being held to review Draft Amendment 6 to the Stone Crab Fishery Management Plan. The amendment proposes to extend a moratorium on registration on commercial stone crab vessels by the Regional Administrator of NMFS for a period not to exceed 4 years. The purpose of the moratorium is to provide time for the state of Florida to implement a limited access system for the fishery and for the Council to develop and implement an amendment extending the limited access system to the exclusive economic zone.

Although other issues not contained in this agenda may come before the Panel/Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal Panel/Committee action during this meeting. Panel/Committee action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by December 8, 1997.

Dated: November 21, 1997.

Gary C. Matlock,

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

[FR Doc. 97–31247 Filed 11–26–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102097D]

Endangered Species; Permits

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

ACTION: Receipt of three applications (1071, 1081, 1093) and one modification (1044) for scientific research permits; issuance of modifications to two scientific research permits (1028, 1051).

SUMMARY: Notice is hereby given that the U.S. Forest Service, Pacific Southwest Research Station (USFS) in Arcata, CA (1071), the U.S. National Park Service, Redwood National and State Parks (NPS) in Orick, CA (1081), and the U.S. Geological Survey, Humboldt Cooperative Fishery Research Unit (USGS) in Arcata, CA (1093) have applied in due form for permits, and the National Marine Fisheries Service, Southwest Fisheries Science Center (SWFSC) in Tiburon, CA (1044) has applied in due form for a permit modification authorizing takes of a threatened species for scientific research purposes. Notice is hereby also given that on November 12, 1997, NMFS issued Modification #1 of Permit #1028 to Mr. Steven Serfling, of Mote Marine Laboratory, and that on November 19, 1997, NMFS issued Modification #1 of Permit #1051 to Mr. Jorgen Skjeveland, of the U.S. Fish and Wildlife Service.

DATES: Written comments or requests for a public hearing on any of the applications or the modification request must be received on or before December 29, 1997.

ADDRESSES: The applications, permits, and related documents are available for review in the following offices, by appointment:

Applications for Permits 1071, 1081, and 1093, and modification request for permit 1044: Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404–6528 (707–575–6066).

Modification requests and Permits 1028 and 1051: Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813–893–3141).

All documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: For Permits 1044, 1071, 1081, and 1093: Tom Hablett, Protected Resources Division, NMFS Santa Rosa Office (707–575–6066).

For Permits 1028 and 1051: Terri Jordan, Endangered Species Division, Office of Protected Resources, (301–713–1401).

SUPPLEMENTARY INFORMATION: USFS (1071), NPS (1081), USGS (1093) and SWFSC (1044) have requested permits or modifications to permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227). NMFS has issued modifications to permits held by Mr. Steven Serfling, of Mote Marine Laboratory (1028), and by Mr. Jorgen Skjeveland, of the U.S. Fish and Wildlife Service (1051) under the authority of section 10 of the ESA and NMFS regulations governing ESA-listed fish and wildlife permits. USFS (1071) requests a five-year permit for takes of juvenile, threatened, southern Oregon/northern California coast (SONCC) coho salmon (*Oncorhynchus kisutch*) associated with fish population studies in the Eel and Van Duzen River Drainages within the Evolutionarily Significant Unit (ESU). The studies consist of juvenile coho salmon distribution for which ESA-listed fish are proposed to be taken. ESA-listed juvenile fish will be captured, anesthetized, handled (identified, and measured), allowed to recover from the anesthetic, and released. ESA-listed juvenile salmon indirect mortalities associated with the research are also requested.

NPS (1081) requests a five-year permit for takes of juvenile, threatened, SONCC coho salmon (*Oncorhynchus kisutch*) associated with fish population studies in NPS regulated drainages within the ESU. The studies consist of four assessment tasks for which ESA-listed fish are proposed to be taken: 1) Presence/absence, 2) population estimates, 3) habitat quality evaluation, and 4) spawner surveys. ESA-listed fish are proposed to be observed or captured, anesthetized, handled (identified and measured), allowed to recover from the anesthetic, and released. ESA-listed salmon indirect mortalities associated with the research are also requested.

USGS (1093) requests a five-year permit for takes of adult and juvenile, threatened, SONCC coho salmon (*Oncorhynchus kisutch*) associated with defined fish population studies throughout the ESU. The studies consist of five assessment tasks for which ESA-listed fish are proposed to be taken: 1) Presence/absence, 2) population estimates, 3) spawner surveys, 4) genetic sampling, and 5) habitat quality evaluation. ESA-listed fish will be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. Indirect mortalities are also requested.

SWFSC (1044) requests a modification to its five-year permit to include takes of adult and juvenile, threatened, SONCC coho salmon (*Oncorhynchus kisutch*) associated with fish population and habitat studies throughout the ESU. The studies consist of five assessment tasks for which ESA-listed fish are proposed to be taken: 1) Presence/absence, 2) population estimates, 3) spawner surveys, 4) genetic sampling, and 5) habitat quality evaluation. ESA-listed fish will be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. Indirect mortalities are also requested.

Mr. Serfling is authorized under Permit 1028 to hold shortnose sturgeon (*Acipenser brevirostrum*) eggs and yolk-sac fry obtained from the Huntsman Marine Laboratory, in St. Andrews, New Brunswick, Canada, at Mote Marine Laboratory in Florida to determine the effects of toxins on egg viabilty and yolk-sac survival rates. These viability and survival rates will be compared against those of fish from the USFWS hatchery in South Carolina and the St. Johns, St. Marys and Altamaha Rivers in Florida and Georgia, the collection of which was previously permitted on March 6, 1997. The volume of eggs and fry will not exceed 1.0 liter in volume.

Mr. Skjeveland is authorized under Permit 1051 to take up to thirty (30) listed shortnose sturgeon from the Chesapeake Bay, an increase of 5 from the original permit, and to take up to thirty (30) listed shortnose sturgeon from the Delaware Bay/River estuary to determine the genetic relationship of these two stocks and to determine if there is migration back and forth between the Chesapeake and Delaware Canal. The sturgeon will be measured, tagged, tissue sampled, and released.

Issuance of these modifications, as required by the ESA, were based on a finding that such permits: (1) Were applied for in good faith, (2) would not operate to the disadvantage of the listed species that are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Those individuals requesting a hearing on these requests for permits should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the above application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: November 21, 1997.

Nancy Chu,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–31246 Filed 11–26–97; 8:45 am]

BILLING CODE 3510–22–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps: National, Indian Tribes, and U.S. Territories Programs

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability of funds for new and renewal grants, notice of availability of 1998 application guidelines.

SUMMARY: The Corporation for National and Community Service (Corporation) announces the availability of funds for new and renewal AmeriCorps program grants in the approximate amounts of: (1) $40 million for AmeriCorps National program grants (CFDA # 94.004); and (2) $4.5 million for AmeriCorps Indian Tribes and U.S. Territories program grants (CFDA # 94.004). The application forms and guidelines for completing new applications are contained in (1) the ''AmeriCorps National 1998 Application Guidelines'', and (2) the ''1998 AmeriCorps Application Guidelines for Indian Tribes and U.S. Territories'' respectively. Grantees in their first or second year of operation should contact their Corporation program officer for information about the renewal process.

DATES: Applicants for new AmeriCorps National grants must be received by 3:30 p.m. (E.S.T.), February 6, 1998. Notice regarding the renewal application deadline for AmeriCorps National grants will be provided to existing grantees at a later date. All AmeriCorps Indian Tribe and U.S. Territory applications must be received by 3:30 p.m. (E.S.T.), May 12, 1998.

ADDRESSES: All applications should be submitted to the Corporation for National Service, 1201 New York Avenue, NW, Box ACD (for AmeriCorps National), Box ITT (for AmeriCorps Indian Tribes and U.S. Territories), Washington, D.C. 20525. Facsimiles will not be accepted.

FOR FURTHER INFORMATION CONTACT: Copies of the ''AmeriCorps National 1998 Application Guidelines'' may be requested by calling (202) 606–5000, ext. 125. Copies of the ''1998 AmeriCorps Application Guidelines for Indian Tribes and U.S. Territories'' may be requested by calling (202) 606–5000, ext. 475. If potential applicants have questions about the AmeriCorps National application guidelines or the application process, they should contact the Corporation for National Service, AmeriCorps Direct, 1201 New York Avenue, NW, Washington, D.C. 20525. Phone: (202) 606–5000, ext. 125. If potential applicants have questions about the AmeriCorps Indian Tribes and U.S. Territories application guidelines or the application process, they should contact the Corporation for National Service, AmeriCorps Indian Tribes and U.S. Territories, 1201 New York Avenue, NW, Washington, D.C. 20525. Phone: (202) 606–5000, ext. 188. Organizations interested in applying for AmeriCorps National program funds may participate in a conference call on Monday, December 15, 1997, during which Corporation staff will provide technical assistance to potential applicants. The call will begin at 1:00 P.M. and end at 3:00 P.M. (E.S.T.). To register for this call, please contact Jimmie Bonah at (202) 606–5000, extension 286. The Corporation staff will also conduct conference calls to provide technical assistance to potential applicants seeking AmeriCorps Indian Tribes and U.S. Territories program funds on February 3, 1998, and February 10, 1998. Both calls will begin at 4:00 P.M. (E.S.T.). To register for these calls, please contact Pattie Howell at (202)–606–5000, extension 188. In addition, there will be technical assistance conferences for potential applicants seeking AmeriCorps Indian Tribes and U.S. Territories program funds on January 9, 1998, in Las Vegas, NV and on February 6, 1998 in Memphis, TN. To register for either of the conferences, please call Pattie Howell, at (202) 606–5000, ext. 188. The Corporation's T.D.D. number is (202) 565–2799.

SUPPLEMENTARY INFORMATION: The Corporation's requirements for AmeriCorps programs are set forth in the Corporation's authorizing statute (42

U.S.C. section 12501 *et seq.*), its implementing regulations (45 CFR part 2500 *et seq.*), and grant application guidelines. In addition to being thoroughly familiar with the statute and its implementing regulations, prospective applicants should read the application carefully because, in some cases, more specific information is provided there.

AmeriCorps Program Fund Availability.

AmeriCorps engages thousands of Americans on a full and part-time basis to help communities address their toughest challenges while earning support for college, graduate school, or job training.

A. AmeriCorps National

Approximately $40 million is available for new and renewal grants through the AmeriCorps National program competition.

(1) Eligible Applicants

National nonprofit organizations, Indian Tribes, public or private nonprofit organizations (including labor organizations), subdivisions of states, and institutions of higher education are eligible to apply for AmeriCorps National program funds. For the purpose of this grant process, a national nonprofit organization is any nonprofit organization whose mission, membership, activities, or constituencies are national in scope. However, an organization described in Section 501(c)(4) of the Internal Revenue Code of 1986, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for Member placements, or act in any type of supervisory role in the program.

Eligible applicants that propose programs in more than one State are encouraged to seek funding directly from the Corporation. These applicants may operate programs directly or provide subgrants to local chapters or affiliates. The Corporation strongly encourages applicants that propose programs in a single State to apply to that State's Commission on National and Community Service.

(2) Estimated Amount and Quantity of Awards

The Corporation expects to make fewer than forty (40) awards for new and renewal AmeriCorps National operating programs in the Fiscal Year 1998 grant cycle. The grant size will vary by circumstance, need, and program model. The Corporation anticipates that it will not be able to fund AmeriCorps National programs at the same level as it has in the past because of a congressionally-imposed cap and a lack of available carryover funds. For this reason, grantees that have previously received AmeriCorps funding should consider significantly reducing the amount of requested support.

B. AmeriCorps Indian Tribes and U.S. Territories

Approximately $2.27 million is available for new and renewal AmeriCorps Indian Tribe program grants, and approximately $2.27 million is available for new and renewal AmeriCorps U.S. Territories program grants under a population-based formula.

(1) Eligible Applicants

Eligible applicants include Indian Tribes and U.S. Territories. For the purposes of this grant program an Indian Tribe is an (a) Indian Tribe, band, nation, or other organized group or community, including any Native village, as defined in 43 U.S.C. section 1602(c), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act,'' 26 U.S.C. section 1461 et seq.); (b) any Regional Corporation or Village Corporation, as defined in 43 U.S.C. section 1602 (g) or (j), respectively, that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and (c) any tribal organization controlled, sanctioned, or chartered by an entity described in (a) or (b) of this paragraph. For the purposes of this grant program, U.S. Territories are (a) American Samoa, (b) the Commonwealth of the Northern Mariana Islands, (c) Guam, and (d) the U.S. Virgin Islands.

(2) Estimated Amount and Quantity of Awards

Eligible applicants may apply for operating funds to establish AmeriCorps programs. The Corporation expects to make fewer than ten (10) AmeriCorps Indian Tribe program grants, and fewer than ten (10) AmeriCorps U.S. Territories program grants. The average award under each program will be under $300,000.

Dated: November 24, 1997.

Stewart A. Davis,

Acting General Counsel Corporation for National and Community Service.

[FR Doc. 97–31265 Filed 11–26–97; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army Research Laboratory, Adelphi, Maryland.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patents for non-exclusive, partially exclusive or exclusive licensing. All of the listed patents have been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

These patents cover a wide variety of technical arts including: A method for simulating an image in real time under turbulent atmospheric conditions; an armed-state detector for land mines; a lead-acid battery desulfator/rejuvenator and a natural computing system.

Under the authority of Section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patents listed below in a on-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by these patents.

Title: Device for and Method of Real-Time Simulation of Atmospheric Effects on an Image.

Inventors: Walter B. Miller, Jennifer C. Ricklin and Mikhail A. Vorontsov.

Patent Number: 5,663,832.

Issue Date: September 2, 1997.

Title: Armed-Stated Detector for Antitank Mines.

Inventor: John E.B. Tuttle.

Patent Number: 5,665,934.

Issue Date: September 1997.

Title: Lead-Acid Battery Desulfator/Rejuvenator.

Inventors: Carl Campagnuolo, Louis P. Jarvis, Anthony Pellegrino, Joseph DiCarlo and William Keane.

Patent Number: 5,677,612.

Issue Date: October 14, 1997.

Title: Natural Computer System.

Inventor: Somayajulu D. Karamchetty.

Patent Number: 5,680,557.

Issue Date: October 21, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Norma Vaught, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Adelphi, Maryland 20783–1197, tel: (301) 394–2952; fax

(301) 394–5815; e-mail: nvaught@arl.mil.

SUPPLEMENTARY INFORMATION: None.

Mary V. Yonts,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 97–31309 Filed 11–26–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Fossil Energy; National Coal Council Renewal

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. No. 92–463) and in accordance with title 41 of the Code of Federal Regulations, section 101–6.1007, and following consultation with the Committee Management Secretariat of the General Services Administration, notice is hereby given that the National Coal Council has been renewed for a two-year period ending November 22, 1999. The Council will continue to provide advice, information, and recommendations to the Secretary of Energy, on a continuing basis, regarding general policy matters relating to coal issues.

Council members are chosen to assure a well balanced representation from all sections of the country, all segments of the coal industry, including large and small companies, and commercial and residential consumers. The Council also has members who represent interests outside the coal industry, including environmental interests, labor, research, academia, and minorities. Membership and representation of all interests will continue to be determined in accordance with the requirements of the Federal Advisory Committee Act, and implementing regulations.

The renewal of the Council has been determined essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed upon in the Department of Energy by law. The Council will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, and implementing regulations.

Further information regarding this advisory committee may be obtained from Rachel M. Samuel at (202) 586–3279.

Issued at Washington D.C. on: November 21, 1997.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. 97–31255 Filed 11–26–97; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Fossil Energy; National Petroleum Council Renewal

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. No. 92–463) and in accordance with title 41 of the Code of Federal Regulations, section 101–6.1007, and following consultation with the Committee Management Secretariat of the General Services Administration, notice is hereby given that the National Petroleum Council has been renewed for a two-year period ending November 22, 1999. The Council will continue to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industry.

Council members are chosen to assure a well-balanced representation from all sections of the country, all segments of the petroleum industry, and from large and small companies. The Council also has members who represent interests outside the petroleum industry, including representatives from environmental, labor, research, academia, minorities, and State utility regulatory commissions. Membership and representation of all interests will continue to be determined in accordance with the requirements of the Federal Advisory Committee Act, and implementing regulations.

The renewal of the Council has been determined essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Council will operate in accordance with the Federal Advisory Committee Act and implementing regulations.

Further information regarding this advisory committee may be obtained from Rachel M. Samuel at 202/586–3279.

Issued at Washington, DC on November 21, 1997.

James N. Solit,

Advisory Committee, Management Officer.

[FR Doc. 97–31254 Filed 11–26–97; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Deviation From the Department of Energy Assistance Regulations

AGENCY: Department of Energy.

ACTION: Notice of class deviation.

SUMMARY: The Department of Energy (DOE), pursuant to 10 CFR 600.4, hereby announces two deviations from its Financial Assistance Rules for cooperative agreement awards to commercial organizations resulting from the Program Research and Development Announcement for Integrated Fuel Cell Systems and Components. The first deviation will allow for monthly submissions of financial and progress reports. The second deviation will allow for an original and four copies of technical reports. It is anticipated that approximately 20 cooperative agreement awards will be made to commercial entities.

SUPPLEMENTARY INFORMATION: In this notice, the Department of Energy announces that, pursuant to 10 CFR 600.4, the Deputy Assistant Secretary for Procurement and Assistance Management has made a determination of the need for a class deviation to the Department's Financial Assistance Rules. A deviation to 10 CFR 600.151(b) has been approved which provides that recipients of cooperative agreement awards resulting from the Program Research and Development Announcement for Integrated Fuel Cell Systems and Components for Transportation and Buildings, will be required to submit to DOE monthly instead of quarterly reports for the Milestone Report, Project Status Report, and Financial Status Report. The fuel cell program requires these reports on a monthly basis for the purpose of coordinating and comparing project performance and costs among fuel cell program-participants to avoid not only duplication of research effort, but to coordinate any shared testing equipment, and to provide timely and meaningful technical direction as required.

The deviation at 10 CFR 600.151(e) will allow for submission of an original and 4 copies of the Program Management Plan, Quarterly Technical Progress Reports, Topical Reports, and Final Technical Report. The program reviewers of the technical reports are located at both DOE Headquarters and Argonne National Laboratory.

Approval of these deviations ensures that the program goals and objectives are achieved and that public funds are conserved.

FOR FURTHER INFORMATION CONTACT: Richard Langston, (202) 586–8247.

Issued in Washington, DC on November 21, 1997.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

[FR Doc. 97–31253 Filed 11–26–97; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee; Notice of Open Meeting

AGENCY: Department of Energy.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public L. No. 92–463, 86 Stat. 770), notice is given of a meeting of the Biological and Environmental Research Advisory Committee.

DATES AND TIMES: Tuesday, December 16, 1997, 8:30 a.m. to 5:30 p.m. and Wednesday, December 17, 1997, 8:00 a.m. to 12:00 p.m.

ADDRESS: American Geophysical Union 2000 Florida Avenue, NW., Washington, DC 20009

FOR FURTHER INFORMATION CONTACT: Dr. David Thomassen or Ms. Shirley Derflinger, Designated Federal Officers, Office of Energy Research, ER–70, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290, Telephone: For Dr. David Thomassen (301) 903–9817, E-mail: david.thomassen@oer.doe.gov, or Ms. Shirley Derflinger (301) 903–0044, E-mail: shirley.derflinger@oer.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting

To provide advice on a continuing basis to the Director of Energy Research of the Department of Energy on the many complex scientific and technical issues that arise in the development and implementation of the biological and environmental research program.

Tentative Agenda

Tuesday, December 16, 1997, and Wednesday, December 17, 1997

- Welcome Remarks.
- Opening of Meeting.
- Remarks from Director, Office of Energy Research.
- Update on Office of Biological and Environmental Research Activities.
- Review of Subcommittee Activities.
- New Business.
- Public Comment (10-minute rule).

Public Participation

The day and a half meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact David Thomassen or Shirley Derflinger at the address or telephone numbers listed above. Requests to make oral statements must be received five days prior to the meeting; reasonable provision will be made to include the statement in the agenda. The Chair of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

Available for public review and copying at the Freedom of Information Public Reading Room, IE–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C. on November 21, 1997

Althea T. Vanzego,

Acting Deputy Committee Advisory Management Officer.

[FR Doc. 97–31252 Filed 11–26–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–88–000]

Koch Gateway Pipeline Company; Notice of Application

November 21, 1997.

Take notice that on November 13, 1997, Koch Gateway Pipeline Company (Koch Gateway), 600 Travis Street, Houston, Texas 77251–1478 filed, in docket No. CP98–88–000, an application pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order permitting and approving the operation of the transmission lines on its Eugene Island System in Offshore, Louisiana at the maximum allowable operating pressure (MAOP) of 1200 psig. Koch Gateway asserts that this increase in MAOP will provide it with a more cost efficient method of utilizing its system by uprating existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Koch Gateway believes that increasing the MAOP from 1065 psig to 1200 psig will benefit the transportation of gas supplies currently connected to the system and also new supplies being developed near the system. Koch Gateway says these benefits include: (1) regain the higher throughput of volumes on this system; (2) greater capacity for shippers and producers; (3) maximized overall utilization and flexibility on Koch Gateway's system; and (4) an ability to capitalize on the growth potential served by the Eugene Island System.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before December 12, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Koch Gateway to appear or to be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31181 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–200–027]

NorAm Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 21, 1997.

Take notice that on November 18, 1997, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following

revised tariff sheet to be effective November 1, 1997:

Third Revised Sheet No. 7E.03

NGT states that the purpose of this filing is to correctly revise the contract demand level for a particular shipper, which revision should have been reflected in the October 31, 1997 filing in the above referenced docket, but was inadvertently omitted. The tariff sheet included in the instant filing sets forth the revised contract demand level. No revisions were made to the formula used in calculating the rate for the particular shipper.

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 Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Copies of this filing on on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31188 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–93–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

November 21, 1997.

Take notice that on November 17, 1997, Northern Natural Gas Company (Northern), P.O. Box 3330, Omaha, Nebraska 68103–0330, filed in Docket No. CP98–93–000 a request pursuant to §§ 157.205, 157.212, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, 157.216) for authorization to upgrade an existing delivery point, located in Wabasha County, Minnesota, to accommodate natural gas deliveries to Northern States Power Company-Minnesota (NSP), under Northern's blanket certificate issued in Docket No. CP82–401–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northern proposes to upgrade an existing delivery point consisting of the replacement of the meter modules, located in Wabasha County, Minnesota, to accommodate natural gas deliveries to NSP under currently effective throughput service agreements. Northern asserts that NSP has requested the upgrade of the delivery point to provide increased natural gas service to the Lake City #1 town border station.

Northern declares the estimated peak day and annual volumes would be increased from 3,443 MMBtu to 3,620 MMBtu and from 513,972 MMBtu to 524,250 MMBtu, respectively. Northern states that the estimated cost to upgrade the delivery point is $25,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31182 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–124–000]

Philadelphia Gas Works; Notice of Issuance of Order

November 21, 1997.

Philadelphia Gas Works (PGW) submitted for filing a rate schedule under which PGW will engage in wholesale electric power and energy transactions as a marketer. PGW also requested waiver of various Commission regulations. In particular, PGW requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by PGW.

On November 19, 1997, pursuant to delegated authority, the Director, Division of Rate Applications, Office of Electric Power Regulation, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by PGW should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, PGW is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of PGW's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is December 19, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31189 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR98–1–000]

The Peoples Gas Light and Coke Company; Notice of Petition for Rate Approval

November 21, 1997.

Take notice on November 12, 1997, The Peoples Gas Light and Coke Company (Peoples Gas) filed a petition for rate approval, pursuant to Section 284.123(b)(2) of the Commission's regulations, requesting that the Commission approve as fair and equitable rates for firm and interruptible transportation services. Concurrent with this petition for rate approval, Peoples Gas states that it has filed in Docket No. CP98–84–000 an application for a

blanket certificate of public convenience and necessity to provide firm and interruptible transportation services.

Based on a straight fixed variable rate design, Peoples Gas proposes a cost-based firm transportation monthly reservation rate of $2.0690 per MMBtu. For interruptible service, Peoples Gas proposes a maximum commodity charge, based on a 100% load factor derivation of the firm transportation rate, of $0.0680 per MMBTU. Peoples Gas also proposes an authorized overrun charge equivalent to the interruptible transportation commodity charge of $0.0680 per MMBTU. These proposed maximum rates would be subject to discounting by Peoples Gas.

Peoples Gas states that it is an intrastate gas distribution company serving retail customers in the City of Chicago, Illinois. Peoples Gas states it is a public utility under the Public Utilities Act of Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before December 8, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to 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 in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31187 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–5–000]

Williston Basin Interstate Pipeline Company; Notice of Filing

November 21, 1997.

Take notice that on November 19, 1997, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective November 19, 1997:

Tenth Revised Sheet No. 825
Twelfth Revised Sheet No. 826
Sixteenth Revised Sheet No. 827
Eleventh Revised Sheet No. 828
Seventeenth Revised Sheet No. 829
Fifteenth Revised Sheet No. 830
Eighteenth Revised Sheet No. 831
Twentieth Revised Sheet No. 832
Twentieth Revised Sheet No. 833

Williston Basin states that the revised tariff sheets are being filed simply to update its Master Receipt/Delivery Point List.

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.W. Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. 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. 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 in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31183 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER96–1794–002, et al.]

Southern Company Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

November 20, 1997.

Take notice that the following filings have been made with the Commission:

1. Southern Company Services, Inc.

[Docket No. ER96–1794–002]

Take notice that on October 24, 1997, Southern Company Services, Inc., tendered for filing its refund report in the above-referenced docket.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Allegheny Power

[Docket No. DR98–04–000]

Take notice that on October 28, 1997, Allegheny Power, filed on behalf of West Penn Power Company, an Application for approval of depreciation rates pursuant to Section 302 of the Federal Power Act. The proposed depreciation rates are for accounting purposes only. Allegheny Power states that the proposed West Penn new depreciation rates were approved for retail purposes by the Pennsylvania Public Utility Commission as of January 1, 1997. Allegheny Power requests that the Commission allow the proposed depreciation rates to become effective on January 1, 1997.

Comment date: December 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Potomac Electric Power Company

[Docket No. ER96–929–000]

Take notice that on November 7, 1997, Potomac Electric Company (PEPCO), tendered for filing a letter informing the Commission that prior to the effective date of the settlement in this docket, PEPCO provided no transmission service at rates in excess of the settlement rates, and therefore, no refunds are due.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Northeast Utilities Service Company

[Docket No. ER98–456–000]

Take notice that on October 31, 1997, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement with DPL Energy, Inc., under the NU System Companies' Sale for Resale, Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to DPL Energy, Inc.

NUSCO requests that the Service Agreement become effective October 28, 1997.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. PP&L, Inc.

[Docket No. ER98–457–000]

Take Notice that on October 31, 1997, PP&L, Inc., (formerly known as Pennsylvania Power & Light Company) (PP&L), filed a Service Agreement dated October 28, 1997, with Southern Company Services, Inc., as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (SCSI), under PP&L's FERC Electric Tariff, Original Volume No. 5. The Service Agreement adds SCSI as an eligible customer under the Tariff.

PP&L requests an effective date of October 31, 1997, for the Service Agreement.

PP&L states that copies of this filing have been supplied to SCSI and to the Pennsylvania Public Utility Commission.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Maine Electric Power Company

[Docket No. ER98–458–000]

Take notice that on October 31, 1997, Maine Electric Power Company (MEPCO), tendered for filing a service agreement for Non-Firm Point-to-Point Transmission Service entered into with NorAm Energy Services, Inc. Service will be provided pursuant to MEPCO's Open Access Transmission Tariff, designated rate schedule MEPCO—FERC Electric Tariff, Original Volume No. 1, as supplemented.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of Colorado

[Docket No. ER98–460–000]

Take notice that on October 31, 1997, Public Service Company of Colorado (Public Service), tendered for filing a new rate schedule for service to UtiliCorp United Inc. (UtiliCorp), to be included in its wholesale electric rate tariff. The new rate schedule is for additional partial requirements service to UtiliCorp.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Company

[Docket No. ER98–461–000]

Take notice that on October 31, 1997, Northeast Utilities Service Company (NUSCO), on behalf of its affiliates The Connecticut Light & Power Company and Public Service Company of New Hampshire, tendered for filing a request for a rate schedule change to the following rate schedule: CL&P FERC Rate Schedule No. 2.

NUSCO states that a copy of this filing has been mailed to The Reading Municipal Light Department and the Massachusetts Department of Public Utilities.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Southern California Edison Company

[Docket No. ER98–462–000]

Take notice that on October 31, 1997, Southern California Edison Company (Edison), tendered for filing a change in rate for scheduling and dispatching services as embodied in Edison's agreements with the following entities:

Entity	FERC rate schedule number
1. City of Anaheim	130, 246.6, 246.8, 246.13, 246.29, 246.32.1, 246.33.1, 246.36.
2. City of Azusa	160, 247.4, 247.6, 247.8, 247.24, 247.29, 247.29.6.
3. City of Banning	159, 248.5, 248.7, 248.24, 248.29, 248.29.8, 248.37.
4. City of Colton	162, 249.4, 249.6, 249.8, 249.24, 249.29.
5. City of Riverside	129, 250.6, 250.8, 250.10, 250.15, 250.21, 250.27, 250.30, 250.35, 250.41, 250.44, 250.46, 250.50.
6. City of Vernon	149, 154.24, 172, 207, 272, 276.
7. Arizona Electric Power Cooperative	132, 161.
8. Arizona Public Service Company	185, 348.
9. California Department of Water Resources	112, 113, 181, 342.
10. City of Burbank	166.
11. City of Glendale	143.
12. City of Los Angeles Department of Water and Power.	102, 118, 140, 141, 163, 188.
13. City of Pasadena	158.
14. Coastal Electric Services Company	347.
15. Imperial Irrigation District	259, 268.
16. Metropolitan Water District of Southern California.	292.
17. M-S-R Public Power Agency	153, 339.
18. Northern California Power Agency	240.
19. Pacific Gas and Electric Company	117, 147, 256, 318.
20. PacifiCorp	275.
21. Rainbow Energy Marketing Corporation	346.
22. San Diego Gas & Electric Company	151.
23. Southern California Water Company	349.3.
24. Western Area Power Administration	120.

Edison requests that the revised rate for these services be made effective January 1, 1998.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Metropolitan Edison Company Pennsylvania Electric Company

[Docket No. ER98–464–000]

Take notice that on October 31, 1997, Metropolitan Edison Company and Pennsylvania Electric Company (d/b/a

GPU Energy) filed executed Retail Transmission Service Agency Agreements between GPU Energy and (1) NorAm Energy Management, Inc., dated October 22, 1997; (2) DuPont Power Marketing, Inc., dated October 22, 1997; (3) Energis Resources, Inc., dated October 22, 1997; (4) PP&L d/b/a PP&L EnergyPlus dated October 17, 1997; (5) GPU Advanced Resources dated October 14, 1997; (6) CNG Retail Services Corporation dated October 17, 1997; (7) Delmarva Power & Light Company d/b/a Conectiv Energy dated October 23, 1997; and (8) QST Energy Trading, Inc., dated October 23, 1997.

GPU Energy requests a waiver of the Commission's notice requirements for good cause shown and an effective date of November 1, 1997, for the Retail Transmission Service Agency Agreements.

GPU Energy will be serving a copy of the filing on the Pennsylvania Public Utility Commission.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Northern Indiana Public Service Company

[Docket No. ER98–465–000]

Take notice that on October 31, 1997, Northern Indiana Public Service Company, tendered for filing an executed Sales Service Agreement and an executed Standard Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between Northern Indiana Public Service Company and The Energy Authority, Inc.

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to The Energy Authority, Inc., pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. OA96–47–000 and allowed to become effective by the Commission. Under the Sales Service Agreement, Northern Indiana Public Service Company will provide general purpose energy and negotiated capacity to The Energy Authority, Inc., pursuant to the Wholesale Sales Tariff field by Northern Indiana Public Service Company in Docket No. ER95–1222–000 as amended by the Commission's order in Docket No. ER97–458–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company has requested that the Service Agreements be allowed to become effective as of October 31, 1997.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Virginia Electric and Power Company

[Docket No. ER98–467–000]

Take notice that on October 31, 1997, Virginia Electric and Power Company, tendered for filing three executed agreements with Old Dominion Electric Cooperative: an amended Interconnection and Operations Agreement, a Network Integration Transmission Agreement and a Network Operating Agreement.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. PECO Energy Company

[Docket No. ER98–484–000]

Take notice that on October 31, 1997, PECO Energy Company (PECO) filed an executed Transmission Agency Agreement between PECO and Eastern Group (hereinafter Supplier). The terms and conditions contained within this Agreement are identical to the terms and conditions contained with the Form of Transmission Agency Agreement submitted to the Commission on October 3, 1997, as part of the joint filing by the Pennsylvania Public Utility Commission and the Pennsylvania PJM Utilities at Docket No. ER98–64–000. This filing merely submits an individual executed copy of the Transmission Agency Agreement between PECO and an alternative supplier participating in PECO's Retail Access Pilot Program.

Copies of the filing were served on the Supplier and the Pennsylvania Public Utility Commission.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. PECO Energy Company

[Docket No. ER98–485–000]

Take notice that on October 31, 1997, PECO Energy Company (PECO) filed an executed Installed Capacity Obligation Allocation Agreement between PECO and Eastern Group (hereinafter Supplier). The terms and conditions contained within this Agreement are identical to the terms and conditions contained with the Form of Installed Capacity Allocation Agreement filed by PECO with the Commission on October 3, 1997, at Docket No. ER98–28–000. This filing merely submits an individual executed copy of the Installed Capacity Obligation Allocation Agreement between PECO and an alternate supplier participating in PECO's Pilot.

Copies of the filing were served on the Supplier and the Pennsylvania Public Utility Commission.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Cinergy Services, Inc.

[Docket No. ER98–488–000]

Take notice that on October 31, 1997, Cinergy Services, Inc., on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc., (collectively referred to as Cinergy), tendered for filing a Power Service Agreement between Cinergy and the city of Bristol, Virginia (Bristol) as a Service Agreement for a long-term market based sale in fulfillment of requirements imposed on Cinergy by Order dated November 15, 1996, in Docket No. ER96–2506–000 or, in the alternative, as an original rate schedule. Cinergy has requested an effective date of January 1, 1998, for the Power Service Agreement.

Copies of the filing have been served on the Bristol Virginia Utilities Board, the State Corporation Commission of Virginia and the parties to Docket No. ER96–2506–000.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Northern States Power Company (Minnesota); Northern States Power Company (Wisconsin)

[Docket No. ER98–489–000]

Take notice that on October 31, 1997, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) jointly tendered for filing the existing Exhibit VII and revised Exhibits VIII and IX to the Agreement to Coordinate Planning and Operations and Interchange Power and Energy between Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (Interchange Agreement). The Interchange Agreement is NSP (Minnesota) FERC Rate Schedule No. 437 and NSP (Wisconsin) FERC Rate Schedule No. 73.

The NSP Companies request an effective date of January 1, 1998, sixty-two days after filing, without suspension. Copies of the filing letter and Exhibits VII, VIII and IX have been served upon the wholesale and wheeling customers of the Companies. Copies of the filing have also been mailed to the State Commissions of Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Additional Signatories to PJM Interconnection, L.L.C. Operating Agreement

[Docket No. ER98–490–000]

Take notice that on October 30, 1997, the PJM Interconnection, L.L.C. (PJM), filed, on behalf of the Members of the LLC, membership applications of Cinergy Resources, Inc., GPU Advanced Resources, The Power Company of America, L.P., and UGI Power Supply, Inc. PJM requests an effective date of October 31, 1997.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Additional Signatories to PJM Interconnection, L.L.C. Operating Agreement

[Docket No. ER98–491–000]

Take notice that on October 31, 1997, the PJM Interconnection, L.L.C. (PJM), filed, on behalf of the Members of the LLC, membership application of Horizon Energy. PJM requests an effective date of November 1, 1997.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Additional Signatories to PJM Interconnection, L.L.C. Operating Agreement

[Docket No. ER98–492–000]

Take notice that on October 31, 1997, the PJM Interconnection, L.L.C. (PJM), filed, on behalf of the Members of the LLC, membership applications of DTE–Energy Trading and DTE–CoEnergy. PJM requests an effective date of November 1, 1997.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. San Diego Gas & Electric Company

[Docket No. ER98–497–000]

Take notice that on October 31, 1997, San Diego Gas & Electric Company (SDG&E), tendered for filing seven (7) Service Agreements for wholesale distribution service provided by SDG&E as a distribution service provider to SDG&E's combustion turbines. SDG&E requests that the proposed Service Agreements be made effective no later than January 1, 1998.

SDG&E states that the Service Agreements specify rates, terms, and conditions under which SDG&E will use its own distribution system to make wholesale sales of electric power to the California Independent System Operator or the California Power Exchange in the restructured California marketplace. The form of these Service Agreements was filed by SDG&E on August 15, 1997 in Docket No. ER97–4235–000.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Rocky Mountain Reserve Group

[Docket No. ER98–498–000]

Take notice that on October 31, 1997, Public Service Company of Colorado (PSCO), on behalf of itself, Black Hills Corporation operating as Black Hills Power and Light Company and the WestPlains Energy division of UtiliCorp United Inc., filed the Articles of Incorporation, Bylaws and initial Policies for the Rocky Mountain Reserve Group.

PSCO requests an effective date of January 1, 1998.

Copies of the filing have been served on the regulatory commissions in Colorado, Nebraska, South Dakota, Utah and Wyoming.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Northeast Utilities Service Company

[Docket No. ER98–501–000]

Take notice that on October 31, 1997, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company and Public Service Company of New Hampshire (collectively, the NU System Companies), hereby respectfully requests that the Commission grant the NU System Companies a 30 day extension of time to file the quarterly transaction report of NUSCO's activity under the NU System Companies' Tariff No. 7 for the quarter ending September 30, 1997.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Montaup Electric Company

[Docket No. ER98–502–000]

Take notice that on October 31, 1997, Montaup Electric Company (Montaup) filed revisions to its open access transmission tariff which (a) provide for retail transmission and subtransmission service within the service territory of the Pascoag, Rhode Island, Fire District, and (b) provide Pascoag with a revenue credit against its tariff payments for network transmission service in the amount of any revenues collected by Montaup for retail transmission and subtransmission service. Montaup requests that these tariff revisions be allowed to become effective on January 1, 1998.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Louisville Gas and Electric Company

[Docket No. ER98–503–000]

Take notice that on November 3, 1997, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Electric Clearinghouse, Inc., under Rate GSS.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. New West Energy Corporation

[Docket No. ER98–504–000]

Take notice that on October 31, 1997, New West Energy Corporation (New West) tendered for filing, pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission, and requests that the Commission waive the 60-day notice requirement so that its FERC Electric Rate Schedule No. 1, can become effective on the first day following the filing.

New West intends to engage in electric power and energy transactions as a power marketer and, potentially, as a broker. In transactions where New West sells wholesale electric power and energy, it proposes to make such sales at rates, terms and conditions to be mutually agreed to with the purchasing party. As outlined in the application, New West is an affiliate of the Salt River Project Agricultural Improvement and Power District, an agricultural improvement district organized and existing under the laws of the State of Arizona.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER98–505–000]

Take notice that on November 3, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 34 to add eight (8) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a

waiver of notice requirements to make service available as of November 1, 1997, to Allegheny Energy Solutions, Inc., Avista Energy, Inc., DTE Energy Trading, Inc., Delmarva Power & Light Company, Energis Resources Incorporated, Horizon Energy Company, Penn Power Energy, and Woodruff Energy.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Pacific Gas and Electric Company

[Docket No. ER98–556–000]

Take notice that on October 31, 1997, Pacific Gas and Electric Company (PG&E), tendered for filing proposed formula rate tariff language to recover from PG&E's existing wholesale power customers a portion of the California Power Exchange (PX) Administrative Charge. PG&E requests that its filing be made effective at the same time the separately filed Restated PX Tariff is made effective.

This filing is part of the comprehensive restructuring proposal for the California electric power industry that is being filed with the Federal Energy Regulatory Commission. Copies of this filing have been served upon the California Public Utilities Commission and all other parties listed as PG&E's existing wholesale power customers in this filing.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. Pacific Gas and Electric Company

[Docket No. ER98–557–000]

Take notice that on October 31, 1997, Pacific Gas and Electric Company (PG&E), tendered for filing proposed formula rate tariff language to recover from PG&E's existing wholesale transmission customers and the Bay Area Rapid Transit District a portion of the California Independent System Operator (ISO) Grid Management Charge. PG&E requests that its filing be made effective at the same time the separately filed Restated ISO Tariff is made effective.

This filing is part of the comprehensive restructuring proposal for the California electric power industry that is being filed with the Federal Energy Regulatory Commission. Copies of this filing have been served upon the California Public Utilities Commission and all other parties listed as PG&E's existing transmission customers in this filing.

Comment date: December 4, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. Central Maine Power Company

[Docket No. ES98–6–000]

Take notice that on November 10, 1997, Central Maine Power Company filed an application with the Commission pursuant to Section 204, of the Federal Power Act, seeking authority to issue and renew on or before February 29, 2000, Bank Loans, Commercial Paper and Medium-Term Notes maturing one year or less after the date of issuance in an aggregate face amount not exceeding $130,000,000 outstanding at any one time.

Comment date: December 9, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. Aroostook Valley Electric Company

[Docket No. ES98–8–000]

Take notice that on November 13, 1997, Aroostook Valley Electric Company filed an Application under Section 204 of the Federal Power Act seeking authority to issue and renew on or before March 1, 2000, bank loans maturing one year or less after the date of issuance in an aggregate face amount not exceeding $5,000,000.

Comment date: December 15, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Long Island Lighting Company

[Docket No. OA98–5–000]

Take notice that Long Island Lighting Company (LILCO) on November 4, 1997, tendered an amended filing in the above-referenced docket to make certain modifications to LILCO's Power Sales Tariff (filed with the Commission on August 10, 1995, as amended on April 4, 1996) in order to comply with Order Nos. 888 and 888A and with LILCO's Open Access Transmission Tariff (OATT), the settlement rates, terms and conditions of which were approved by the Commission on May 14, 1997, in Docket No. OA96–38–000.

Copies of this filing have been served by LILCO on the New York State Public Service Commission and on the existing purchasers who have executed service agreements under LILCO's Power Sales Tariff and on prospective purchasers under LILCO's Tariff.

Comment date: December 8, 1997, in accordance with Standard Paragraph E at the end of this notice.

32. Ohio Edison Company, Pennsylvania Power Company, The Cleveland Electric Illuminating Co. and The Toledo Edison Company

[Docket No. OA98–6–000]

Take notice that on November 7, 1997, Ohio Edison Company, Pennsylvania Power Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company tendered for filing the Standards of Conduct for the FirstEnergy operating companies effective November 8, 1997. The FirstEnergy Standards of Conduct supersedes the individual Standards of Conduct previously submitted by Ohio Edison Company and Centerior Energy Corporation.

Comment date: December 8, 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. 97–31180 Filed 11–25–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2188–030]

Montana Power Company; Notice of Extending Time to Comment on Draft EIS

November 21, 1997.

The Federal Energy Regulatory Commission issued a Draft Environmental Impact Statement (DEIS) considering issuance of a new license for the Missouri Madison Project. The notice of Availability of the DEIS

appeared in the **Federal Register** on October 3, 1997 (62 F.R. 51855).

In response to letters filed by the Madison Coalition requesting a technical workshop regarding modeling of thermal impacts associated with the Madison Development and additional time develop comments on the DEIS based on this workshop, I am extending the DEIS comment period, the comment period on the DEIS is extended from December 2, 1997, until February 23, 1998.

Anyone wishing to comment in writing on the DEIS must do so no later than February 23, 1998. Comments should be addressed to: Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Written correspondence should clearly show the following caption on the first page: Missouri-Madison Hydroelectric Project No. 2188–030.

For further information, please contact Mr. R. Feller at (202) 219–2796 or Mr. John McEachern at (202) 219–3056.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31185 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Waiver of Article 501

November 21, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Waiver of Article 501.

b. *Projects Nos.:* 1510–010 and 2677–011.

c. *Date filed:* October 29, 1997.

d. *Applicant:* City of Kaukauna, Wisconsin.

e. *Names of Projects:* Kaukauna, Badger-Rapide Croche.

f. *Location:* On the Fox River in Outagamie County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Peter D. Prast, P.E., Kaukauna Electric and Water Dept., 777 Island Street, P.O. Box 1777, Kaukauna, WI 54130–7077, (920) 766–5721.

i. *FERC Contact:* James Hunter, (202) 219–2839.

j. *Comment Date:* January 9, 1998.

k. *Description of Request:* The City of Kaukauna (City) states that it has complied with article 501 of the new licenses issued in 1989 for these projects. The City states that no substantial changes have occurred at the projects, resulting in the duplication of the previous report, with mere date changes, for each successive article 501 annual report. The City requests waiver of the reporting requirement.

l. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 19 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31184 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Revocation of Exemption

November 21, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection

a. *Type of Action:* Revocation of Exemption.

b. *Project No:* 4737–002.

c. *Licensee:* James Werner.

d. *Name of Project:* Trinity Alps Project.

e. *Location:* Trinity Alps Creek, Trinity County, CA.

f. *Pursuant to:* Federal Power Act, 16 U.S.C. §§ 792–828c.

g. *Licensee Contact: (last known address)* James Werner, P.O. Box 480, Trinity Center, CA 96091–9707.

h. *FERC Contact:* Dean C. Wight, (202) 219–2675.

i. *Comment Date:* January 2, 1998.

J. *Description of Proposed Action:* The Commission proposes to revoke the exemption from licensing for the Trinity Alps Project pursuant to section 4.106(f) of the regulations (18 CFR 4.106(f)). The project has not been operational since 1988, and the Commission has been unable to contact the exemptee.

The Commission may require actions to dispose of project works and restore project lands. The Commission requests comments regarding such disposition and restoration from the Federal and state fish and wildlife agencies identified in section 4.38 of its regulation (18 CFR 4.38).

k. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Document—Any filing must bear in all capital letters the title ''COMMENTS'' ''RECOMMENDATION FOR TERMS AND CONDITIONS'', ''PROTESTS'', or

''OR ''MOTION TO INTERVENE'', as applicable, and the Project number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, if will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–31186 Filed 11–26–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5928–9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request Number 1597.02: Universal Waste Handlers and Destination Facilities, Reporting and Recordkeeping Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Universal Waste Handlers and Destination Facilities Reporting and Recordkeeping Requirements, EPA ICR Number 1597.02, OMB Control Number 2050–0145, current expiration date: 5/31/98. 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. Please note that this action does not create any new regulatory requirements for persons who manage universal waste.

DATES: Comments must be submitted on or before January 27, 1998.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–97–UWIP–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–UWIP–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway 1, 1235 Jefferson Davis Highway, first floor, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must 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 $.15/page.

Copies of the original ICR may be requested from the docket address and phone number listed above or may be found on the Internet. On the Internet, access the main EPA gopher menu and locate the directory: EPA Offices and Regions/Office of Solid Waste and Emergency Response (OSWER)/Office of Solid Waste (RCRA/hazardous waste-RCRA Subtitle C/generators.

Follow these instructions to access the information electronically:

WWW: http://www.epa.gov/epaoswer/hazwaste/id/univwast.htm
FTP: ftp.epa.gov
Login: anonymous
Password: your Internet address

Files are located in /pub/epaoswer.

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 in the RCRA Information Center (the RIC address is listed above in this section).

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). In the Washington metropolitan area, call 703–412–9610 or TDD 703–412–3323. For technical information, contact Bryan Groce at 703–308–8750.

SUPPLEMENTARY INFORMATION: *Affected entities:* Entities potentially affected by this action are waste handlers and destination facilities that collect and manage certain hazardous waste batteries, certain hazardous waste pesticides, and hazardous waste mercury-containing thermostats.

Title: Universal Waste Handlers and Destination Facilities Reporting and Recordkeeping Requirements, EPA ICR Number 1597.02, OMB Control Number 2050–0145, expiration date: 5/31/98.

Abstract: EPA promulgated the Universal Waste standards at 40 CFR part 273. The Universal Waste standards govern the collection and management of widely generated wastes known as universal wastes. EPA has identified hazardous waste batteries, certain hazardous waste pesticides, and hazardous waste thermostats as universal wastes. Other wastes may be added to the universal waste Federal program if EPA determines such regulation is appropriate. The regulations allow universal waste handlers to manage universal wastes under a reduced set of regulatory requirements. Destination facilities, on the other hand, (i.e., those facilities accepting universal waste for treatment, recycling, or disposal) remain subject to standards under 40 CFR parts 264 or 265.

The universal waste regulations at part 273 were promulgated by EPA under the authority of Subtitle C in RCRA. This information collection targets the collection of information for the following reporting or recordkeeping requirements: notification, labeling and marking, storage-time limitations, off-site shipments, tracking universal waste shipments, and petitions to include other waste categories at the federal level.

It is necessary for EPA to collect universal waste information to ensure that universal waste is collected and managed in a manner that is protective of human health and the environment. EPA requires, among other things, large quantity handlers of universal waste (LQHUWs) to notify the Agency for their universal waste management activities so that EPA can obtain general information on these handlers, and so that it can facilitate enforcement of the regulations at part 273. In addition, EPA requires universal waste handlers to record the date on which they begin storing universal waste on-site to ensure

that such accumulation is performed responsibly. EPA also requires certain universal waste handlers to track receipt of universal waste shipments as well as shipments sent off-site to ensure that universal waste is properly treated, recycled, and disposed. Finally, the submission of petitions in support of regulating other wastes or waste categories under part 273 helps EPA (1) to compile information on these wastes, and (2) to determine whether regulation as a universal waste is appropriate.

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.

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 estimated number of likely respondents under this collection of information is 79,510 (78,973 Small Quantity Handlers of Universal Wastes (SQHUWs), 485 LQHUWs, and 52 Destination Facilities). The bottom line annual reporting and recordkeeping burden to respondents under this collection of information is 122,674 hours. The average annual public reporting burden per response for SQHUWs under this collection of information is 0 hours. The average annual public reporting burden per response for LQHUWs is estimated to range from 0 to 2.41 hours. The average annual public reporting burden per response for destination facilities is estimated to range from 0 to 2.41 hours. The average annual recordkeeping burden per response for SQHUWs under this collection of information is estimated to range from 1.12 to 1.62 hours. The average annual recordkeeping burden per response for LQHUWs is estimated to range from 5.82 to 6.82 hours. The average annual recordkeeping burden per response for destination facilities is estimated to be 115.37 hours. The total average annual burden cost for universal waste handlers, universal waste petitioners, and destination facilities is: $5,303,419 in labor costs; $1,212 in capital costs; and $244.25 in annual O&M costs (O&M costs include a purchase of service component). 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: November 20, 1997.

Elizabeth Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 97–31271 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5928–4]

Request for Nominations to North American Free Trade Agreement– and U.S.–Mexico Border–Related Environmental Advisory Committees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) is inviting nominations to fill vacancies on two national advisory committees: the Governmental Advisory Committee to the U.S. Representative to the North American Commission for Environmental Cooperation and the Good Neighbor Environmental Board. The Agency is seeking qualified senior level decision makers from diverse sectors to be considered for appointments. Nominees for the Governmental Advisory Committee may come from state, local or tribal government entities anywhere in the U.S. Nominees for the Good Neighbor Environmental Board must come from governmental or nongovernmental entities in the states of Arizona, California, New Mexico or Texas.

DATES: Nominations will be accepted until close of business December 12, 1997.

ADDRESSES: Submit nominations to: Mr. Robert Hardaker, Team Leader for Environment and Trade, Office of Cooperative Environmental Management, U.S. Environmental Protection Agency, 1601-F, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Hardaker, Designated Federal Officer, U.S. Environmental Protection Agency, 1601-F, Washington, DC 20460; telephone (202) 260–2477.

SUPPLEMENTARY INFORMATION: These two committees are Federal advisory committees operating under the Federal Advisory Committee Act, PL 92–463.

The Governmental Advisory Committee (GAC) advises the U.S. Government Representative to the North American Free Trade Agreement (NAFTA) Commission on Environmental Cooperation (CEC). The Commission on Environmental Cooperation (composed of the heads of the environmental agencies for Canada, Mexico and the U.S.; a Secretariat headquartered in Montreal, Canada; and a Joint Public Advisory Committee composed of members of the public from each country) was established to protect the North American environment and support the environmental goals of NAFTA. NAFTA also authorized each country to establish two public advisory committees to advise its representative to the CEC. The U.S. Governmental Advisory Committee (GAC) is composed of 10 representatives of state, local and tribal governments. The counterpart U.S. National Advisory Committee is composed of 12 representatives of nongovernmental organizations. USEPA is not currently soliciting for membership on the National Advisory Committee.

The Good Neighbor Environmental Board, created under the Enterprise for the Americas Initiative Act of 1992, advises the President and the Congress on approaches to sustainable development for the U.S.–Mexico border region that address environmental, natural resources, health, transportation, housing, and economic development issues, and that promote coordination of governmental activities along the U.S.–Mexico border. The Board consists of representatives from nongovernmental organizations,

industry, academia, and state and local governments in the States of Arizona, California, New Mexico and Texas, as well as from eight U.S. Government agencies.

Members of these committees are appointed by the Administrator of USEPA for a term of one year with the possibility of reappointment. The Committees meet at least twice annually.

Nominations for membership must include a resume and short biography describing the educational and professional qualifications of the nominee and the nominee's current business address and daytime telephone number.

Dated: November 14, 1997.

Greg Kenyon,

Acting Designated Federal Officer.

[FR Doc. 97–31276 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL–5486–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed November 17, 1997 Through November 21, 1997 Pursuant to 40 CFR 1506.9.

EIS No. 970452, Final EIS, DOE, NY, Disposal of the Defueled S3G and D1G Prototype Reactor Plants, Implementation, Located at the Knolls Atomic Power Laboratory Kesselring Site near West Milton, Saratoga County, NY, Due: December 29, 1997, Contact: Andrew S. Baitinger (518) 884–1234.

EIS No. 970453, Final EIS, MMS, AL, LA, MS, TX, Central Planning Area, Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 169, 172, 175, 178 and 182, Lease Offering, Offshore Marine Environment and Coastal Counties/Parishes of AL, MS, LA and TX, Due: December 29, 1997, Contact: Archie Melancon (703) 787–1547.

EIS No. 970454, Revised Draft EIS, BLM, CA, Imperial Project, Open-Pit Precious Metal Mining Operation Utilizing Heap Leach Processes, Plan of Operations, Right-of-Way, Conditional Use Permit, US COE Permit and Reclamation Plan Approvals, El Centro Resource Area, California Area District, Imperial County, CA, Due: January 27, 1998, Contact: Douglas Romoli (909) 697–5237. The above Revised Draft EIS replaces Draft EIS #960511, filed with the US EPA on 10–25–96.

EIS No. 970455, Draft EIS, USA, NY, Seneca Army Depot Activity Disposal and Reuse, Implementation, Seneca County and the City of Geneva, Ontario County, NY, Due: January 12, 1998, Contact: Ltc. Rob Dow (703) 693–9217.

EIS No. 970456, Draft EIS, AFS, AK, Indian River Timber Sale(s) Project, Implementation, Tongass National Forest, Chatham Area, Sitka and Hoonah Ranger Districts, COE Section 10 and 404 Permit, NPDES and Coast Guard Bridge Permit, Chichagof Island, AK, Due: January 12, 1998, Contact: Linn Shipley (907) 747–6671.

Amended Notices

EIS No. 970442, Draft EIS, USN, CA, Hunters Point (Former) Naval Shipyard Disposal and Reuse, Implementation, City of San Francisco, San Francisco County, CA, Due: January 05, 1998, Contact: Mary Doyle (650) 244–3024. Published FR 11–14–97—Review Period extended.

EIS No. 970444, Final Supplement, NOA, Snapper Grouper Fishery, Amendment 8 to the Fishery Management Plan, Regulatory Impact Review, South Atlantic Region, Due: December 29, 1997, Contact: Rolland A. Schmitter (301) 713–2239. Published FR 11–14–97—Review Period Reestablished.

EIS No. 970451, Draft EIS, DOE, CO, Rocky Flats Environmental Technology Site Management of Certain Plutonium Residues and Scrub Alloy Stored, Golden, CO, Due: January 05, 1998, Contact: Charles Head (202) 586–5151. Published FR 11–21–97 Correction to Title.

Dated: November 24, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–31249 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5486–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 10, 1997 Through November 14, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1997 (62 FR 16154).

Draft EISs

ERP No. D–FHW–K40227–CA Rating EC2, I–880 Interchange at Dixon Landing Road Reconstruction Improvements, Funding and COE Section 404 Permit, Fremont, Milpitas, Alameda and Santa Clara Counties, CA.

Summary: EPA expressed environmental concerns regarding the lack of full disclosure of alternatives impacts due to the proposed width of the overcrossing. EPA requested clarification of these issues and mitigation involving revegetation and restoring old road beds be discussed.

ERP No. D–NOA–E70000–GA Rating LO, State of Georgia Coastal Management Program, Comprehensive Coastal Land and Water Use Activities, Approval and Implementation, GA.

Summary: EPA had lack of objections with the proposed project. EPA did not identify any potential environmental impacts requiring substantial change to the proposal, and that the alternatives and their consequences were reasonably disclosed.

ERP No. D–SCS–G36146–OK Rating LO, Middle Deep Red Run Creek Watershed Plan, Implementation, Funding and Possible COE Section 404 Permit, Central Rolling Red Plains, Tillman, Comanche and Kiowa Counties, OK.

Summary: EPA had lack of objection to the selection of the Natural Resources Conservation Service's preferred alternative as described in the Draft EIS.

ERP No. D–USN–K11082–CA Rating EC2, San Diego Naval Training Center (NTC) Disposal and Reuse of Certain Real Properties, Implementation, City of San Diego, San Diego County, CA.

Summary: EPA expressed environmental concerns regarding biological and water resources cumulative impacts and environmental justice. EPA requested that these issues be clarified in the Final EIS.

Final EISs

ERP No. F–BOP–E80001–KY, United States Penitentiary Martin County, Construction and Operation, Possible Sites, Bizwell and Honey Branch Sites, located in Martin and Johnson Counties, KY.

Summary: EPA had lack of objections with the proposed project. All of EPA's

comments on the Draft EIS were sufficiently addressed in the Final EIS. The Federal Bureau of Prisons expressed their commitment to preserving wetlands.

ERP No. F–DOE–G06004–TX, Pantex Plant Continued Operation and Associated Storage of Nuclear Weapon Components, Implementation, Approvals and Permits Issuance, Carson County, TX.

Summary: EPA had lack of objections to the action as proposed. EPA's environmental concerns with the Draft EIS have been resolved.

ERP No. F–FAA–E11040–NC, Adoption—Camp Lejeune Marine Corps Base Camp, Expansion and Realignment for Additional Training Needs, Implementation, Onslow County, NC.

Summary: After reviewing the new information relating to airspace issues. EPA's initial concerns have not been resolved.

ERP No. F–FHW–G40144–AR, US 71 Relocation, Construction extending from US 70 in DeQueen to I–40 near Alma, AR, Funding and COE Section 404 Permit, Sevier, Polk, Scott, Sebastian and Crawford Counties, AR.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory.

ERP No. F–USN–C10003–00, Relocatable over the Horizon Radar (ROTHR) System Construction and Operation, New and Updated Information on Fort Allen as Potential Site, Commonwealth of Puerto Rico and Chesapeake, VA.

Summary: EPA had no objection to the implementation of the proposed project. Based on the review of the Final EIS EPA does not anticipate that the proposed project will result in significant adverse environmental impacts, provided the mitigation measures are followed.

Dated: November 24, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–31250 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00228; FRL–5758–4]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will hold a meeting in December in Washington, DC. At this meeting, the (NAC/AEGL Committee) will address, as time permits, the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: arsenous trichloride, carbon tetrachloride, hydrogen cyanide, methyltrichlorosilane, phosgene, and trimethylchlorosilane. In addition, literature search results for sulfuric acid, sulfur dioxide, and sulfur trioxide will be discussed and the NAC/AEGL Committee may also evaluate public comments and subsequently establish ''Interim AEGLs'' for the chemicals aniline; arsine; chlorine; 1,2-dichloroethene; 1,1-dimethylhydrazine; 1,2-dimethylhydrazine; ethylene oxide; fluorine; hydrazine; methylhydrazine; nitric acid; and phosphine published in the **Federal Register** issue of October 30, 1997 (62 FR 58840) (FRL–5737–3), as corrected in the **Federal Register** issue of November 21, 1997 (62 FR 62309) (FRL–5757–5).

DATES: The NAC/AEGL Committee will be held on Monday, December 8, 1997, from 10 a.m. to 5 p.m.; Tuesday, December 9, 1997, from 8:30 a.m. to 5 p.m.; and Wednesday, December 10, 1997, from 8:30 a.m. to 1 p.m..

ADDRESSES: The meeting will be held in the Disabled American Veterans Building, 807 Maine Ave., Washington, DC (about 1/4 mile from the Waterfront Metro stop).

FOR FURTHER INFORMATION CONTACT: Paul S. Tobin, Designated Federal Officer (DFO), Office of Prevention, Pesticides and Toxic Substances (7406), 401 M St., SW., Washington, DC 20460; telephone: (202) 260–1736, e-mail address: tobin.paul@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Electronic Availability

Internet

Electronic copies of this notice and various support documents are available from the EPA Home Page at the **Federal Register**—Environmental Documents entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/).

Fax-On-Demand

Using a faxphone call (202) 401–0527 and select item 4800 for an index of items in this category.

II. Meeting Procedures

Oral presentations by interested parties will be limited to 10 minutes. Interested parties are encouraged to contact the DFO to schedule presentations before the NAC/AEGL Committee. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the DFO at the earliest possible date to ensure adequate seating arrangements. Inquiries regarding oral presentations, submission of data and/or written statements, or chemical-specific information should be directed to the DFO.

Another meeting of the NAC/AEGL Committee is expected to be held on March 10–12, 1998, (currently planned to be held at Oak Ridge National Laboratory, 1060 Commerce Park, Oak Ridge, TN 37830). It is anticipated that the chemicals to be addressed at this meeting will include, but not necessarily be limited to the following: acrolein, chloroform, chloromethyl methy ether, peracetic acid, methyl isocyanate, nickel carbonyl, nitric oxide, and piperidineepichlorohydrin. Inquiries regarding the submission of data, written statements, or chemical-specific information on these chemicals should be directed to the DFO at the earliest possible date to allow for consideration of this information in the preparation of NAC/AEGL Committee materials.

List of Subjects

Environmental protection, Hazardous substances, Health.

Dated: November 20, 1997.

William H. Sanders, III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 97–31268 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5928–8]

Common Sense Initiative Council (CSIC); Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory CSIC Metal Finishing and Computers and Electronics Sector Subcommittee Meetings; open meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Metal Finishing and Computers and Electronics Sector Subcommittees of the Common Sense Initiative Council will meet on the dates and times described

below. Both meetings are open to the public. Seating at both 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 announcements below.

(1) Metal Finishing Sector Subcommittee Meeting—December 16–17, 1997

The Metal Finishing Sector Subcommittee will hold an open meeting on Tuesday, December 16, 1997 and on Wednesday, December 17, 1997. The Subcommittee will meet both days from approximately 9:00 a.m. EDT to approximately 4:00 p.m. EDT. The meeting will be held at the Radisson Barcelo Hotel, 2121 P Street NW., Washington, DC. The hotel telephone number is 202–293–3100.

The Subcommittee will focus on implementation plans and issues associated with the Goals Program. We also anticipate having workgroup breakout sessions to discuss research and technology projects, risk assessment and characterization issues, the RCRA Bench marking Project, and training courses associated with the Metal Finishing Guidance Manual. An agenda will be available in early December.

For further information concerning meeting times and the agenda of this Metal Finishing Sector Subcommittee, please contact Bob Benson, Designated Federal Officer (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.

(2) Computers and Electronics Sector Subcommittee—January 14–15, 1998

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Computers and Electronics Sector Subcommittee on Wednesday, January 14, 1998, from 8:30 a.m. PST until 5:00 p.m. PST and on Thursday, January 15, 1998 from 8:30 a.m. PST to 3:00 p.m. PST, at the Sir Francis Drake Hotel, 450 Powell Street, San Francisco, CA 94102. The telephone number is 415–392–7755 or 800–227–5480.

Both days, January 14 and 15, 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. The Subcommittee will discuss progress on projects including: BOLDER (Basic On-Line Disaster and Emergency Response); Beta-BOLDER, a project to test the BOLDER system transferability; Better BOLDER, a project to make the BOLDER facility emergency response plan information accessible to the public; CURE (Consolidated Uniform Report for the Environment), a project to submit environmental information on a single form; E-Works (Electronic Workers Health Project); Voluntary Program for Life Cycle Management of Electronic Products/ State Multi-Stakeholder Dialogue; SPECIE (Superior Performance for the Environment through Community Involvement and Engagement), a project to develop a printed resource guide to strengthen community collaboration; Evaluation of Models and Development of Best Practices for Electronic Equipment Recovery/San Francisco Recycling; Green Track, a project to offer regulatory flexibility or other incentives to encourage facilities to improve environmental performance beyond current regulatory requirements; Definition of ''Legitimate Recycling''; a project to seek consensus-based decisions on the recycling of computer parts, and define electronics-related activities the sector would recommend EPA exempt from existing solid waste regulations. Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

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 SW., 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.

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: November 21, 1997.

Gregory Ondich,

Acting Designated Federal Officer.

[FR Doc. 97–31275 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5929–4]

National Advisory Council for Environmental Policy and Technology—Total Maximum Daily Load Committee; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, PL 92463, EPA gives notice of a three day meeting of the National Advisory Council for Environmental Policy and Technology's (NACEPT) Total Maximum Daily Load (TMDL) Committee. NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The TMDL Committee has been charged to provide recommendations for actions which will lead to a substantially more effective TMDL program. This meeting is being held to enable the Committee and EPA to hear the views and obtain the advice of a widely diverse group of stakeholders in the national Water Program.

In conjunction with the three day meeting, the FACA Committee members and the EPA will host two meetings designed to afford the general public greater opportunity to express its views on TMDLs and water related issues.

DATES: The three day public meeting will be held on January 21–23, 1998, in Salt Lake City, Utah. The full Committee meeting is scheduled to begin Wednesday, January 21, 1998, at 8:30 a.m and conclude at 5:30 p.m., and will be held at the Jewish Community Center, #2 Medical Drive, Salt Lake City, Utah. The meeting will reconvene at 8:30 a.m. on Thursday, January 22, 1998, at the Jewish Community Center and is scheduled to adjourn at 3:00 p.m. On Friday, January 23, 1998, the Committee will meet at the University Park Hotel and Suites, 480 Wakara Way, Salt Lake City, Utah, beginning at 8:30 a.m. and is scheduled to conclude at 4:00 p.m.

The two public input sessions are scheduled in conjunction with the full Committee meeting and will both be held at the Jewish Community Center. The first will occur on Wednesday,

January 21, 1998, from 7:30 p.m. until 9 p.m. The second will occur on Thursday, January 22, 1998, from 3:30 p.m. until 5:00 p.m.

FUTURE MEETING DATES: The Committee has one remaining meeting scheduled on May 4–6, 1998, in Atlanta, Georgia.

ADDRESSES: Materials or written comments may be transmitted to the Committee through Hazel Groman, Designated Federal Officer, NACEPT/TMDL, U.S. EPA, Office of Water, Office of Wetlands, Oceans, and Watersheds, Assessment and Watershed Protection Division (4503F), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Hazel Groman, Designated Federal Officer for the Total Maximum Daily Load Committee, at 202–260–8798.

Dated: November 20, 1997.

Hazel Groman,

Designated Federal Officer.

[FR Doc. 97–31279 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5486–6]

Notice of Proposed Changes to Voluntary Environmental Impact Statement Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of changes to existing policy and opportunity for public comment.

SUMMARY: EPA is proposing changes in its Statement of Policy for Voluntary Environmental Impact Statements (EIS), which it adopted and published in the **Federal Register** (Vol. 39, No. 89/Tuesday, May 7, 1974/Notices/16186–16187). The proposed changes would update the EPA policy to reflect how Congress and the Courts have defined EPA's National Environmental Policy Act (NEPA) obligations and to ensure that EPA's voluntary practices regarding NEPA compliance are consistent with practices provided in the NEPA regulations issued by the Council on Environmental Quality (CEQ). The proposed changes will also encourage expansion of the increased discretionary use of voluntary EISs in circumstances where they can be particularly helpful for decision-making involving other federal agencies, cross-media issues, or other concerns such as environmental justice. The proposed changes will affect certain EPA standard-setting and cancellation procedures. EPA is soliciting comments on these proposed changes.

DATES: Submit written comments on or before January 27, 1998. After addressing any comments received, EPA will issue a final policy in the **Federal Register**.

FOR FURTHER INFORMATION AND TO SUBMIT WRITTEN COMMENTS CONTACT: Marguerite Duffy at (202) 564–7148; E-mail: duffy.marguerite@epamail.epa.gov; or Joseph Montgomery at (202) 564–7157; E-mail: montgomery.joseph@epamail.epa.gov; U.S. Environmental Protection Agency, Office of Federal Activities (2252–A), 401 M Street, SW, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

I. Background

Unless otherwise exempted, Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (hereafter ''NEPA''), implemented by Executive Orders 11514 and 11991 and the Council on Environmental Quality (CEQ) Regulations at 40 CFR parts 1500–1508, requires that Federal agencies prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to build into the Federal agency decision-making process an appropriate and careful consideration of all environmental impacts of proposed actions. Accordingly, under CEQ regulations, where major Federal actions will have a significant effect on the quality of the human environment, a detailed environmental impact statement (EIS) is required; where it is believed that an action will have no significant impact, or where the level of impact is uncertain, agencies can prepare less detailed environmental assessments (EAs) to determine the level of impact and/or document a finding of no significant impact.

EPA is legally required to comply with the procedural requirements of NEPA for its research and development activities, facilities construction, wastewater treatment construction grants under Title II of the Clean Water Act, and EPA-issued National Pollutant Discharge Elimination System (NPDES) permits for new sources. The Agency is exempted by statute for actions taken under the Clean Air Act and for most Clean Water Act programs. EPA is also exempted from the procedural requirements of environmental laws, including NEPA, for Comprehensive Environmental Response, Compensation, and Liability Act response actions. For other programs, courts have consistently recognized that EPA procedures or environmental reviews under enabling legislation are functionally equivalent to the NEPA process and thus exempt from the procedural requirements in NEPA. However, as discussed below, it has been long-standing Agency policy to prepare EISs voluntarily for some actions.

EPA has long recognized the value of sound environmental analysis, the importance of public participation, and the desirability of integration of other environmental requirements across the range of its activities. EPA issued a ''Statement of Policy'' (Policy) in the **Federal Register** (Vol. 39, No. 89/Tuesday, May 7, 1974/Notices/16186–16187) expressing the belief that preparation of environmental impact statements would have beneficial effects for certain of its regulatory actions. EPA decided that, while it was not legally bound to do so by Section 102(2)(C) of NEPA, it would voluntarily prepare environmental impact statements for specific regulatory actions relating to the Clean Air Act (42 U.S.C. 1857 *et seq.*); Noise Control Act (42 U.S.C. 4901 *et seq.*); Atomic Energy Act (42 U.S.C. 2011 *et seq.*); the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401 *et seq.*); and, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 135 *et seq.*, as amended by 7 U.S.C. 136 *et seq.*).

EPA believes that several aspects of the 1974 Voluntary EIS Policy have become outdated since its publication. EPA issued this Policy four years prior to CEQ promulgation of regulations implementing NEPA. CEQ's regulations state that while an EIS is required to document significant impacts, an EA will be adequate documentation to determine if an action will have no significant impact. EPA has gained extensive experience concerning what types of analysis will be useful to enhance environmental decision-making under particular circumstances. In addition, Congress, through statutory exemptions from NEPA requirements, and the Courts, through finding that EPA statutes provide an analysis functionally equivalent to what would be done under NEPA, have explicitly defined the legal role of NEPA analysis in EPA decision-making.

In October 1993, an EPA Workgroup on NEPA issued a report entitled ''The National Environmental Policy Act and Environmental Protection Agency Programs.'' This Report recommended that EPA revise its ''voluntary EIS'' Policy to: (1) Make it a ''voluntary NEPA'' policy under which EPA would

prepare analyses that would be appropriate under CEQ regulations. This revision would allow the Agency, as it could if it were governed by NEPA, to prepare ''environmental assessments'' and subsequent findings of no significant impact where warranted. Accordingly, as under NEPA, only major Federal actions with potential for having a significant effect on the quality of the human environment would require the more extensive environmental impact statements. This revision would enable the Agency to focus its efforts and limited resources on environmentally significant actions and also would be in keeping with the Administration's policy to streamline government by eliminating unnecessary paperwork and analysis and to focus its efforts on significant environmental problems. (2) The Report also recommended expanding the Policy's scope by encouraging EPA program managers to use voluntary EISs to address, among other things, issues involving multi-media impacts, indirect effects, environmental justice, large-scale ecological impacts, or where there is significant public controversy. EPA Administrator Browner has explained that the policy changes would ''make EPA's existing voluntary EIS policy more flexible and encourage the expanded use by EPA managers of voluntary EISs as a means of involving the public, states, tribes, localities, and other Federal agencies in EPA decision-making provided that such voluntary EISs are not duplicative of existing procedures and do not significantly delay actions.'' Such changes would enhance appropriate use of voluntary EISs and also would be in keeping with the Administration's policy to streamline government by providing managers with one process for dealing with multiple issues and programs.

II. Proposed Changes to Existing Policy

Agency officials will be encouraged to consider, where appropriate and on a case-by-case basis, the use of voluntary EISs or EAs where they can provide additional benefits for public participation, environmental analysis, or cooperation with other Federal, state or local agencies, or tribal governments. For example, there are several areas where NEPA documents may be appropriate in individual cases: (1) Actions involving cumulative cross-media or ecosystem impacts; (2) actions involving environmental justice issues; (3) actions which also involve other Federal agencies which are addressing issues under the NEPA process; (4) actions involving special resources, such as endangered species or historic, archaeological, or cultural resources; and (5) public health risk.

The policy will be changed to modify voluntary EIS requirements for regulatory actions under the programs identified in the 1974 policy statement: standard setting under the Clean Air Act, the Noise Control Act, and the Atomic Energy Act; criteria and site designations under the Marine Protection, Research and Sanctuaries Act; and pesticide disposal regulations and pesticide cancellations under FIFRA. For these actions EPA will continue to fulfill its commitment to meeting the fundamental elements of NEPA through the Agency's Regulatory Development Process for rule-making, and through negotiated settlements with pesticide producers under FIFRA. This change will not preclude the voluntary preparation of an EIS in an individual case should it be determined that it would be beneficial.

III. Basis for Proposed Change

This proposed change is based on the following: (1) The need to update the Policy to parallel established procedures for implementation of NEPA which allow for the preparation of an EA (and a Finding of No Significant Impact) rather than requiring an EIS in all cases; (2) the need to streamline EPA operations in order to ensure that Agency resources are effectively used; (3) the need to foster increased utilization of NEPA processes for decision-making and promote use of the EA as a decision-making document for those actions that have less than significant impacts but which can benefit from an environmental analysis that leads to environmentally protective modifications of the proposed action; and (4) recognize that procedures for environmental impact analysis and public participation provided by the EPA regulatory development process have significantly changed since 1974.

Under the proposed new Policy, instead of preparing EISs for the regulatory actions listed in the 1974 Policy, EPA will routinely meet the fundamental elements of NEPA for rule-making actions through the Agency's Regulatory Development Process. This process, which has become considerably more developed over the last twenty years, includes the fundamental steps which would be carried out in a NEPA analysis: identification of environmental impacts; consideration of alternatives; compliance with other environmental statutes; and process for public participation, including public review and comment on draft regulations. The Agency also considers environmental justice impacts and impacts on endangered species, and cultural, archaeological, and historical resources in its regulation process. EPA's rule-makings involve detailed examination of environmental effects and are oriented towards achieving environmental protection in furtherance of EPA's unique mission of implementing statutes that are environmentally protective. The analysis and public participation provided in EPA's regulatory development process would make separate NEPA documents, i.e., preparation of EISs, redundant.

EPA rules, policy, and guidance are developed by the EPA program office which has lead responsibility for the relevant statute. Where appropriate, the lead program office also includes other interested program and staff offices. In addition to following the substantive and procedural regulatory requirements set out in the relevant statute, the lead program office must follow requirements in Executive Orders and legislation which prescribe the regulatory development process and must analyze a number of factors, including those which would be considered in an EIS analysis. These include: (1) Different regulatory alternatives, including use of market-based incentives, as well as different levels of environmental protection and technical feasibility; (2) cross-media impacts; (3) coordination with state/local standards; (4) applicable Federal laws or executive orders (such as the Endangered Species Act and Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations''); (5) implementation and enforcement of the rule; and (6) economic impacts and impacts on state, local, and tribal governments.

As with the preparation of an EIS document, public participation is also a key part of the EPA regulatory development process. The Administrative Procedure Act and a number of environmental statutes require EPA to provide the members of the public with an opportunity to participate in the development of regulations affecting them. The Agency must provide an opportunity for public comment and must consider the views expressed, providing a summary of significant comments and what the Agency has done to address them. This includes publication of the proposed rule in the **Federal Register** and offering the public the opportunity to submit written comment, before **Federal Register** publication of the final rule, policy, or guidance. The lead program office involved in developing a

regulation, policy, or guidance must select the forms of participation best suited to the issues and audiences interested in that particular regulation. These can include: written comments submitted in response to notice of proposed rulemaking, policy, or guidance or an advance notice of proposed rulemaking; comment from established Federal Advisory Committee Act (FACA) groups that advise the Agency on policy issues; public briefing sessions or meetings held to elicit views on specific rules; and regulatory negotiation groups. Federal Executive Orders 12866 (Regulatory Planning and Review) and 12875 (Enhancing Intergovernmental Partnerships) as well as EPA policy require timely and meaningful intergovernmental consultation with affected states, localities and tribes. Planning for intergovernmental consultation should consider what governmental entities will be affected, how they may be affected, and what issues are likely to concern them. The lead program office is required to develop consultation plans to set out processes for public participation and intergovernmental consultation that will be followed for a rule-making.

An additional level of review for significant regulations is carried out by the Office of Management and Budget (OMB) under Executive Order 12866 to ensure that guidance, regulations, and policies are consistent with applicable law and the President's priorities. This process assures that, in deciding whether and how to regulate, agencies have assessed the costs and benefits of the various approaches to regulation when appropriate, including the alternative of not regulating (this corresponds to the ''no action'' alternative which would be considered in a NEPA document). As appropriate, this process also includes review of the regulation, policy or guidance by other Federal agencies to assure consistency with their policies and any planned actions and includes a process for resolution of Federal interagency disputes.

Public Comments

EPA seeks comment on these proposed changes to the existing Policy. To ensure full consideration, comments must be submitted within 60 days of publication of this Notice to the Contacts listed above.

Date: November 21, 1997.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 97–31251 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5928–7]

Agency Information Collection Activities; OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). 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.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1807.01; National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient; was approved 11/07/97; OMB No. 2060–0370; expires 11/30/2000.

EPA ICR No. 1056.06; NSPS for Nitric Acid Plants—Subpart G; was approved 11/14/97; OMB No. 2060–0019; expires 11/30/2000.

EPA ICR No. 1711.02; Voluntary Customer Service Satisfaction Surveys; was approved 11/12/97; OMB No. 2090–0019; expires 10/31/99.

EPA ICR No. 1824.01; State Use of EPA's Policy on Compliance Incentives for Small Businesses or Comparable State Policy on Reducing Penalties for Small Entities; was approved 11/04/97; OMB No. 2020–0011; expires 04/30/98.

Short Term Extensions

EPA ICR No. 1723.01; Reporting and Recordkeeping Requirements for the Importation of Nonconforming Marine Engines; expiration date was extended from 01/31/98 to 05/31/98.

Change in Expiration Date

EPA ICR No. 1743.01; Application for Motor Vehicle Emission Certification of Air Revisions to the Federal Test Procedure (FTP); OMB No. 2060–0332; expiration date was changed from 04/30/98 to 11/30/97.

Dated: November 21, 1997.

Joseph Retzer,

Division Director, Regulatory Information Division.

[FR Doc. 97–31274 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5929–7]

Notice of Proposed Administrative De Minimis Settlement Under Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, Regarding the Carroll & Dubies Superfund Site, Town of Deerpark, New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative agreement and opportunity for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency (EPA) Region II announces a proposed administrative *de minimis* settlement pursuant to section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4), relating to the Carroll & Dubies Superfund Site (the ''Site''), Town of Deerpark, Orange County, New York. This Site is on the National Priorities List established pursuant to section 105(a) of CERCLA, 42 U.S.C. 9605(a). This document is being published to inform the public of the proposed settlement and of the public's opportunity to comment.

This settlement, memorialized in an Administrative Order on Consent (Order), is being entered into by EPA and the Reynolds Metals Company (Respondent), and is the second and final *de minimis* settlement between these parties for this Site. The Respondent contributed a relatively minimal amount of hazardous substances to the Site and is eligible for a *de minimis* settlement under section 122(g) of CERCLA. Under the Order, the Respondent has agreed to pay EPA $14,154.03, toward the costs of certain past and future response actions at the Site. In exchange, Respondent will receive a covenant not to sue from EPA relating to liability for the Site under sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a).

DATES: EPA will accept written comments relating to the proposed settlement until December 29, 1997.

ADDRESSES: Comments should be addressed to Sharon E. Kivowitz, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, New York 10007–1866 and should refer to: In Re: Carroll & Dubies Superfund Site, Town of Deerpark, New York, EPA Index No. II–CERCLA–97–0211.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, New York/ Caribbean Superfund Branch, 17th Floor, 290 Broadway, New York, New York, 10007–1866, (212) 637–3183, Attention: Sharon E. Kivowitz.

Dated: November 18, 1997.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 97–31269 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5929–1]

Deminimis Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; In the Matter of Powell Road Landfill Site, Huber Heights, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; *Deminimis* settlement.

SUMMARY: EPA is proposing to settle claims with certain *deminimis* potentially responsible parties (PRPs) regarding past and estimated future response costs at the Powell Road Landfill Site in Huber Heights, Ohio. EPA is authorized under section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1908, as amended (CERCLA), to enter into this settlement. The U.S. Department of Justice has approved this settlement, consistent with section 122(g)(4) of CERCLA. Total response costs for the Site are approximately $26,925,537: $4,735,237 in past costs incurred by certain PRPs in connection with the Remedial Design for the Site and EPA oversight through December 31, 1996; and $22,940,300 in estimated future costs, including future oversight. The estimated future costs figure was reduced by $750,000 to account for certain PRP generators who are insolvent or defunct. The settling PRPs will pay approximately $918,582 for response costs related to the Powell Road Site. EPA is proposing to approve this *deminimis* settlement because the monies recovered will deposited into the Powell Road Landfill Special Account within the EPA Hazardous Substances Superfund and shall be used to finance the response action that will be implemented and conducted by the major PRPs under a Remedial Action Consent Decree for the Site.

On May 13, 1997, EPA sent the *deminimis* settlement offer and Administrative Order on Consent (Consent Order) to 182 *deminimis* PRPs (170 commercial/industrial generators and 12 transporters). The Consent Order gives substantial releases from liability under CERCLA, including the United States' covenant not to sue for past and future liability, and contribution protection from suit by other PRPs at the Site. The Consent Order provides for settlement with generator PRPs who are, individually, responsible for less than .96% of the total volume of allocable hazardous waste sent to the Site; and transporter PRPs who are, individually, responsible for less than 1.34% of the total volume of allocable hazardous waste sent to the Site. 71 of the 182 *deminimis* PRPs executed binding certifications of their consent to participate in the *deminimis* settlement.

Settling *deminimis* PRPs will be required to pay their fair share of the past and estimated future response costs at the Site, including a 75% premium assessed against the estimated future response costs to account for potential cost overruns, the potential for failure of the selected response action to clean up the Site, and other risks. The settlement payment amount for each *deminimis* PRP is based upon each *deminimis* PRP's ''adjusted weighted share'' of waste that it contributed to the Site, expressed as a percentage of the total volume of allocable waste contributed to the Site by all PRPs. In order to promote a fair allocation of responsibility between the different types of PRPs, EPA developed an adjusted weighted share percentage for each PRP. This figure is based upon each PRP's actual volumetric contribution of waste to the Site, adjusted to account for the evidence linking the PRP to the Site and the nature of waste contributed by the PRP, and the PRP's usage of the Powell Road Site from 1959 to 1973, the period during which no documentation exists regarding the volume of waste contributed to the Site. The settlement payment amount for each *deminimis* generator was calculated by multiplying each *deminimis* generator's adjusted weighted share percentage by the portion of total site costs, including premium, allocated to the *deminimis* generator class (37.5% of total site costs or $16,338,098). The settlement payment amount for each *deminimis* transporter was calculated by multiplying each *deminimis* transporter's adjusted weighted share percentage by the portion of total site costs, including premium, allocated to the *deminimis* transporter class (10% of total site costs or $4,356,826).

DATES: Comments on this *deminimis* settlement must be received on or before December 29, 1997.

ADDRESSES: Written comments relating to this *deminimis* settlement, Docket No. V–W–97–C–401, should be sent to Constandina A. Kallos, Associate Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code: C–29A, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Copies of the Administrative Order on Consent and the Administrative Record for this Site are available at the following address for review. It is strongly recommended that you telephone Mike Bellot at (312) 353–6425 before visiting the Region 5 Office.

U.S. Environmental Protection Agency, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 97–31281 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–59286]

Proposed CERCLA Administrative De Micromis Settlement; Waste, Inc.

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative de micromis settlement concerning the Waste Inc., Superfund site in Michigan City, Indiana, with the settling parties included in the Supplementary Information portion of this document. The settlement is

deigned to resolve fully each settling party's liability at the site through a covenant not to sue under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973. For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at

Michigan City Public Library, 100 E. 4th Street, Michigan City, Indiana; and

U.S. Environmental Protection Agency, Region 5 Records Center, 77 West Jackson Boulevard (7–HJ), Chicago, IL 60604, TEL: (312) 886–0900), Mon-Fri: 7:30 a.m.-5:00 p.m.

Commenters may request an opportunity for a public meeting in the affected area in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

DATES: Comments must be submitted on or before December 29, 1997.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at

Michigan City Public Library, 100 E. 4th Street, Michigan City, Indiana;

La Porte County Health Department, 104 Brinckmann Avenue, Michgan City, Indiana;

Bethany Baptist Church, 215 Miller Street, Michigan City, Indiana; and

U.S. Environmental Protection Agency, Region 5 Records Center, 77 West Jackson Boulevard (7–HJ), Chicago, IL 60604, TEL: (312) 886–0900, Mon–Fri: 7:30 a.m.–5:00 p.m.

A copy of the proposed settlement may be obtained from John Tielsch, Assistant Regional Counsel, 77 W. Jackson Blvd., Chicago, Illinois 60604, Mail Code C–29A, 312/353–7447. Comments should reference the Waste, Inc. site, Michigan City, Indiana, and EPA Docket No. V–W–98–C–438 and should be addressed to Sonja Brooks, Regional Hearing Clerk, U.S. Environmental Protection Agency, Mail Code R–19J, 77 West Jackson Blvd, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: John H. Tielsch, Assistant Regional Counsel, United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604, Mail Code C–29A, 312/353–7447.

SUPPLEMENTARY INFORMATION: The Settling Party's Signature List appears at the end of this document.

William E. Muno,

Director, Superfund Division, Region 5.

De Micomis Settlement at Waste, Inc. Site, Michigan City, Indiana Settling Party's Signature List

Addison-Wesley Educational Publishers, Inc. dba Scott Foresman
All Fabrics Care Center (Gleem)
All-Phase Electric Supply Co.
Aqua Systems of Indiana, Inc. Ohio, Inc. dba Macleen's Car Wash
Allegheny Teledyne Incorporated (Teledyne Casting Service)
Bethlehem Steel Corporation
Brunswick Corporation
Building Maintenance Co.
Carlisle Funeral Home
Central IL Steel Co.
Cheker Oil Company/Marathon Oil Co (Emmo Marketing Company)
Chicago Bridge & Iron Company
Cloverleaf Garage
Coca-Cola Bottling Co/Hondo, Inc.
Color Tile, Inc (DIP)
Consolidated Freightways
Compass Group USA, Inc. Successor to Canteen Corporation
CSX Transportation, Inc. (Chessie System)
Customation Inc.
Dans Body Shop
Delco, Inc.
Department of Water Works
Devries Tire Co.
Dunes Optical
Dunham Bush
Froms Supply Co.
Gerwin/Leigh Products
Harmon Glass Company
IBM Corporation
ITT Continental Baking
J.J. Wright Chevrolet, Inc.
Kabelin Hardware Co. Inc.
L & R Body Shop
LaPorte County, IN
Lester Jones Motors
Long Beach Gulf—Long Beach
Lucent Technologies Inc. (AT&T)
Michigan City Area Chamber of Commerce
Michigan City Animal Hospital
Michigan City Dental Group
Michigan City Housing Authority
Michigan City Public Library
Michigan City Sanitary District
Mid City Supply Company
Mid Town Storage
Newcomb Printing Service, Inc.
Parts City, Inc.
New York Blower
Owens Motor Supply, Inc.
Parkwood Green Apartments
PDH Office Products (Pence-Dickens & Heeter, Inc.)
Pepsi Cola General Bottlers, Inc.
Phillips Airport of Michigan City (Estate of Joseph A. Phillips) Roadway Express, Inc.
Sanlo Mfgr. Co.
Springlake RV Sales
Superior Marine Service
Tandy Corporation/Radio Shack
Tri-State Ptg.
Town of Long Beach
Vacuum Cleaner Center
W.R. Grace & Co.—Conn

[FR Doc. 97–31272 Filed 11–26–97; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections(s) being Reviewed by the Federal Communications Commission

November 20, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before January 27, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0108.

Title: Emergency Alert System, EAS Activation Report.

Form No.: FCC 201.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for profit; not-for-profit institutions; state, local or tribal government.

Number of Respondents: 1,300.

Estimated Time Per Response: .084 hours.

Frequency of Response: On occasion reporting requirement and upon system activation.

Cost to Respondents: N/A.

Total Annual Burden: 43 hours.

Needs and Uses: The Emergency Broadcast System (EBS) has been changed to the Emergency Alert System (EAS). The change required that all EBS collections/forms be revised to reflect the name change. The EAS Activation Report (FCC Form 201) is part of the EAS planning program. The program is a tri-agency agreement between the Commission, the NOAA National Weather Service, and the Federal Emergency Management Agency (FEMA) The FCC 201 postcard was recommended for use in the program by the National Industry Advisory Committee (NIAC). The postcard allows the three agencies to assess the success of the program and identify the areas of the country that need further assistance in developing their local EAS plan.

OMB Control No.: 3060–0629.

Title: Section 76.987, New Product Tiers.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for profit.

Number of Respondents: 500.

Estimated Time Per Response: .5 hours.

Frequency of Response: On occasion reporting requirement.

Cost to Respondents: Postage and stationery costs are estimated to be $1 per filing. Therefore, 500 filings x $1=$500.

Total Annual Burden: The Commission estimates that approximately 500 NPT filings will be received in the next year. The average burden to cable operators to comply with this filing requirement is estimated to be .5 hours per filing. 500 filings x .5=250 total annual burden hours.

Needs and Uses: Section 76.987(g) states that within 30 days of the offering of a new product tier (''NPT''), operators shall file with the Commission, a copy of the new rate card that contains the following information on their basic service tiers (''BSTs''), able programming service tiers (''CPSTs''), and NPTs: (1) The names of the programming services contained on each tier; and (2) the price of each tier. Operators also must file with the Commission, copies of notifications that were sent to subscribers regarding the initial offering of NPTs. After this initial filing, cable operators must file updated rate cards and copies of customer notifications with the Commission within 30 days of rate or service changes affecting the NPT.

The information contained in NPT filings is used by the Commission to ensure that cable operators are complying with conditions set forth for NPTs, i.e., that operators are not making fundamental changes to what they offer on their tiers of service, and that subscribers are given due notice of NPT offerings.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 97–31216 Filed 11–26–97; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

November 21, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before December 29, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0646.

Title: Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94–129.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for profit.

Number of Respondents: 500.

Estimated Time Per Response: 2 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure.

Cost to Respondents: N/A.

Total Annual Burden: 1,000 hours.

Needs and Uses: In CC Docket 94–129, Report and Order (R&O), Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, (1995), the Commission adopted consumer protection mechanisms that were designed to curb widespread instances of slamming and associated deceptive or misleading marketing practices by many long distance carriers. In response to six petitions for reconsideration of the 1995 R&O, we amend our rules in three respects. First, we modify 47 CFR 64.1150(g) to clarify that interexchange carriers (IXCS) using letters of agency (LOAs) must fully translate their LOAs into the same language(s) as their associated promotional materials or oral descriptions and instructions. Second, we modify 47 CFR 64.1150(e)(4) to incorporate the terms interLATA and intraLATA, as well as interstate and intrastate, in order to remove all possible confusion or uncertainty about the scope of our rules, which are generally relevant to all jurisdictions. Third, we modify 47 CFR 64.1100(a) to clarify that IXCs must confirm orders for long distance service generated by

telemarketing using only one of four verification options. The information will be used to inform long distance carriers of their additional and continuing obligations to verify all orders for long distance service generated by telemarketing in accordance with the Commission's verification rules. The information received from the current collection was used to identify and strengthen the areas in which increased protection and/or clarification of our verification rules were needed.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 97–31288 Filed 11–26–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 97–2454]

North American Numbering Council; Meetings

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On November 21, 1997, the Commission released a public notice announcing the December 15, and December 16, 1997, meetings and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next two meetings and their Agendas.

FOR FURTHER INFORMATION CONTACT: Jeannie Grimes, Paralegal Specialist, assisting the NANC at (202) 418–2313 or via the Internet at jgrimes@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW, Suite 235, Washington, DC 20054. *The fax number is:* (202) 418–7314. *The TTY number is:* (202)418–0484.

SUPPLEMENTARY INFORMATION: The next two meetings of the North American Numbering Council (NANC) will be held on Monday, December 15, from 1:00 p.m. until 5:00 p.m., and Tuesday, December 16, 1997, from 8:30 a.m until 5:00 p.m., EST at the Federal Communications Commission, 1919 M Street, NW, Room 856, Washington, DC 20054. These meetings will be open to members of the general public. The FCC will attempt to accommodate as many people as possible. Admittance, however will be limited to the seating available. The public may submit written statements to the NANC, which must be received two business days before the meetings. In addition, oral statements at either meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meetings. Requests to make an oral statement or provide written comments to the NANC should be sent to Jeannie Grimes at the address under **FOR FURTHER INFORMATION CONTACT,** stated above.

Proposed Agenda

The planned agenda for the December 15, 1997, meeting is as follows:

1. Number Pooling Management Group (NPMG) Report.
2. Industry Numbering Committee (INC) Report on Number Pooling.
3. Discussion and development of NANC recommendation on Number Pooling.

The planned agenda for the December 16, 1997, meeting is as follows:

4. Local Number Portability Administration (LNPA) Working Group Report: Follow-up activities for *Second Report and Order,* Local Number Portability, Docket 95–116, 62 FR 48774, September 17, 1997. LNP Implementation and General Oversight Update.
5. Wireline/Wireless Integration Task Force(WWITF) Status Report.
6. North American Numbering Plan Administration (NANPA) Working Group Report. Discussion of work plan development for NANC recommendation for entity to serve as toll free database administrator. NANPA Transition Planning Task Force and CO Code Transition Planning Task Force updates. Lockheed Martin-IMS, NANPA Transition Plan update to the NANC.
7. Cost Recovery Working Group Report. NECA, Billing and Collection Agent (B&C Agent) update.
8. Network Interconnection & Interoperability Form (NIIF) Committee Status Report: Progress update on Central Office (CO) Code and NPA Activation Issue.
9. Steering Group Report. Development of work plan for NANC's CICs recommendation to the FCC, under the *Further Notice of Proposed Rulemaking and Order,* In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs),CC Docket 92–237, FCC 97–364, 69 FR 54187, October 22, 1997.
10. Other Business.
11. Review of Decisions Reached and Action Items.

Federal Communications Commission.

Geraldine A. Matise,

Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 97–31300 Filed 11–26–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, December 2, 1997 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), ant Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, December 4, 1997 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Audit: San Diego Host Committee/Sail to Victory '96.
Audit: Committee on Arrangements for the 1996 Republican National Convention.
Audit: Perot '96.
Federal Election Commission Sunshine Act Notices for Meetings of December 2 and 4, 1997
Pete Wilson for President Committee, Inc.—Request for Oral Presentation.
Advisory Opinion 1997–18: California Reform Party Congressional Committee by John Evans, Treasurer.
Regulations: Year End Status Report.
Regulations: Who Qualifies as a ''Member'' of a Membership Association: Notice of Proposed Rulemaking.
''Self-coding'' approach for FEC Disclosure Reports.
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 97–31403 Filed 11-25-97; 12:30 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Privacy Act of 1974 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996

AGENCY: Federal Maritime Commission.

ACTION: Amendment of system of records to include new routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), the Federal Maritime Commission is issuing notice of our intent to amend the system of payroll records (FMC–21) to include new routine uses required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

DATES: Comments must be received on or before December 29, 1997. *Effective Date:* The proposed amendment will become effective January 7, 1998 unless comments dictate otherwise.

ADDRESSES: Comments may be addressed to Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573–0001. All comments received will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission (202) 523–5725.

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Changes To Routine Use of System of Records

Pursuant to Pub.L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (''the Act''), the Federal Maritime Commission (''FMC'') will disclose data from its Payroll Records System of Records to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in its Federal Parent Locator Service (FPLS) and Federal Tax Offset System, DHHS/OCSE No. 09–90–0074. A description of the Federal Parent Locator Service may be found at 62 FR 51663 (October 2, 1997).

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for the purpose of establishing paternity and securing support. The Act amended 42 U.S.C. 653(n) to require quarterly wage reporting to the FPLS by federal employers of the name, social security number, and quarterly wages of each employee, effective October 1, 1997. The Act also added a new section, 42 U.S.C. 653a, which requires federal employers to provide information to the National Directory of New Hires established by 42 U.S.C. 653. Federal employers must report the name, address, and social security number of a new employee to the National Directory of New Hires effective October 1, 1997. Pursuant to the amendments to 42 U.S.C. 653 made by the Act, the enlarged FPLS will include the National Directory of New Hires, a database containing information on employees commencing employment, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits, all effective October 1, 1997.

Also in accordance with the Act, effective October 1, 1998, the FPLS will be expanded to include a Federal Case Registry. The Federal Case Registry will contain abstracts on all participants in child support enforcement cases. When the Federal Case Registry is implemented, its files will be matched on an ongoing basis against the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as a participant in a State child support case, that State will be notified of the participant's current employer. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

The data to be disclosed by the Office of Thrift Supervision (''OTS''), U.S. Department of Treasury, on behalf of the FMC to the FPLS include wages earned and income taxes to be paid both state and federal, and the following data elements relating to the employee—employee's name and social security number, date and state of hire, date of birth, address; and the following data elements relating to the Commission: Federal EIN (employer identification number), employer name and address.

The data to be disclosed by OTS on behalf of the FMC to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct.

The data disclosed by OTS on behalf of the FMC to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

II. Compatibility of Proposed Routine Uses

The Federal Maritime Commission is amending these routine uses in accordance with the Privacy Act (5 U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget had indicated that a ''compatible use'' is a use which is necessary and proper. *See* OMB Guidelines, 51 FR 18982, 18985 (1986). Since the proposed uses of the data are required by Pub. L. 104–193, they are clearly necessary and proper uses, and, therefore, ''compatible'' uses under the Privacy Act requirements.

III. Effect of Proposed Changes on Individuals

The FMC will disclose information under the proposed routine uses only as required by Pub. L. 104–193 and as permitted by the Privacy Act. Disclosure will be handled through the agency's personnel/payroll system provider, the Office of Thrift Supervision.

Accordingly, FMC–21, Payroll Records, most recently amended in the **Federal Register** on February 2, 1994 (59 FR 6643), is further amended to revise the routine uses description to read as follows.

* * * * *

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program state, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a ''routine use,'' to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a ''routine use'':

1. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

2. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

3. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator Service (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action.

4. To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

5. To the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

6. To an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

7. To officers and employees of a Federal agency for purposes of audit.

8. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

9. To officers and employees of the Office of Thrift Supervision in connection with administrative services provided to this agency under agreement with OTS.

10. To GAO for audit; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, also is disclosed to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573–0001. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished to the city in response to written request from an appropriate city official to the Secretary at the above address.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93–579.

* * * * *

Dated: November 24, 1997.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 97–31257 Filed 11–26–97; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) announces an opportunity for public comment on the proposed extension of its collection of information by Form F–53, Federal Sector Labor Relations: Notice to Federal Mediation and Conciliation Service, OMB No. 3076–0005. Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq., agencies are required to publish notice in the **Federal Register** regarding each proposed collection of information, including a proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits public comment on the extension for three (3) years of a existing collection of information relating to federal sector labor-management relations. No revisions or modifications of Form F–53 are contemplated. Form F–53 is scheduled to expire on November 30, 1997; however, OMB has granted the agency a short-term extension until February 19, 1998.

DATES: Comments should be submitted on or before January 27, 1998.

ADDRESSES: Written comments may be submitted by mail to: Office of the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C., ATTN: Tammi Strozier. Comments may also be submitted by fax to (202) 606–5345, ATTN: Tammi Strozier. All written or faxed comments should bear the notation: Comments on Form F–53. A record has been established for this action. All submitted comments will be available for public inspection in Room 600, 2100 K Street, N.W., Washington, D.C. 20427, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on federal holidays.

FOR FURTHER INFORMATION CONTACT: General Counsel Elizabeth G. Watson, ATTN: Diane R. Liff, Special Counsel, Federal Mediation and Conciliation Service, (202) 606–3747; fax: (202) 606–5345; e-mail: drliff@fmcs.gov.

SUPPLEMENTARY INFORMATION: Copies of Form F–53 are available from the Office of General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C., 20427.

Pursuant to 5 U.S.C. 7119(a) and related implementing regulations, 29 CFR Part 1425, the Federal Mediation and Conciliation Service (FMCS) provides services and assistance to federal agencies and to the labor unions that represent agencies' employees in matters involving contract expiration or reopener negotiations, as well as mid-term or impact and implementation bargaining disputes. In addition, FMCS provides grievance mediation services to agencies and employee unions that jointly request it. Form F–53, Federal Sector Labor Relations: Notice to Federal Mediation and Conciliation Service, OMB No. 3076–0005, is a voluntary, one-page, collection of information submitted by federal agencies and labor unions to notify FMCS that such assistance is requested. Form F–53 permits FMCS to gather the

desired information in a timely and uniform manner. The information advises FMCS of the parties involved, type of negotiation, number of employees, date of contract termination or reopening, and the names and phone numbers of contact persons. The information supplied by the parties is collected by the FMCS Notice Processing Unit (NPU) and distributed by NPU to the appropriate FMCS field office for assignment of a federal mediator. Parties are not required to use Form F–53 to request services or assistance. The entities affected by this action are approximately 600 federal agencies and labor unions. The form is filled out once per request, and the time required to fill it out is estimated to be 10 minutes or less. Approximately 1,000 forms are submitted annually. FMCS seeks a three (3) year extension without modification for Form F–53. Form F–53 is scheduled to expire on November 30, 1997; however, OMB has granted the agency a short-term extension until February 19, 1998.

REQUEST FOR COMMENTS: FMCS solicits comments on:

(1) The necessity of the collection of information for the proper performance of the functions of the agency;

(2) The accuracy of the agency's estimate of the burden on respondents of the collection of information;

(3) The clarity and utility of the information collected; and

(4) The manner by which the burden associated with respondents' collection of information could be minimized.

Dated: November 21, 1997.

Elizabeth G. Watson,

General Counsel.

[FR Doc. 97–31144 Filed 11–26–97; 8:45 am]

BILLING CODE 6732–01–U

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 12, 1997.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Michael D. Platt, Hardtner, Kansas, James L. Molz, Kiowa, Kansas, David C. Collins, and Roland C. Pederson, both of Burlington, Oklahoma; to acquire voting shares of B-K Agency, Inc. Hardtner, Kansas, and thereby indirectly acquire The Farmers State Bank, Hardtner, Kansas.

Board of Governors of the Federal Reserve System, November 24, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–31314 Filed 11–26–97; 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 December 23, 1997.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Wachovia Corporation, Winston-Salem, North Carolina; to merge with Ameribank Bancshares, Inc., Hollywood, Florida, and thereby indirectly acquire American Bank of Hollywood, Hollywood, Florida.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Century Bank Corp., Fairmount, Indiana; to become a bank holding company by acquiring 97.8 percent of the voting shares of Citizens Exchange Bank, Fairmount, Indiana.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Mississippi Valley Bancshares, Inc., Clayton, Missouri; to acquire 100 percent of the voting shares of Southwest Bank, Belleville, Illinois (in organization).

D. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Narragansett Financial Corp., Fall River, Massachusetts; to become a bank holding company by acquiring Citizens-Union Savings Bank, Fall River, Massachusetts. Comments on this application must be received by December 12, 1997.

Board of Governors of the Federal Reserve System, November 21, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–31143 Filed 11–26–97; 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 December 23, 1997.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Commerce Bancshares, Inc., and CBI-Kansas, Inc., both of Kansas City, Missouri; to acquire Pittsburg Bancshares, Inc., Pittsburg, Kansas, and thereby indirectly acquire City National Bank, Pittsburg, Kansas.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. American State Financial Corp., Lubbock, Texas, and American State Financial Corp Delaware, Wilmington, Delaware; to merge with Security Shares, Inc., Abilene, Texas, and thereby indirectly acquire Security State Bank, Abilene, Texas.

Board of Governors of the Federal Reserve System, November 24, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–31312 Filed 11–26–97; 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 December 23, 1997.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Marshall & Ilsley Corporation, Milwaukee, Wisconsin; to acquire Advantage Bancorp, Inc., Kenosha, Wisconsin, and thereby indirectly acquire Advantage Bank, FSB, Kenosha, Wisconsin, and thereby engage in the operation of a savings association, pursuant to § 225.28(b)(4)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 21, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–31142 Filed 11–26–97; 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 December 23, 1997.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. North Fork Bancorporation, Inc., Melville, New York; to acquire New York Bancorp, Inc., New York, New York, and thereby indirectly acquire Home Federal Savings Bank, New York, New York, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 24, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–31313 Filed 11–26–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of September 30, 1997

In accordance with § 271.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on September 30, 1997.[1] The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that growth of economic activity remains brisk. In labor markets, hiring continued robust over the summer months and the civilian unemployment rate, at 4.9 percent in August, remained near its low for the current economic expansion. Industrial production increased considerably further in July and August. Retail sales have risen sharply over recent months after a pause during the spring. Housing starts declined in July and August, but home sales have been strong. Business fixed investment has increased substantially further since

[1] Copies of the Minutes of the Federal Open Market Committee meeting of September 30, 1997, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

mid-year and available indicators point to further sizable gains in coming months. After narrowing somewhat in the second quarter, the nominal deficit on U.S. trade in goods and services widened substantially in July. Inventory investment in July was well below the average pace in prior months of 1997. Price inflation has remained subdued and increases in labor compensation have been moderate in recent months.

Most market interest rates are about unchanged on balance since the day before the Committee meeting on August 19, 1997. Share prices in equity markets have increased considerably over the period, with some stock price indexes reaching new highs. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies declined somewhat on balance over the intermeeting period.

Growth of M2 appears to have moderated somewhat in September from a very rapid pace in August, while expansion of M3 remained very strong in both months. For the year through August, M2 expanded at a rate somewhat above the upper bound of its range for the year and M3 at a rate substantially above the upper bound of its range. Total domestic nonfinancial debt has continued to expand in recent months at a pace near the middle of its range.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at its meeting in July reaffirmed the ranges it had established in February for growth of M2 and M3 of 1 to 5 percent and 2 to 6 percent respectively, measured from the fourth quarter of 1996 to the fourth quarter of 1997. The range for growth of total domestic nonfinancial debt was maintained at 3 to 7 percent for the year. For 1998, the Committee agreed on a tentative basis to set the same ranges as in 1997 for growth of the monetary aggregates and debt, measured from the fourth quarter of 1997 to the fourth quarter of 1998. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the Committee seeks conditions in reserve markets consistent with maintaining the federal funds rate at an average of around 5-1/2 percent. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, a somewhat higher federal funds rate would or a slightly lower federal funds rate might be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with some moderation in the growth of M2 and M3 over coming months.

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

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 97–31206 Filed 11-26-97; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. (EST), December 8, 1997.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the November 10, 1997, Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: November 25, 1997.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 97–31460 Filed 11–25–97; 2:53 pm]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Nominations of Topics for Evidence-Based Practice Centers (EPCs)

The Agency for Health Care Policy and Research (AHCPR) invites a second round of nominations of topics for evidence reports on the prevention, diagnosis, treatment, and management of common diseases and clinical conditions, and where appropriate, the use of alternative/complementary therapies, and for technology assessments of specific medical procedures or health care technologies. AHCPR's first request for topic nominations was published in the **Federal Register** on December 23, 1996 (61 FR 67554–67556).

AHCPR serves as a science partner with private-sector and other public organizations in their efforts to improve the quality, effectiveness, and appropriateness of health care delivery in the United States, and to speed the translation of evidence-based research findings into improved clinical care. AHCPR supports Evidence-based Practice Centers (EPCs) to undertake scientific analyses and evidence syntheses on high-priority topics. The EPCs produce science syntheses—evidence reports and technology assessments—that provide the scientific foundation for public and private organizations to use in developing and implementing their own practice guidelines, performance measures, and other tools to improve the quality of health care and make decisions related to the effectiveness or appropriateness of specific health care technologies.

As a result of nominations received in response to AHCPR's December 1996 Federal Register notice, EPCs are developing an evidence report or a technology assessment on the following topics: (1) Testosterone suppression treatment of prostatic cancer; (2) evaluation of cervical cytology; (3) diagnosis and treatment of dysphagia/swallowing problems in the elderly; (4) evaluation and treatment of new onset of atrial fibrillation in the elderly; (5) diagnosis of sleep apnea; (6) treatment of attention deficit and hyperactivity disorder; (7) diagnosis and treatment of acute sinusitis; (8) rehabilitation of persons with traumatic brain injury; (9) prevention and management of urinary complications in paralyzed persons; (10) pharmacotherapy for alcohol dependence; (11) management of stable angina; and (12) treatment of depression with new drugs.

The process that AHCPR employs to select topics for analyses by the EPCs is described below.

Background

Under Title IX of the Public Health Service Act, AHCPR is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. AHCPR accomplishes these goals through scientific research and through promotion of improvements in clinical practice (including the prevention of diseases and other health conditions) and improvements in the organization, financing, and delivery of health care services (42 U.S.C. 299–299c–6 and 1320b–12). In carrying out these purposes, AHCPR, among other activities, has, in the past, arranged for

the development of clinical practice guidelines and has conducted assessments of health care technologies.

Through the creation of EPCs, AHCPR is better able to serve as a science partner with private-sector and other public organizations in addressing a greater number of health care topics and a broader range of clinical conditions and health problems. The EPCs provide a strong scientific foundation for private and public organizations to use in their own efforts to improve clinical practice. The EPCs conduct literature reviews and assess and synthesize scientific evidence to produce evidence reports and technology assessments. The reports and assessments will provide systems of care, provider societies, health plans, public and private purchasers, States, and others with a scientific foundation for development and implementation of their own practice guidelines, clinical pathways, review criteria, performance measures, and other tools to improve the quality of care in their own settings and populations. They may also be used to inform health care decisions, such as coverage or reimbursement policy, based on the effectiveness or appropriateness of specific services, procedures, or technologies.

Evidence-based Practice Centers (EPCs)

The EPCs prepare evidence reports and technology assessments on topics for which there is significant demand by health care providers, insurers, purchasers, health-related societies, and consumer organizations. Such topics may include the prevention, diagnosis and/or treatment of particular diseases or health conditions including, where appropriate, the use of alternative/complementary therapies, as well as the appropriate use of more commonly provided services, procedures, or technologies. AHCPR will widely disseminate the evidence reports and technology assessments produced by the EPCs.

Selection Criteria

Selection criteria for AHCPR evidence report and technology assessment topics include: (1) High incidence or prevalence in the general population or in subpopulations, including racial and ethnic minorities and other populations; (2) significance for the needs of the Medicare, Medicaid and other Federal health programs; (3) high costs associated with a condition, procedure, treatment, or technology, whether due to the number of people needing care, high unit cost of care, or high indirect costs; (4) controversy or uncertainty about the effectiveness or relative effectiveness of available clinical strategies or technologies; (5) potential to inform and improve patient or provider decisionmaking; (6) potential to reduce clinically significant variations in the prevention, diagnosis, treatment, or clinical management of a disease or condition, or in the use of a procedure or technology, or in the health outcomes achieved; (7) availability of scientific data to support the study or analysis of the topic; and (8) potential opportunities for rapid implementation. The topics selected also will complement AHCPR's efforts to build a balanced portfolio of evidence reports and technology assessments.

Nomination and Selection Process

Nominations of topics for AHCPR evidence reports and technology assessments should focus on specific aspects of prevention, diagnosis, treatment and/or management of a particular condition, or on an individual procedure, treatment, or technology. Potential topics should be carefully defined and circumscribed so that within 6 to 12 months databases can be searched, the evidence reviewed, supplemental analyses performed, and final evidence reports or technology assessments produced. Topics selected will not duplicate current and widely available clinical practice guidelines or technology assessments, unless new evidence is available that suggests the need for revisions or updates.

Nominations should be brief (1–2 pages) and may be in the form of a letter. For each topic nominated, nominators should provide a rationale and any available supporting evidence reflecting the importance and clinical relevance of the topic and should indicate the potential usefulness of the evidence report or technology assessment within their professional practices or organizations. Information should include:

- A clearly defined topic, with specific questions to be answered that will establish the focus and boundaries of the report.
- The availability of data to study and, if available, any information on the incidence, prevalence, and/or severity of the particular disease or health condition including, if relevant, its significance for the Medicare and medicaid populations; or the frequency of use and cost of the procedure, treatment, or technology; an indication of how the evidence report or assessment might be used within the nominator's professional or organizational setting; and any known currently available technology assessments, practice guidelines, disease management protocols, or other tools or standards pertaining to the topic and their deficiencies, if any.
- References to significant differences in practice patterns and/or results; alternative therapies and controversies.

Nominators of selected topics may have the opportunity to serve as resources to EPCs as they develop evidence reports and technology assessments. Nominators may also be requested to serve as peer reviewers of draft evidence reports and assessments.

The AHCPR will review topic nominations and supporting information and determine final topics, seeking additional information as appropriate.

Materials Submission and Deadline

To be considered for the next group of evidence reports and technology assessments, topic nominations should be submitted by January 30, 1998 to: Douglas B. Kamerow, M.D., M.P.H., Director, Center for Practice and Technology Assessment, Agency for Health Care Policy and Research, 6000 Executive Boulevard, Willco Building, Suite 310, Rockville, Maryland 20852.

Nominations also will be accepted on an ongoing basis at the above address for topics for subsequent evidence reports and technology assessments.

All responses will be available for public inspection at the Center for Practice and Technology Assessment, telephone (301) 594–4015, weekdays between 8:30 a.m. and 5 p.m. AHCPR will not reply to individual responses, but will consider all nominations in selecting topics. Topics selected will be announced, from time to time, in the **Federal Register** and AHCPR press releases.

For Additional Information

Additional information about topic nominations can be obtained by contacting: Jacqueline Besteman, EPC Project Officer, Center for Practice and Technology Assessment, Agency for Health Care Policy and Research, 6000 Executive Boulevard, Willco Building, Suite 310, Rockville, Maryland 20852; telephone (301) 594–4015; E-mail address: jbestema@ahcpr.gov.

Dated: November 21, 1997.

John M. Eisenberg,

Administrator.

[FR Doc. 97–31205 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97F–0035]

Ashland Chemical Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 6A4490) proposing that the food additive regulations be amended to provide for the safe use of polypropylene glycol with a molecular weight of 1,200 to 3,000 as a defoaming agent in water for sliced potatoes.

FOR FURTHER INFORMATION CONTACT: Vivian M. Gilliam, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3167.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 3, 1997 (62 FR 5011), FDA announced that a food additive petition (FAP 6A4490) had been filed by Ashland Chemical Co., One Drew Plaza, Boonton, NJ 07005. The petition proposed to amend the food additive regulations in § 173.340 Defoaming agents (21 CFR 173.340) to provide for the safe use of polypropylene glycol with a molecular weight of 1,200 to 3,000 as a component of defoaming agents in wash water for sliced potatoes. Ashland Chemical Co. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: November 10, 1997.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval.

[FR Doc. 97–31215 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0479]

Parke-Davis et al.; Withdrawal of Approval of 18 New Drug Applications, 7 Abbreviated Antibiotic Applications, and 53 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 18 new drug applications (NDA's), 7 abbreviated antibiotic applications (AADA's), and 53 abbreviated new drug applications (ANDA's). The holders of the applications notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Olivia A. Pritzlaff, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

Application No.	Drug	Applicant
NDA 6–413	Super Anahist (neohetramine hydrochloride)	Parke-Davis, 2800 Plymouth Rd., Ann Arbor, MI 48105.
NDA 7–812	Inhiston-APC (aspirin 3.5 grains (gr), caffeine 0.5 gr, phenacetin 2.5 gr, pheniramine maleate 10 milligrams (mg).	Plough, Inc., P.O. Box 377, Memphis, TN 38151.
NDA 9–108	Rauval (rauwolfia serpentina) Tablets	Glenwood-Palisades, P.O. Box 369, One New England Ave., Piscataway, NY 08855.
NDA 11–760	Normacol (polycarbophil) Tablets	Schering Corp., 2000 Galloping Hill Rd., Kenilworth, NY 07033.
NDA 11–935	Actifed (pseudoephedrine hydrochloride and triprolidine hydrochloride) Syrup.	Glaxo Wellcome Inc., Five Moore Dr., Research Triangle Park, NC 27709.
NDA 11–936	Actifed (pseudoephedrine hydrochloride and triprolidine hydrochloride) Tablets.	Do.
NDA 11–950	Tacaryl (methdilazine hydrochloride) Syrup, 4 mg/15 milliliters (mL).	Westwood-Squibb Pharmaceuticals, Inc., 100 Forest Ave., Buffalo, NY 14213–1091.
NDA 12–939	Neutrapen (penicillinase injectable)	3M Pharmaceuticals, Bldg. 260–6A–22, 3M Center, St. Paul, MN 55144–1000.
NDA 15–438	Meprobamate Tablets USP, 200 mg, 400 mg	Zenith Goldline Pharmaceuticals, 140 Legrand Ave., Northvale, NJ 07647.
NDA 16–649	Feminone Tablets	Pharmacia & Upjohn, 7000 Portage Rd., Kalamazoo, MI 49001–0199.
NDA 17–369	Teldrin (chlorpheniramine maleate extended release) Spansules.	SmithKline Beecham Consumer Healthcare, 1500 Littleton Rd., Parsippany, NY 07054–3884.
NDA 17–906	Lactulose Syrup	Solvay Pharmaceuticals, Inc., 901 Sawyer Rd., Marietta, GA 30062.
NDA 19–014	Benylin Decongestant Cough Formula (diphenhydramine hydrocholoride and pseudoephedrine hydrochloride).	Warner-Lambert Co., 170 Tabor Rd., Morris Plains, NJ 07950.
NDA 50–125	Tablets Remanden-250 (Potassium Penicillin G with Probenecid).	Merck & Co., Inc., BLA–30, West Point, PA 19486.
NDA 50–137	Cer-O-Cillin Sodium (crystalline sodium penicillin O).	Pharmacia & Upjohn

Application No.	Drug	Applicant
NDA 50–298	Pyopen (sterile carbenicillin disodium) Injection	SmithKline Beecham Pharmaceuticals, P.O. Box 7929, Philadelphia, PA 19101–7929.
NDA 50–375	Cremomycin Oral Suspension	Merck & Co., Inc.
NDA 50–566	Sterile Cefazolin Sodium Injection in PL146 Plastic Container.	Baxter Healthcare Corp., Rt. 120 and Wilson Rd., Round Lake, IL 60073–0490.
AADA 60–571	MYCOSTATIN (Nystatin) Ointment 100,000 USP units per gram (g).	Westwood-Squibb Pharmaceuticals, Inc.
AADA 60–634	Oxytetracycline Hydrochloride Capsules USP, 250 mg.	Purepac Pharmaceutical Co., 200 Elmora Ave., Elizabeth, NJ 07207.
AADA 62–471	Gentamicin Sulfate Cream, USP 0.1%	Alpharma, U.S. Pharmaceuticals Div., Johns Hopkins Bayview Center, 333 Cassell Dr., suite 3500, Baltimore, MD 21224.
AADA 62–496	Gentamicin Sulfate Ointment, USP 0.1%	Do.
AADA 62–583	Bacitracin (sterile)	Alpharma AS, U.S. Agent: Alpharma Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024.
AADA 62–584	Bacitracin Zinc (nonsterile)	Do.
AADA 63–250	Amoxicillin Trihydrate, nonsterile bulk	Ranbaxy Laboratories Ltd., U.S. Agent: Ranbaxy Pharmaceuticals, Inc., 4600 Marriott Dr., suite 100, Raleigh, NC 27612.
ANDA 70–136	Propranolol Hydrochloride Injection USP, 1 mg/mL (syringe).	SoloPak Laboratories, 1845 Tonne Rd., Elk Grove Village, IL 60007–5125.
ANDA 70–579	Allopurinol Tablets USP, 100 mg	Purepac Pharmaceutical Co.
ANDA 70–688	Methyldopa and Hydrochlorothiazide Tablets USP, 250 mg/25 mg.	Do.
ANDA 70–695	Verapamil Hydrochloride Injection USP, 2.5 mg/mL (syringe).	SoloPak Laboratories
ANDA 70–800	Haloperidol Injection USP, 5 mg/mL (syringe)	Do.
ANDA 70–853	Methyldopa and Hydrochlorothiazide Tablets USP, 250 mg/15 mg.	Purepac Pharmaceutical Co.
ANDA 70–854	Methyldopa and Hydrochlorothiazide Tablets USP, 250 mg/30 mg.	Do.
ANDA 71–000	Amantadine Hydrochloride Capsules USP, 100 mg.	Solvay Pharmaceuticals, Inc.
ANDA 71–123	Ibuprofen Tablets USP, 300 mg	Purepac Pharmaceutical Co.
ANDA 71–124	Ibuprofen Tablets USP, 400 mg	Do.
ANDA 71–125	Ibuprofen Tablets USP, 600 mg	Do.
ANDA 71–672	Naloxone Hydrochloride Injection USP, 0.02 mg/mL (syringe).	SoloPak Laboratories
ANDA 71–683	Naloxone Hydrochloride Injection USP, 0.4 mg/mL (syringe).	Do.
ANDA 72–110	Doxepin Hydrochloride Capsules USP, 100 mg	Purepac Pharmaceutical Co.
ANDA 72–330	Clorazepate Dipotassium Tablets, 3.75 mg	Do.
ANDA 72–331	Clorazepate Dipotassium Tablets, 7.5 mg	Do.
ANDA 72–332	Clorazepate Dipotassium Tablets, 15 mg	Do.
ANDA 72–386	Doxepin Hydrochloride Capsules USP, 75 mg	Do.
ANDA 72–387	Doxepin Hydrochloride Capsules USP, 150 mg	Do.
ANDA 80–493	Cortisone Acetate Tablets USP, 25 mg	Do.
ANDA 80–842	Rauwolfia Serpentina Tablets USP, 50 mg and 100 mg.	Do.
ANDA 80–845	Diphenhydramine Hydrochloride Capsules USP, 25 mg and 50 mg.	Eon Labs Manufacturing, Inc., 227–15 North Conduit Ave., Laurelton, NY 11413.
ANDA 84–138	Phendimetrazine Tartrate Tablets, 35 mg (Pink)	KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, MO 63144–2555.
ANDA 84–141	Phendimetrazine Tartrate Tablets, 35 mg	Do.
ANDA 84–479	Dicyclomine Hydrochloride Syrup USP, 10 mg/5 mL.	Alpharma, U.S. Pharmaceuticals Div.
ANDA 84–932	Quinidine Sulfate USP, 200 mg (Tablets)	Solvay Pharmaceuticals, Inc.
ANDA 85–296	Quinidine Sulfate USP, 200 mg (Capsules)	Do.
ANDA 85–297	Quinidine Sulfate USP, 300 mg (Capsules)	Do.
ANDA 85–298	Quinidine Sulfate USP, 300 mg (Tablets)	Do.
ANDA 85–299	Quinidine Sulfate USP, 100 mg (Tablets)	Do.
ANDA 86–298	UNIPRES (Reserpine, Hydralazine Hydrochloride, and Hydrochlorothiazide Tablets, USP) 0.1 mg/25 mg/15 mg.	Do.
ANDA 86–822	Hydroxyzine Hydrochloride Injection USP, 25 mg/mL (syringe).	SoloPak Laboratories
ANDA 87–043	Heparin Sodium Injection USP, 1,000 units/mL (syringe).	Do.
ANDA 87–077	Heparin Sodium Injection USP, 5,000 units/mL (syringe).	Do.
ANDA 87–101	Isoetharine Inhalation Solution, USP 1%	Alpharma, U.S. Pharmaceuticals Div.

Application No.	Drug	Applicant
ANDA 87–107	Heparin Sodium Injection USP, 10,000 units/mL (syringe).	SoloPak Laboratories
ANDA 87–109	Nitroglycerin Extended-Release Capsules, 9 mg	KV Pharmaceutical Co.
ANDA 87–310	Hydroxyzine Hydrochloride Injection USP, 50 mg/mL.	SoloPak Laboratories
ANDA 87–344	Isosorbide Dinitrate Extended-release Capsules, 40 mg.	Inwood Laboratories, Inc., 909 Third Ave., New York, NY 10022–4731.
ANDA 87–363	Heparin Sodium Injection USP, 10,000 units/0.5 mL (syringe).	SoloPak Laboratories
ANDA 87–395	Heparin Sodium Injection USP, 5,000 units/0.5 mL (syringe).	Do.
ANDA 87–551	Cyanocobalamin Injection USP, 1,000 micrograms/mL (syringe).	Do.
ANDA 87–596	Hydroxyzine Hydrochloride Injection USP, 50 mg/mL and 100 mg/mL.	Do.
ANDA 87–903	Heparin Lock Flush Solution USP, 10 units/mL (syringe).	Do.
ANDA 87–905	Heparin Lock Flush Solution USP, 100 units/mL (syringe).	Do.
ANDA 88–120	Hydroxyzine Hydrochloride Tablets USP, 10 mg	Purepac Pharmaceutical Co.
ANDA 88–121	Hydroxyzine Hydrochloride Tablets USP, 25 mg	Do.
ANDA 88–122	Hydroxyzine Hydrochloride Tablets USP, 50 mg	Do.
ANDA 88–139	Chlorthalidone Tablets USP, 25 mg	Do.
ANDA 88–177	Hydralazine Hydrochloride Tablets, 25 mg	Do.
ANDA 88–520	Phenytoin Sodium Injection USP, 50 mg/mL (syringe).	SoloPak Laboratories
ANDA 88–532	Procainamide Hydrochloride Injection USP, 500 mg/mL (syringe).	Do.
ANDA 89–094	Trimethobenzamide Hydrochloride Injection USP, 100 mg/mL (syringe).	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective December 29, 1997.

Dated: November 17, 1997.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 97–31214 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0451]

Microbial Safety of Produce; Grassroots and International Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing six grassroots meetings and one international meeting to discuss generally the President's recently announced initiative to ensure the safety of imported and domestic fruits and vegetables and other foods, and specifically the microbial safety of produce. The meetings are intended to give an overview of, and obtain input on the general draft guide entitled ''Guide to Minimizing Microbial Food Safety Hazards for Fresh Fruit and Vegetables.''

DATES AND TIME: For the domestic meetings see Table 1 in the ''**SUPPLEMENTARY INFORMATION**'' section of this document. For the international meeting see Table 2. Submit written comments by December 19, 1997. All the meetings will be held from 9 a.m. to 4 p.m.

ADDRESSES: For the domestic meetings see Table 1 in the ''**SUPPLEMENTARY INFORMATION**'' section of this document. For the international meeting see Table 2. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Copies of the ''Guide to Minimizing Microbial Food Safety Hazards for Fresh Fruit and Vegetables'' may be obtained from Joan E. Duy, Center for Food Safety and Applied Nutrition (HFS–335), Food and Drug Administration, 200 C St. SW., rm. 3812, Washington, DC 20204, 202–260–8920, FAX 202–205–4422, e-mail jduy@bangate.fda.gov.

FOR FURTHER INFORMATION CONTACT: *For general information on this document*: Camille E. Brewer, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., rm. 3169, Washington, DC, 202–260–8920, FAX 202–205–4422, e-mail ceb@cfsan.fda.gov. Send registration information (including name, title, firm name, mailing address, telephone number and fax number if appropriate) to the contact person listed for the city in which you will attend.

SUPPLEMENTARY INFORMATION: On October 2, 1997, the President announced an initiative to ensure the safety of imported and domestic produce and other foods. This initiative is geared to optimize the microbial safety of domestic and imported fresh fruits and vegetables. As part of this initiative, the President directed the Secretary of the Department of Health and Human Services (DHHS), in partnership with the Secretary of the Department of Agriculture (USDA), and in cooperation with the agricultural community, to issue advice on good agricultural practices and good manufacturing practices for fresh fruits and vegetables. FDA will coordinate the effort for DHHS. As part of this effort, FDA plans to publish for public

comment a draft guide early in 1998, and a final guide later in 1998.

On November 17, 1997, at a public meeting in Washington, DC, FDA and USDA provided details on a broad, general draft approach on how to minimize microbial contamination through the control of water, manure, worker sanitation and health, field and facility sanitation, and transportation and handling. A draft guide entitled ''Guide to Minimizing Microbial Food Safety Hazards for Fresh Fruit and Vegetables,'' will be available December 1, 1997, on FDA's World Wide Web Home Page (http//www.fda.gov).

The grassroots and the international meetings will include an overview of the President's initiative and a review of the general draft guide. The meetings are intended to obtain input into the draft guide. While all meetings are open to any interested parties, the grassroots meetings will focus specifically on domestic produce, and the international meeting will focus on imported produce.

Transcripts of the grassroots and international meetings may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximated 15 working days after each meeting at a cost of 10 cents per page. The transcripts of the grassroots and the international meetings will be available for public examination at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

TABLE 1.—DOMESTIC MEETINGS

Meeting Address	Date	FDA Contact Person
GRAND RAPIDS: Amway Grand Hotel, Pearl and Monroe, Grand Rapids, MI..	December 1, 1997	Evelyn Denke, Food and Drug Administration, Detroit District Office (HFR–MW245), 1500 E. Jefferson Ave., Detroit, MI 48207–3179, 313–226–6158.
GENEVA: New York State Agricultural Experiment Station, 630 West North St., Geneva, NY..	December 3, 1997	Beverly Kent, Food and Drug Administration, Buffalo District Office, 599 Delaware Ave., Buffalo, NY 14202, 716–551–4461 ext. 3131.
WEST PALM BEACH: Clayton Hutchinson Agricultural Center, 559 North Military Trail, West Palm Beach, FL..	December 5, 1997	Lynn Isaacs, Food and Drug Administration, Florida District Office, 7200 Lake Ellenor Dr., suite 120, Orlando, FL 32809, 407–648–6922 ext. 202.
SAN ANTONIO: Helotes 4–H Center, San Antonio, TX, 12132 Leslie Rd., Helotes, TX..	December 8, 1997	Sylvia Yetts, Food and Drug Administration, Dallas District Office (HFR–SW100), 3310 Live Oak St., Dallas, TX 75204, 214–655–5315 ext. 344.
SALINAS: Salinas Community Center, 490 North Main St., Salinas, CA..	December 10, 1997	Mary Acton, Food and Drug Administration, San Francisco District Office (HFR–PA150), 1431 Harbor Bay Pkwy., Alameda, CA 94502, 510–337–6765.
PORTLAND: Monarch Hotel, 12566 SE. 93d Ave., Clackamas, OR..	December 12, 1997	Debra Tucker, Food and Drug Administration, Portland District Office, 9780 SW. Nimus Ave., Beaverton, OR 97008, 503–671–9711 ext. 10.

TABLE 2.—INTERNATIONAL MEETING

Meeting Address	Date	FDA Contact Person
WASHINGTON, DC: Department of Health and Human Services, Hubert Humphrey Bldg., 200 and Independence, Washington, DC..	Monday, December 8, 1997	Marilyn Veek, Food and Drug Administration, Office of International Affairs (HFG–1), 5600 Fishers Lane, Rockville, MD 20857, 301–827–0906

Dated: November 24, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–31366 Filed 11-25-97; 11:18 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food And Drug Administration

[Docket No. 97F–0468]

Ciba Specialty Chemicals Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba Specialty Chemicals Corp., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite by removing the restrictions on the temperature of use in low density polyethylene films of thickness greater than 0.051 millimeter (mm) (0.002 inch (in)), provided that the film does not contain a total of tris(2,4-di-*tert*-butylphenyl)phosphite in excess of 0.062 milligram (mg) per in^2 of the food-contact surface.

DATES: Written comments on petitioner's environmental assessment by December 29, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch

(HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8B4563) has been filed by Ciba Specialty Chemicals Corp., c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite by removing the restriction on the temperature of use in low density polyethylene films of thickness greater than 0.051 mm (0.002 in), provided that the film does not contain a total of tris(2,4-di-*tert*-butylphenyl)phosphite in excess of 0.062 mg per in^2 of the food-contact surface.

The agency has determined under 21 CFR 25.32(i) that this action is of the type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: November 4, 1997.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 97–31149 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Assessment of Bureau of Primary Health Care (BPHC)-Funded Providers' Level of Knowledge and Training Needs for Reducing Perinatal Transmission of HIV—NEW

The HIV/AIDS Bureau (HAB) intends to conduct a survey of 300 health care providers who work in BPHC-funded programs and who treat women of childbearing age. The specific topic area for this study relates to perinatal transmission of HIV.

The purpose of this survey is to determine:

—the specific training and learning needs of providers in BPHC-funded programs with regard to HIV/AIDS issues (especially perinatal transmission of HIV) and women of childbearing age.

—the preferred modes of training.

—the level of knowledge of, and adherence to, Government protocols for treating women of childbearing age and reducing the risk of perinatal transmission of HIV.

—the familiarity of practitioners with recent advances in HIV/AIDS treatments such as protease inhibitors and combined therapies.

Results from this research will be used to develop specific training curricula for these providers and to enhance educational and service delivery-related support for Bureau-funded providers and clinics.

The study will be done by mail, with phone follow-up if necessary to improve response rates. The estimate of burden is as follows:

Type of Respondent	(1)
Number of Respondents	300
Responses Per Respondent	1
Hours Per Response	.25
Total Burden Hours	75

[1] Physicians.

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received on or before January 27, 1998.

Dated: November 21, 1997.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 97–31207 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Data Collection and Reporting Requirements for Healthy Schools, Healthy Communities Program (OMB No. 0915–0188)—Extension, No Change—The Healthy schools, Healthy Communities (HSHC) Initiative was established in Fiscal Year 1994 by the HRSA Bureau of Primary Healthy Care (BPHC) in coordination with the HRSA Maternal and Child Health Bureau.

HSHC grantees are required to offer comprehensive primary care services to

children in school-based health centers. Grants are made to organizations that demonstrate that the communities they serve are subject to poverty and a wide range of health risks, including school failure and poor health. Many of these programs are located in medically underserved communities which are geographically and ethnically diverse. Programs are located in elementary, middle, high and k-12 schools.

The school-based health centers are collecting data through School HealthCare ONLINE!!! (SHO), a software program developed for school-based and school-linked health centers, Headstart through High School. Grantees abstract information from health center records on persons served, services provided, and health status, and enter the data into the SHO System.

The software system is programmed to generate user profiles (aggregate data only) which are submitted to the BPHC. BPHC uses the profiles to monitor program activities, assess where technical assistance is needed, and to respond to inquiries from Congress and others.

The SHO system is also programmed to produce export files containing person-level information (stripped of personal identifiers) which are submitted to the national evaluator. The export data serves as the basis for the program evaluation and is used for analysis beyond the scope of the user profiles.

There will be no changes in the forms. Estimates of respondent burden are as follows:

Burden type	No. of respondents	Responses per respondent	Total annual responses	Hours per response	Response burden (hours)
SHO System data entry	26	600	15,600	0.2	3,120
User Profiles	26	4	104	0.5	52
Data Export Files	26	4	104	0.5	52
Total	26		15,808		3,224

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received on or before January 27, 1998.

Dated: November 21, 1997.

Jane Harrison,

Acting Director.

Division of Policy Review and Coordination

[FR Doc. 97–31217 Filed 11–28–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The Health Education Assistance Loan (HEAL) Program: Physician's Certification of Borrower's Total and Permanent Disability Form (OMB No. 0915–0204)—Extension and Revision

The Health Education Assistance Loan (HEAL) program provides federally-insured loans to students in schools of allopathic medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, allied health, or chiropractic, and graduate students in health administration or clinical psychology. Eligible lenders, such as banks, savings and loan associations, credit unions, pension funds, State agencies, HEAL schools, and insurance companies, make HEAL loans which are insured by the Federal Government against loss due to borrower's death, disability, bankruptcy, and default. The basic purpose of the program is to assure the availability of funds for loans to eligible students who need to borrow money to pay for their educational loans.

The HEAL borrower, the borrower's physician, and the holder of the loan completes the Physician's Certification form to certify that the HEAL borrower meets the total and permanent disability provisions.

The HEAL program is being phased out and no new loans will be made after September 30, 1998 unless reauthorization is enacted. We are, however, requesting a 3-year extension of the OMB approval of the HEAL Physician's Certification of Borrower's Total and Permanent Disability Form, HRSA–539 because this form will be used throughout the repayment period for existing loans. The Department uses this form to obtain information about disability claims which includes the following: (1) the borrower's consent to release medical records to the Department of Health and Human Services and to the holder of the borrower's HEAL loans, (2) pertinent information supplied by the certifying physician, (3) the physician's certification that the borrower is unable to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death, and (4) information from the lender on the unpaid balance. Failure to submit the required documentation will result in disapproval of a disability claim. The form is being revised to make

submission of medical documentation mandatory rather than optional.

The estimate of burden for the Physician's Certification form is as follows:

Type of respondent	Number of respondents	Responses per respondent	Number of responses	Hours per response	Total burden hours
Borrower	100	1	100	5 min	8
Physician	100	1	100	30 min	50
Loan Holder	32	3.1	100	10 min	17
Total	232		300		75

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: November 21, 1997.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 97–31225 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: The Nursing Education Loan Repayment Program Application (OMB No. 0915–0140)

Extension and Revision—This is a request for extension and revision of Office of Management and Budget (OMB) approval of the application form for the Nursing Education Loan Repayment Program (NELRP). The NELRP is authorized by 42 U.S.C. 297(n) (section 846 of the Public Health Service Act).

Under the NELRP, registered nurses are offered the opportunity to enter into a contractual agreement with the Secretary, under which the Public Health Service agrees to repay the nurses' indebtedness for nursing education. In exchange, the nurses agree to serve for a specified period of time in certain types of health facilities identified in the statute.

Nurse educational loan repayment contracts will be approved by the Secretary for eligible nurses who have incurred previous monetary indebtedness by accepting a loan for nursing education costs from a bank, credit union, savings and loan association, insurance company, Government agency or program, school, or other lender that meets NELRP criteria.

Approval is requested for the application form. The application form requires information from two types of respondents:

a. Applicants must provide information on the proposed service site and on all nursing education loans for which reimbursement is requested, and

b. Lenders must provide information on loan status for all loans accepted for repayment.

Two items are being added to the application form: race/ethnicity of the applicant (for statistical purposes only); and citizenship status. The estimates of average burden to complete the forms remains the same. Burden estimates are as follows:

Form/Regulatory requirement	Number of respondents	Responses per respondent	Hours per response	Total burden hours
NELRP Application	2,200	1	1	2,200
Loan Verification Form	*50	1	.25	13
Total	2,250			2,213

*The remainder of the loans are verified through credit reports.

Written comments and recommendations concerning the proposed information collection should be sent on or before December 29, 1997 to: Laura Oliven, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: November 21, 1997.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 97–31208 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in

compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Deferment Request Form for NHSC and NHH Scholarship Programs (OMB NO. 0915–0179) Extension, No Change

We are requesting an extension of the OMB clearance for the Deferment Request Form and associated reporting requirements for the National Health Service Corps (NHSC) Scholarship Program and the Native Hawaiian Health (NHH) Scholarship Program. The NHSC/NHH Scholarship Programs are authorized by Section 338A and Section 338K of the Public Health Service (PHS) Act. The requirements for obligated service, found in Section 338C of the PHS Act, include provisions for deferment of the service obligation under certain circumstances.

Under these programs, allopathic physicians, osteopathic physicians, dentists, nurse practitioners, nurse midwives, physician assistants, and, if needed by the NHSC or NHH program, students of other health professions (including mental health professionals) are offered the opportunity to enter into a contractual agreement with the Secretary under which the Public Health Service agrees to pay the total school tuition, required fees and a stipend for living expenses. In exchange, the scholarship recipient agrees to provide full-time clinical services at a site in a federally designated Health Professions Shortage Areas (HPSA) of the United States. NHH scholarship recipients must be native Hawaiians and are assigned to sites in Hawaii. The minimum service obligation is 2 years.

Once scholarship recipients have completed their academic requirements, the law requires that selected types of recipients be allowed to defer their service obligation in order to complete an approved internship, residency, or other advanced clinical training.

The Deferment Request Form provides the information necessary for considering the period and type of training for which deferment of the service obligation will be approved for physicians and dentists.

In addition, these programs have two other reporting requirements for which no forms have been developed, including:

(1) Individuals who are in a deferment status are required to submit requests in writing for modifications to the deferment (e.g., extension of deferment or change of residency programs); and (2) Dentists, who can either begin their service obligation immediately after graduation or can be deferred for up to three years, are required to notify the program in writing of their *intent* to request deferment.

The estimated burden on respondents is as follows:

Type of report	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Deferment Form	600	1	.5	300
Requests for Change of Deferment and Letters of Intent	100	1	1	100
Total	700			400

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Laura Oliven, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: November 21, 1997.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 97–31209 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Final Program Requirements and Review Criteria for a Cooperative Agreement for a Center for Health Workforce Distribution Studies: A Federal-State Partnership Cooperative Agreement Program for Fiscal Year 1997

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for a fiscal year (FY) 1997 Cooperative Agreement for a Center for Health Workforce Distribution Studies: A Federal-State Partnership Cooperative Agreement Program. The cooperative agreement will be funded under the authority of section 792 (42 USC 295k) of the Public Health Service Act, which authorizes research on health professions personnel.

Research and studies for this cooperative agreement program will focus on the workforce distributional aspects of the legislation at the state (one or a few states) level for allied health personnel, dentists, nurses, physicians, and public health personnel as specified below.

Purpose

The purpose of this cooperative agreement for a Center for Health Workforce Distribution Studies is to support research and analysis at the State level for one State or a few States only, including issues regarding the impact of federal initiatives aimed at improving the training of health professionals and meeting national workforce goals pertaining to:

(1) Allied health data and distributional issues consistent with the (1995) recommendations of the National Commission on Allied Health and in close coordination with the activities of the Allied Health Data Collaborative Project;

(2) Distribution of dentists, with emphasis on trends relating to educational background (for example, those with postdoctoral training in advanced general dentistry and/or public health dentistry) and practice in settings principally serving residents of medically-underserved communities;

(3) The designation of nursing shortage areas at the State level and, through a pilot exploration of a model approach, build a methodologic bridge to other states for applicability across the Nation;

(4) The distribution of physicians, with emphasis on underserved areas and specialty services, including, for example OB/GYN, maternal and child health, general surgery, emergency medicine, and mental health; and addressing issues of substitution, using available tools such as the HRSA/ Bureau of Health Professions (BHPr) Integrated Requirements Model (IRM), as applicable; and

(5) The establishment of collaboration(s) between schools of public health and state and local public health agencies to assess public health workforce supply and distribution and to develop educational strategies to address imbalances; and to develop the nature of workforce planning for public health personnel at the State level.

The cooperative agreement is to fund either the establishment and the operation of a new research center, or the operation of an existing research center, for the conduct of such research. The center must conduct high-quality research and disseminate findings to colleagues and policymakers at the institutional, Federal and State levels.

The successful applicant must have or establish the Center for Health Workforce Distribution Studies as an identifiable entity. This must be more than a set of discrete, investigator-initiated research projects proposed in one application. The center must have a director, a coherent, widely-recognized research agenda and researchers who function as a team. The principal investigator must be an experienced researcher who will be primarily responsible for the organization and operation of the center and will provide research leadership. The center's researchers must collectively possess multidisciplinary skills, and have experience in health services research. There must be sufficient core staff with significant time commitments to the center, although the center will of necessity share common resources with other components of the applicant institution, including technical, clerical, and administrative personnel, and library and computer resources.

The cooperative agreement funds will be available to provide basic support for the center, including: the development and implementation of the center's research agenda, administrative and research staff support, researcher time (although not necessarily 100% of researcher time), and dissemination of center research products through articles in peer-reviewed journals as well as center-sponsored publications. This cooperative agreement must not be the sole source of support for this type of enterprise. The applicant institution must demonstrate a commitment (including a matching contribution—see ''Program Requirements'' below) to support the organizational and management structure of the center, and its investigators should seek other funds for support of its research agenda.

Eligibility

Eligible applicants include public and non-profit private entities. The applicant must bring together allied/ dental/ medical/nursing/public health schools and State agencies, must have experience in all five component areas, the assessment and evaluation of unmet need/underserved areas, and in issues of non-physician provider substitution, and must have access to the allied and public health workforce data base in the State. Development of a methodology for the assessment of nursing shortage areas and of public health requirements and supply in a State must involve a State agency.

A notice was published in the **Federal Register** at 62 FR 39532 on July 23, 1997, proposing program requirements and review criteria for this program. No comments were received within the 30 day comment period. Therefore, the program requirements and review criteria remain as proposed.

Final Program Requirements

The award recipient's institution must share in the cost of the program as follows: For each year funds are awarded under this program, the matching contribution shall be at least one-third of the amount of the Federal award for that year. Up to 50% of the recipient's matching contribution may be in the form of in-kind donations of faculty time, staff time, use of computers or other shared resources.

Applicants are urged to submit applications that address specific objectives of HRSA/BHPr. Health workforce surveillance reveals significant gaps in the Nation's health workforce ability to meet the population's needs. In some cases, these gaps are exacerbated by market forces. The BHPr attempts to address these in its four health workforce goals to improve the distribution, diversity, supply, and competence/quality. Specifically:

Distribution: there has been little progress in reducing the number of underserved areas, and access to generalist providers varies widely across states and counties;

Diversity: few health professions reflect the diversity of the Nation's population, also there is strong evidence that underrepresented minority providers are more likely to serve vulnerable populations;

Supply: shortages of some allied and public health providers coincide with a surfeit of specialist physicians;

Competence: most training is hospital-based and ill-suited to ambulatory health care delivery, which occurs in an increasingly managed care environment and requires skills in providing cost-effective quality care. Also, an aging population created an unmet need for geriatric training.

Final Review Criteria

Applications for this cooperative agreement will be evaluated on the basis of the following criteria:

(1) The qualifications and achievements of the proposed center's principal investigator and senior researchers, including level of productivity and quality of research in health workforce issues;

(2) Demonstration of an understanding of the particular subject areas of health professions workforce research that are relevant to Federal policies and evidence of ability to manage research in such areas;

(3) The appropriateness of the time commitments of the principal investigator and senior researchers;

(4) The strength of the applicant's plan to actively promote dissemination of research findings to all health professionals involved in health services research and to relevant national and state policymakers;

(5) The appropriateness of the proposed budget;

(6) The planned level of commitment to the center from the applicant institution, as evidenced by specific plans for the type of financial support that will be offered, and for support of the organizational structure of the center. Evidence of a prior institutional commitment to generalizable research in health workforce studies will also be sought;

(7) The past success and future potential of the proposed center's researchers in receiving funding from other sources; and

(8) The likely effectiveness of the organizational and management arrangements to operate the proposed center.

Additional Information

If additional programmatic information is needed, please contact:

Herbert Traxler, Ph.D., Office of Research and Planning, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8–47, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6662 or 3148, FAX: (301) 443–8003, EMAIL: htraxler@hrsa.dhhs.gov.

Dated: November 21, 1997.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 97–31224 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HIV Care Grant Program

AGENCY: Health Resources and Services Administration.

ACTION: Notice of grants made to States and territories.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that fiscal year 1997 funds have been awarded to States and territories (hereinafter States) for the HIV Care Grant Program. Although these funds have already been awarded to the States, HRSA is publishing this notice to inform the general public of the existence of the funds. In addition, HRSA determined that it would be useful for the general public to be aware of the structure of the HIV Care Grant Program and the statutory requirements governing the use of the funds.

Funds will be used by the States to improve the quality, availability, and organization of health care and support services for individuals and families with HIV disease. The HIV Care Grant Program is authorized by Title II of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990, Public Law 101–381, as amended by the Ryan White CARE Act amendments of 1996, Public Law 104–146, which amended Title XXVI of the Public Health Service Act. Funds were appropriated under Public Law 104–208.

FOR FURTHER INFORMATION CONTACT: Individuals interested in the HIV Care Grant Program should contact the appropriate office in their State, and may obtain information on their State contact by calling Anita Eichler, M.P.H., Director, Division of Service Systems, at (301) 443–6745.

SUPPLEMENTARY INFORMATION:

Availability of Funds

A total of $230,895,000 was made available for the Title II HIV Care Grant Program. These funds have been allotted to the States according to a formula that is determined by multiplying the amount appropriated for Title II, less any set-asides, by the distribution factor determined for the State. In addition to the Care Grants, $167,000,000 was also awarded for the AIDS Drug Assistance Program (ADAP) to help States increase the number of HIV patients receiving drugs, including combination therapies and new drugs, and to help pay for their increasing costs. Below are two tables. The first shows the distribution of funds for the Care Grant Program by State. The second shows the distribution of funds for the ADAP by State.

CARE GRANT AWARDS

State	Amount
Alabama	$2,838,265
Alaska	250,000
Arizona	2,045,462
Arkansas	1,395,995
California	31,548,137
Colorado	2,127,037
Connecticut	3,330,036
Delaware	1,322,724
District of Columbia	2,877,431
Florida	23,416,364
Georgia	7,214,630
Hawaii	1,158,830
Idaho	250,000
Illinois	6,606,747
Indiana	2,928,889
Iowa	624,726
Kansas	997,168
Kentucky	1,415,277
Louisiana	4,252,105
Maine	489,755
Maryland	5,923,285
Massachusetts	4,217,542
Michigan	3,405,961
Minnesota	1,037,082
Mississippi	1,879,965
Missouri	2,620,796
Montana	136,900
Nebraska	499,395
Nevada	2,043,859
New Hampshire	314,204
New Jersey	11,931,930
New Mexico	805,975
New York	34,972,364
North Carolina	4,803,070
North Dakota	100,000
Ohio	4,739,289
Oklahoma	1,554,105
Oregon	1,601,172
Pennsylvania	7,686,648
Rhode Island	1,054,708
South Carolina	4,509,988
South Dakota	100,000
Tennessee	3,906,471
Texas	14,636,207
Utah	852,251
Vermont	250,000
Virginia	5,235,047
Washington	2,830,277
West Virginia	492,843
Wisconsin	1,755,689
Wyoming	100,000
Guam	11,608
Puerto Rico	7,605,266
Virgin Islands	191,525

CARE GRANT AWARDS—Continued

AIDS DRUG ASSISTANCE PROGRAM AWARDS

[State/Territory—FY 1997 Grant Award]

Alabama	$1,329,706
Alaska	112,917
Arizona	1,450,752
Arkansas	654,013
California	26,371,892
Colorado	1,607,932
Connecticut	2,790,394
Delaware	619,686
District of Columbia	2,613,341
Florida	17,898,632
Georgia	5,125,509
Hawaii	542,903
Idaho	112,917
Illinois	5,427,222
Indiana	1,372,162
Iowa	292,680
Kansas	568,196
Kentucky	663,046
Louisiana	2,717,224
Maine	229,446
Maryland	5,025,239
Massachusetts	3,310,714
Michigan	2,408,285
Minnesota	841,003
Mississippi	880,749
Missouri	1,965,652
Montana	64,137
Nebraska	233,963
Nevada	975,533
New Hampshire	214,993
New Jersey	9,448,859
New Mexico	377,593
New York	29,381,796
North Carolina	2,250,201
North Dakota	24,390
Ohio	2,577,208
Oklahoma	728,086
Oregon	1,148,136
Pennsylvania	5,258,299
Rhode Island	494,123
South Carolina	2,112,895
South Dakota	38,843
Tennessee	1,830,152
Texas	11,061,308
Utah	399,273
Vermont	92,140
Virginia	2,881,631
Washington	2,067,728
West Virginia	247,513
Wisconsin	823,839
Wyoming	37,940
Guam	N/A
Puerto Rico	5,315,209
Virgin Islands	N/A
Total	$167,000,000

Eligibility Criteria

In order to receive funding under Title II of the CARE Act, each State was required to develop:

- A detailed description of the HIV-related services provided in the State to individuals and families with HIV disease during the year preceding the year for which the grant was requested, and the number of individuals and families receiving such services; and
- A comprehensive plan for the organization and delivery of HIV health care and support services to be funded with the Title II grant, including a description of the purposes for which the State intends to use such assistance.

Each State was also required to submit an application containing such agreements, assurances, and information as the Secretary determined to be necessary to carry out this program, including an assurance that:

- The public health agency that is administering the grant for the State will conduct public hearings concerning the proposed use and distribution of the Title II grant assistance;
- The State will, to the maximum extent practicable, ensure that HIV-related health care and support services delivered with Title II assistance will be provided without regard to the ability of the individual to pay or the current or past health condition of the individual; ensure that such services will be provided in a setting that is accessible to low-income individuals with HIV disease, and provide outreach to inform such individuals of the services available; and, in the case of a State that intends to use grant funds for the continuation of health insurance coverage, ensure that the State has established a program that assures that such amounts will be targeted to individuals who would not otherwise be able to afford health insurance coverage, that income, assets, and medical expense criteria will be established and applied by the State to identify those individuals who qualify for assistance, and that information concerning such criteria will be made available to the public;
- The State will provide for periodic independent peer review to assess the quality and appropriateness of health and support services provided by entities that receive Title II funds from the State;
- The State will permit and cooperate with any Federal investigations undertaken regarding programs conducted under Title II;
- The State will maintain HIV-related activities at a level that is equal to not less than the level of such expenditures by the State for the 1-year period preceding the fiscal year for which the State applied to receive a grant under Title II; and
- The State will ensure that grant funds are not utilized to make payments for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to that item or service (1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program, or (2) by an entity that provides health services on a prepaid basis.

General Use of Grant Funds

States may use the HIV Care Grant funds to:

- Deliver or enhance HIV-related outpatient and ambulatory health and support services, including case management, substance abuse treatment and mental health treatment, and comprehensive treatment services, which include treatment education and prophylactic treatment for opportunistic infections, for individuals and families with HIV disease.
- Deliver or enhance HIV-related inpatient case management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities.
- Establish and operate HIV care consortia within areas most affected by HIV. The statute defines a consortium as an association of one or more public, and one or more nonprofit private (or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area) health care and support service providers and community-based organizations operating within areas determined by the State to be most affected by HIV disease.
- Provide home- and community-based care services for individuals with HIV disease. Funding priorities must be given to entities that provide assurances to the State that they will participate in HIV care consortia if such consortia exist within the State, and will utilize the funds for the provision of home- and community-based services to low-income individuals with HIV disease.
- Provide assistance to assure health insurance coverage for low-income individuals with HIV disease.
- Provide therapeutics to treat HIV disease or prevent the serious deterioration of health arising from HIV disease in eligible individuals, including measures for the prevention and treatment of opportunistic infections.

A State must use not less than the percentage of its grant funds constituted by the ratio of the population in the State of infants, children, and women with AIDS to the general population in the State of individuals with AIDS to provide health and support services to infants, children, and women with such syndrome.

A State must take administrative or legislative action to require that a good faith effort be made to notify a spouse of a known HIV-infected patient that such spouse may have been exposed to HIV and should seek testing.

At least 75 percent of the fiscal year 1997 Title II grant awarded to a State must be obligated to specific programs and projects and made available for expenditure not later than 150 days after receipt of such amounts in the case of a the first fiscal year for which amounts are received, and within 120 days of the receipt of the grant by the State in succeeding fiscal years.

Federal Smoke-Free Compliance

The Public Health Service strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Executive Order 12372

It has been determined that the Title II HIV Care Grant Program is not subject to the provisions of Executive Order 12372 concerning inter-governmental review of Federal programs.

The Catalog of Federal Domestic Assistance Number is 93.917.

Dated: November 21, 1997.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 97–31211 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HIV Emergency Relief Grant Program

AGENCY: Health Resources and Services Administration.

ACTION: Notice of grants made to eligible metropolitan areas.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that fiscal year 1997 funds

have been awarded to the 49 eligible metropolitan areas (EMAs) that have been the most severely affected by the HIV epidemic. Although these funds have already been awarded to the EMAs, HRSA is publishing this notice to inform the general public of the existence of the funds. In addition, HRSA determined that it would be useful for the general public to be aware of the structure of the HIV Emergency Relief Grant Program and the statutory requirements governing the use of the funds.

The purposes of these funds are to deliver or enhance HIV-related (1) outpatient and ambulatory health and support services, including case management, substance abuse treatment and mental health treatment, and comprehensive treatment services, which include treatment education and prophylactic treatment for opportunistic infections, for individuals and families with HIV disease; and (2) inpatient case management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities. The HIV Emergency Relief Grant Program is authorized by Title I of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990, Public Law 101–381, as amended by the Ryan White CARE Act Amendments of 1996, Public Law 104–146, which amended Title XXVI of the Public Health Service Act. Funds were appropriated under Public Law 104–208.

FOR FURTHER INFORMATION, CONTACT: Individuals interested in the Title I HIV Emergency Relief Grant Program should contact the Office of the Chief Elected Official (CEO) in their locality, and may obtain information on their CEO contact by calling Anita Eichler, M.P.H., Director, Division of Service Systems, at (301) 443–6745.

SUPPLEMENTARY INFORMATION:

Availability of Funds

A total of $429,377,900 was made available for the Title I HIV Emergency Relief Grant Program. Below is a table showing the total award of grants made to the 49 EMAs.

Grantee	Award
Atlanta, GA	$12,632,117
Austin, TX	3,337,861
Baltimore, MD	10,033,688
Bergen-Passaic, NJ	4,292,593
Boston, MA	9,033,443
Caguas, PR	1,431,210
Chicago, IL	15,741,071
Cleveland-Lorain-Elyria, OH	1,877,513
Dallas, TX	8,129,583
Denver, CO	4,668,572
Detroit, MI	6,087,121
Dutchess County, NY	776,847
Ft. Lauderdale, FL	8,312,185
Ft. Worth-Arlington, TX	1,902,232
Hartford, CT	2,661,473
Houston, TX	10,768,697
Jacksonville, FL	3,762,713
Jersey City, NJ	4,600,103
Kansas City, MO	2,884,537
Los Angeles, CA	30,227,298
Miami, FL	18,863,208
Middlesex-Somerset-Hunterdon, NJ	1,919,076
Minneapolis-St. Paul, MN	1,990,700
Nassau-Suffolk, NY	4,697,795
New Haven, CT	5,336,678
New Orleans, LA	4,727,682
New York, NY	92,459,373
Newark, NJ	11,612,530
Oakland, CA	5,905,961
Orange County, CA	4,401,330
Orlando, FL	4,319,349
Philadelphia, PA	13,465,328
Phoenix, AZ	3,380,053
Ponce, PR	2,183,463
Portland, OR	3,472,480
Riverside-San Bernardino, CA	5,986,979
Sacramento, CA	2,038,827
St. Louis, MO	3,506,350
San Antonio, TX	3,014,191
San Diego, CA	8,198,109
San Francisco, CA	37,194,634
San Jose, CA	1,992,602
San Juan, PR	10,550,845
Santa Rosa-Petaluma, CA	1,330,630
Seattle, WA	5,481,431
Tampa-St. Petersburg, FL	6,548,952
Vineland-Millville-Bridgeton, NJ	677,001
Washington, D.C.	15,838,868
West Palm Beach, FL	5,122,618

Eligible Grantees

Metropolitan areas which were eligible for grant awards under Title I were those areas for which, as of March 31, 1996, there had been reported to and confirmed by the CDC a cumulative total of more than 2,000 cases of AIDS for the previous 5 years, and there was a population of at least 500,000 individuals, or, for which an award had been made prior to fiscal year 1997.

Grants were awarded to the chief elected official (CEO) of the city or urban county in each EMA that administers the public health agency providing outpatient and ambulatory services to the greatest number of individuals with AIDS.

To be eligible for assistance under Title I, the CEO was required to establish or designate an HIV health services planning council that reflects in its composition the demographics of the epidemic in the EMA, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations. The planning council is to: (1) Establish priorities for the allocation of funds within the eligible area; (2) develop a comprehensive plan for the organization and delivery of health services described in the statute that is compatible with any State or local plan regarding the provision of health services to individuals with HIV disease; (3) assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area; (4) participate in the development of the statewide coordinated statement of need initiated by the State public health agency responsible for administering State grants (Part B of Title XXVI of the Public Health Service Act); and (5) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels. The planning council must include representatives of: health care providers, including federally qualified health centers; community-based and AIDS service organizations; social services providers; mental health and substance abuse providers; local public health agencies; hospital planning agencies or health care planning agencies; affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations; non-elected community leaders; State government, including the State Medicaid agency and the agency administering the program under Part B of Title XXVI of the PHS Act; and grantees receiving categorical grants for early intervention services under Part C of Title XXVI of the PHS Act; grantees under section 2671 of the PHS Act, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and grantees under other federal HIV programs. The allocation of funds and services within the EMA must be made in accordance with the priorities established by the planning council.

To be eligible to receive a grant under Title I, the EMAs were required to submit an application containing such information as the Secretary required, including assurances adequate to ensure:

- That funds received would be utilized to supplement not supplant State funds provided for HIV-related services;
- That the political subdivisions within the EMA would maintain HIV-related expenditures at a level equal to

that expended for the preceding fiscal year. Funds received under Title I may not be used in maintaining the required level of expenditures;

• That the EMA has an HIV health services planning council and has entered into intergovernmental agreements with any required political subdivisions and has developed or will develop a comprehensive plan for the organization and delivery of health services, in accordance with the legislation;

• That entities within the EMA that receive Title I funds will participate in an established HIV community-based continuum of care if such continuum exists within the EMA;

• That Title I funds will not be utilized to make payments for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to that item or service (1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program, or (2) by an entity that provides health services on a prepaid basis; and

• To the maximum extent practicable, that HIV health care and support services provided with Title I assistance will be provided without regard to the ability of the individual to pay for such services or to the current or past health condition of the individual. Such services will be provided in a setting that is accessible to low-income individuals with HIV disease, and a program of outreach will be provided to inform such individuals of such services.

o That the applicant has participated, or will agree to participate, in the statewide coordinated statement of need process where it has been initiated by the State public health agency responsible for administering grants under part B, and ensures that the services provided under the comprehensive plan are consistent with the statewide coordinated statement of need.

General Use of Grant Funds

EMAs must use the Title I HIV Emergency Relief grants to provide financial assistance to public or nonprofit entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area, for the purpose of delivering or enhancing—

o HIV-related outpatient and ambulatory health and support services, including case management, substance abuse treatment and mental health treatment, and comprehensive treatment services, which will include treatment education and prophylactic treatment for opportunistic infections, for individuals and families with HIV disease; and

o HIV-related inpatient case management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities.

In order to provide health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the EMA must use an amount of funding from the Title I grant not less than the percentage constituted by the ratio of the population in the EMA of infants, children, and women with AIDS to the general population of AIDS-infected individuals in the EMA.

Federal Smoke-Free Compliance

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–277, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or, in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Executive Order 12372

Grants awarded for the Title I HIV Emergency Relief Grant Program are subject to the provisions of Executive Order 12372, as implemented under 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications within their States for assistance under certain Federal programs. The application packages made available by HRSA to the EMAs contained a listing of States which have chosen to set up such a review system and provided a point of contact in the States for the review.

(The catalog of Federal Domestic Assistance Numbers are: Formula Grants—93.915; Supplemental Grants—93.914.)

Dated: November 21, 1997.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 97–31210 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of December, 1997.

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: December 3, 1997; 9:00 a.m.–5:00 p.m., December 4, 1997; 9:00 a.m.–12:00 Noon

Place: Parklawn Building, Conference Room D, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

The full Commission will meet on Wednesday, December 3, from 9:00 a.m. to 5:00 p.m. and on Thursday, December 4, from 9:00 a.m. to 12:00 p.m. Agenda items will include, but not be limited to: an update on the Vaccine Information Statements for newly added vaccines to the National Vaccine Injury Compensation Program (VICP); a discussion of potential legislative amendments to the VICP; a report on vaccines currently in clinical trials; a presentation on vaccine registries, and reports from the Department of Justice, the National Vaccine Program Office, and routine Program reports.

Public comment will be permitted before lunch and at the end of the Commission meeting on December 3 and before adjournment on December 4. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Ms. Melissa Palmer, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–35, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–6593. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may sign-up in Conference Room D on December 3 and 4. These persons will be allocated time as time permits.

Anyone requiring information regarding the Commission should contact Ms. Palmer, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–35, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6593.

Agenda items are subject to change as priorities dictate.

Dated: November 21, 1997.

Jane M. Harrison,

Committee Management Officer, HRSA.

[FR Doc. 97–31221 Filed 11–26–97; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Human Genome Research Institute Initial Review Group, Genome Research Review Subcommittee.

Agenda/Purpose: To review and evaluate grant applications and/or contract proposals.

Date: December 11, 1997.

Time: 1:00 p.m.

Place: Via Teleconference, Building 38A, Room 609, at the National Institutes of Health, Bethesda, MD.

Contact Person: Rudy Pozzatti, Ph.D., Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Building 38A, Room 604, Bethesda, Maryland 20892, (301) 402–0838.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The applications and/or contract proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research.)

Dated: November 21, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31230 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meetings

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

Name of Committee: National Human Genome Research Institute, Special Emphasis Panel ZHG1 (G1).

Agenda/Purpose: To discuss a component of NHGRI's five-year plan.

Date: December 2–3, 1997.

Time: 8:30 a.m.–5:00 p.m.

Place: Chevy Chase Holiday, Chevy Chase, Maryland.

Note: Advanced registration required.

Contact Person: Elise A. Feingold, National Human Genome Research Institute, National Institutes of Health, Building 38A, Room 614, Bethesda, Maryland 20892, (301) 496–7531.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet extramural process requirements.

Name of Committee: National Human Genome Research Institute, Special Emphasis Panel ZHG1 (P1).

Agenda/Purpose: To consider the design issues associated with the development of a repository of cell lines that can be used in the discovery of single nucleotide polymorphisms in human DNA.

Date: December 8–9, 1997.

Time: 8:30 a.m.–5:00 p.m.

Place: Bethesda Marriott Hotel, Pooks Hill, Bethesda, Maryland.

Note: Advanced registration required.

Contact Person: Stephanie Reeves-Walker, National Human Genome Research Institute, National Institutes of Health, Building 38A, Room 614, Bethesda, Maryland 20892, (301) 496–7531.

Meeting Contact Person: Bettie Graham, National Human Genome Research Institute, National Institutes of Health, Building 38A, Room 614, Bethesda, Maryland 20892, (301) 496–7531.

Individuals who plan to attend these meetings and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Elise Feingold or Stephanie Reeves-Walker, (301) 496–7531, two weeks in advance of the meeting.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research.)

Dated: November 19, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31231 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Child Health and Human Development; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: The Effects of Yoga on Peak Flow Rates in Pregnant Asthmatics (Teleconference).

Date: December 18, 1997.

Time: 3:30 p.m. (ET)—adjournment.

Place: 6100 Executive Boulevard, Room 5E03, Rockville, Maryland 20892.

Contact Person: Norman C. Chang, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E03, Rockville, MD 20852, Telephone: 301–496–1485.

Purpose/Agenda: To evaluate and review a grant application.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussion of this application could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the application, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children], National Institutes of Health, HHS)

Dated: November 21, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31227 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: December 9, 1997.

Time: 2 p.m.

Place: Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Donna Ricketts, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–3936.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commerical property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 21, 1997.

LaVerne Y. Springfield,

Committee Management Officer, NIH.

[FR Doc. 97–31228 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: Autism—related program projects.

Date: December 8–9, 1997.

Time: December 8:00 p.m.—10:00 p.m., December 9–8:30 a.m.—adjournment.

Place: Strathallan Hotel, Rochester, New York.

Contact Person: Norman Chang, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E01, Rockville, MD 20852, Telephone: 301–496–1485.

Purpose/Agenda: To evaluate and review research grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93–865, Research for Mothers and Children], National Institutes of Health, HHS)

Dated: November 21, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31229 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 25, 1997.

Time: 9:00 a.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri Schwartzback, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–0617.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 20, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31234 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel

Date: November 24, 1997.

Time: 2 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: W. Gregory Zimmerman, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel

Date: November 25, 1997.

Time: 3:30 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: W. Gregory Zimmerman, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 21, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31235 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix 2), notice is hereby given of the following National Library of Medicine Special Emphasis Panel (SEP) meeting.

Name of SEP: National Library of Medicine Special Emphasis Panel

Date: December 1–3, 1997.

Place: City of Hope National Medical Center, 1500 East Duarte Road, Duarte, CA 91010.

Contact: Sharee Pepper, Ph.D., Scientific Review Administrator, EP, 8600 Rockville Pike, Bldg. 38A. Rm. 5N–519, Bethesda, Maryland 20894, 301/496–4253.

Purpose/Agenda: To review IAMIS Phase II grant application.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93–879—Medical Library Assistance, National Institutes of Health)

Dated: November 20, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NLM.

[FR Doc. 97–31233 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Clinical Sciences.

Date: December 3, 1997.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 4106, Telephone Conference.

Contact Person: Ms. Josephine Pelham, Scientific Review Administrator, 6701 Rockledge Drive, Room 4106, Bethesda, Maryland 20892, (301) 435–1786.

Name of SEP: Biological and Physiological Sciences.

Date: December 8, 1997.

Time: 3:00 p.m.

Place: NIH, Rockledge 2, Room 4144, Telephone Conference.

Contact Person: Dr. Paul Strudler, Scientific Review Administrator, 6701 Rockledge Drive, Room 4144, Bethesda, Maryland 20892, (301) 435–1716.

Name of SEP: Behavioral and Neurosciences.

Date: December 9, 1997.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 5178, Telephone Conference.

Contact Person: Dr. Joseph Kimm, Scientific Review Administrator, 6701 Rockledge Drive, Room 5178, Bethesda, Maryland 20892, (301) 435–1249.

Name of SEP: Biological and Physiological Sciences.

Date: December 11–12, 1997.

Time: 7:30 p.m.

Place: Watergate Hotel, Washington, DC.

Contact Person: Dr. Cheryl Corsaro, Scientific Review Administrator, 6701 Rockledge Drive, Room 6172, Bethesda, Maryland 20892, (301) 435–1045.

Name of SEP: Chemistry and Related Sciences.

Date: December 12, 1997.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4168, Telephone Conference.

Contact Person: Dr. John Bowers, Scientific Review Administrator, 6701 Rockledge Drive, Room 4168, Bethesda, Maryland 20892, (301) 435–1725.

Name of SEP: Microbiological and Immunological Sciences.

Date: December 12, 1997.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 4190, Telephone Conference.

Contact Person: Dr. Garrett Keefer, Scientific Review Administrator, 6701 Rockledge Drive, Room 4190, Bethesda, Maryland 20892, (301) 435–1152.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Clinical Sciences.

Date: December 17, 1997.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4138, Telephone Conference.

Contact Person: Dr. Anthony Chung, Scientific Review Administrator, 6701 Rockledge Drive, Room 4138, Bethesda, Maryland 20892, (301) 435–1213.

Name of SEP: Chemistry and Related Sciences.

Date: December 18, 1997.

Time: 3:00 p.m.

Place: NIH, Rockledge 2, Room 4156, Telephone Conference.

Contact Person: Dr. Ronald Dubois, Scientific Review Administrator, 6701 Rockledge Drive, Room 4156, Bethesda, Maryland 20892, (301) 435–1722.

Purpose/Agenda: To review Small Business Innovation Research.

Name of SEP: Behavioral and Neurosciences.

Date: December 18, 1997.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5172, Telephone Conference.

Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

Name of SEP: Microbiological and Immunological.

Date: December 18, 1997.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5110, Telephone Conference.

Contact Person: Dr. Mohindar Poonian, Scientific Review Administrator, 6701 Rockledge Drive, Room 5110, Bethesda, Maryland 20892, (301) 435–1218.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93,893, National Institutes of Health, HHS)

Dated: November 21, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31226 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences

Date: December 2, 1997.

Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 5170, Telephone Conference.
Contact Person: Dr. Luigi Giacometti, Scientific Review Administrator, 6701 Rockledge Drive, Room 5170, Bethesda, Maryland 20892, (301) 435–1246.

Name of SEP: Clinical Sciences

Date: December 3, 1997.
Time: 3:00 p.m.
Place: NIH, Rockledge 2, Room 4136, Telephone Conference.
Contact Person: Dr. Gordon Johnson, Scientific Review Administrator, 6701 Rockledge Drive, Room 4136, Bethesda, Maryland 20892, (301) 435–1153.

Name of SEP: Microbiological and Immunological Science

Date: December 4, 1997.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4178, Telephone Conference.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Clinical Sciences

Date: December 8, 1997.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4104, Telephone Conference.
Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4101, Bethesda, Maryland 20892, (301) 435–1787.

Name of SEP: Biological and Physiological Sciences

Date: December 9, 1997.
Time: 8:30 a.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Michael Micklin, Scientific Review Administrator, 6701 Rockledge Drive, Room 5198, Bethesda, Maryland 20892, (301) 435–1258.

Name of SEP: Biological and Physiological Sciences

Date: December 9, 1997.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4146, Telephone Conference.
Contact Person: Dr. Martin Padarathsingh, Scientific Review Administrator 6701 Rockledge Drive, Room 4146, Bethesda, Maryland 20892 (301 435–1717.

Name of SEP: Biological and Physiological Sciences

Date: December 11, 1997.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4146, Telephone Conference.
Contact Person: Dr. Martin Padarathsingh, Scientific Review Administrator, 6701 Rockledge Drive, Room 4146, Bethesda, Maryland 20892, (301) 435–1717.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences

Date: December 15, 1997.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 5122, Telephone Conference.
Contact Person: Dr. Michael Lang, Scientific Review Administrator, 6701 Rockledge Drive, Room 5122, Bethesda, Maryland 20892, (301) 435–1265.

Name of SEP: Biological and Physiological Sciences

Date: December 17, 1997.
Time: 8:30 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Michael Lang, Scientific Review Administrator, 6701 Rockledge Drive, Room 5122, Bethesda, Maryland 20892, (301) 435–1265.

Name of SEP: Clinical Sciences

Date: December 18, 1997.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 4100, Telephone Conference.
Contact Person: Dr. Jeanne N. Ketley, Scientific Review Administrator, 6701 Rockledge Drive, Room 4100, Bethesda, Maryland 20892, (301) 435–1789.

Name of SEP: Behavioral and Neurosciences

Date: February 18–20, 1997.
Time: 8:30 a.m.
Place: The Willard Hotel, Washington, DC.
Contact Person: Dr. David Simpson, Scientific Review Administrator, 6701 Rockledge Drive, Room 5192, Bethesda, Maryland 20892, (301) 435–1278.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Date: November 20, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31232 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Warren Grant Magnuson Clinical Center; Notice of Meeting of the Executive Committee of the Board of Governors of the Warren Grant Magnuson Clinical Center

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Executive Committee of the Board of Governors of the Warren Grant Magnuson Clinical Center, December 1, 1997. The Executive Committee will meet on December 1 from 9:00 a.m. to approximately 12:30 p.m. in the Medical Board Room (2C116) of the Clinical Center (Building 10), 9000 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to approximately 11:30 a.m. and will include the Director's update and a discussion with Arthur Anderson representatives regarding an evaluation of the Clinical Center financial management system.

In accordance with the provisions set forth in sec. 552b(c)(6) of Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 11:30 a.m. to adjournment for discussion of personnel matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Attendance by the public will be limited to space available.

FOR FURTHER INFORMATION, CONTACT: Ms. Maggi Stakem, Office of the Director, Warren Grant Magnuson Clinical Center, Building 10, Room 2C146, Bethesda, Maryland 20892, (301) 496–4114.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Stakem in advance of the meeting.

This notice is being published less than fifteen days prior to this meeting due to scheduling conflicts.

Dated: November 20, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–31236 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

PUBLIC HEALTH SERVICE

National Toxicology Program (NTP); National Institute of Environmental Health Sciences (NIEHS); Notice of Workshop on Strategies for Assessing the Implications of Malformed Frogs for Environmental Health

The Workshops will be held in the Conference Center, Building 101, South Campus, NIEHS, 111 Alexander Drive, Research Triangle Park, North Carolina 27709, on December 4–5, 1997, from approximately 8:30 a.m. to 5:00 p.m. on Thursday, December 4th and approximately 8:30 a.m. to 12 noon on Friday, December 5th.

Background

Over the last few years increasing numbers of malformed frogs have been reported in numerous states, across southern Canada, and in Japan. Early in 1997 the Minnesota Pollution Control Agency (MPCA) requested the assistance of the National Institute of Environmental Health Sciences, National Institutes of Health, and the National Toxicology Program with their investigation into the cause of the frog malformations occurring across Minnesota. A research plan has been implemented to determine whether there is a site-specific correlation between the malformations and contaminants determined by chemical analysis of water and sediment, laboratory bioassays, and field monitoring of frog populations. The causal factors have not yet been determined. However, evidence to date indicates that pond water and groundwater from affected sites are capable of producing frog embryo deformities in the laboratory.

Workshop Goals

- Review NIEHS/NTP findings and strategies for future study
- Assess the implications of NIEHS/MPCA and related findings for human and ecological health
- Provide an opportunity for discussion, input and perspective from the broader scientific community, industry, Federal, state, and local government officials, and the public

Workshop Topics

- Overview of Frog Deformities (Historical Perspective; Geographic Extent and Incidence; Affected State Perspectives; Possible Environmental Causes)
- Minnesota/NIEHS Cooperative Research Efforts
- Environmental Chemistry and Hydrogeology
- Ecological Health Issues: Human Health Issues; Monitoring Strategies (Federal and State)
- Future Directions

Invited speakers will address the topics listed above. Time will be provided for open discussion and comment.

Public Participation Encouraged and Welcome: The entire meeting will be open to the public with attendance limited only by space available.

To Register: Please provide the following information by mail or fax, or E-mail: Last Name, First Name, Middle Initial; Institution, Department, Title; Address, City, State/County, Zip Code; Daytime Phone, FAX Number, E-Mail Address. Forward to: NTP Liaison Office, P.O. Box 12233, MD: A3–01, Research Triangle Park, North Carolina 27709, USA [Tel: (919) 541–0530; FAX (919) 541–0295, E-mail: britton@niehs.nih.gov.

For further information, including a tentative agenda, contact the NTP Liaison Office as shown above.

Dated: November 13, 1997.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 97–31237 Filed 11–26–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–31]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for

use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following address: *Army:* Mr. Jeff Holste, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 428–6318; (This is not a toll-free number).

Dated: November 20, 1997.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 11/28/97

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. S0015
Anniston Army Depot
Anniston AL 36201–
Landholding Agency: Army
Property Number: 219740001
Status: Unutilized
Reason: Extensive deterioration

Bldg. S0016
Anniston Army Depot
Anniston AL 36201–
Landholding Agency: Army
Property Number: 219740002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 8002
Redstone Arsenal
Redstone Arsenal AL 35898–5000
Landholding Agency: Army
Property Number: 219740003
Status: Unutilized
Reason: Secured Area

Bldg. 502
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219740004
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 24301, 24302, 24312
Fort Rucker
Fort Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219740005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4106
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219740006
Status: Unutilized
Reason: Extensive deterioration

7 Bldgs.
Fort Rucker 1484, 1318, 3902, 4003, 4114, 4703, 5306
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219740007
Status: Unutilized
Reason: Extensive deterioration

California

Bldg. S–584
Sharpe
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219740008
Status: Unutilized
Reason: Secured Area

Colorado

Bldg. T–6006, Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219740009
Status: Excess
Reason: Extensive deterioration

Georgia

Bldg. T–814
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219740010
Status: Excess
Reason: Extensive deterioration

Bldg. T–822
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219740011
Status: Excess
Reason: Extensive deterioration

Bldg. T–158
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219740012
Status: Excess
Reason: Extensive deterioration

Bldg. T–290
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219740013
Status: Excess
Reason: Extensive deterioration

Bldg. T–9598
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219740014
Status: Excess
Reason: Extensive deterioration

Bldg. 735 Fort Gillem
Fort Gillem Co: Clayton GA 30050–5000
Landholding Agency: Army
Property Number: 219740015
Status: Unutilized
Reason: Secured Area

Hawaii

Bldgs. S–311, S–313
Fort Shafter
Honolulu, Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740016
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–1031
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219740017
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–1036
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219740018
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–1037
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219740019
Status: Unutilized
Reason: Extensive deterioration

Illinois

Bldg. T–125
Charles Melvin Price Support Ctr
Granite City Co: Madison IL 62040–
Landholding Agency: Army
Property Number: 219740020
Status: Unutilized
Reason: Floodway, Secured Area

Indiana

Bldg. 103B6
Newport Chemical Depot
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219740021
Status: Excess
Reason: Secured Area

Bldg. 104C
Newport Chemical Depot
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219740022
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 157
Newport Chemical Depot
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219740023
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 715
Newport Chemical Depot
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219740024
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 729C
Newport Chemical Depot
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219740025
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1401C
Newport Chemical Depot
Newport Co: Vermillion IN 37966–
Landholding Agency: Army
Property Number: 219740026
Status: Excess
Reason: Secured Area, Extensive deterioration

Iowa

Bldg. 500–128
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219740027
Status: Unutilized
Reason: Secured Area

Kansas

Bldg. P–177
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740028
Status: Unutilized
Reason: Extensive deterioration

Bldg. P–417
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740029
Status: Unutilized
Reason: Other
Comment: sewage pump station

Kentucky

Bldg. T06092, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740030
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2342, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740031
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5715, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740032
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5717, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740033
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5723, Fort Campbell
Ft. Campbell KY 42223–-
Landholding Agency: Army
Property Number: 219740034
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5858, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740035
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5952, Fort Campbell
Ft. Campbell KY 42223–-
Landholding Agency: Army
Property Number: 219740036
Status: Unutilized
Reason: Extensive deterioration

Bldg. 7140, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740037
Status: Unutilized
Reason: Extensive deterioration

Bldg. 7573, Fort Campbell
Ft. Campbell KY 42223–
Landholding Agency: Army
Property Number: 219740038
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2318
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740039
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2320
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740040
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2321
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740041
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2422
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740042
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2442
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740043
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1487, 2344, 2351
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740044
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 2345, 2348
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740045
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2347
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740046
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2353
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740047
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4402, 4404, 4408, 4410, 4413, 4414, 4417, 4418, 4422, 4423
Landholding Agency: Army
Property Number: 219740048
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4403, 4405–4407, 4409, 4411–4412, 4415–4416, 4419
Landholding Agency: Army
Property Number: 219740049
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4420–4421, 4424–4426, 4428–4429, 4432–4433, 4435
Landholding Agency: Army
Property Number: 219740050
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4427, 4430–4431, 4434, 4437, 4443–4444, 4446, 4450, 4454
Landholding Agency: Army
Property Number: 219740051
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4436, 4438, 4440–4442, 4445, 4447–4449, 4451
Landholding Agency: Army
Property Number: 219740052
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4452–4453, 4457–4459, 4461–4463, 4467, 4470
Landholding Agency: Army
Property Number: 219740053
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4455–4456, 4464–4466, 4469, 4471–4474
Landholding Agency: Army
Property Number: 219740054
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4475, 4477–4479, 4481–4483, 4485, 4487, 4489
Landholding Agency: Army
Property Number: 219740055
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4476, 4480, 4484, 4486, 4488, 4496–4499, 4503
Landholding Agency: Army
Property Number: 219740056
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4490–4491, 4493–4495, 4500–4502, 4505–4506
Landholding Agency: Army
Property Number: 219740057
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 4504, 4508, 4512
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740058
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Location: 4507, 4509–4511, 4513–4514, 4516–4517, 4519–4520
Landholding Agency: Army
Property Number: 219740059
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 4522–4523
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219740060
Status: Unutilized
Reason: Extensive deterioration

Maryland

Bldg. 263
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740061
Status: Unutilized
Reason: Extensive deterioration

Bldg. 282
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740062
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3602
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740063
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3603
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740064
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4705
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740065
Status: Unutilized
Reason: Extensive deterioration

Bldg. E5266
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740066
Status: Unutilized
Reason: Extensive deterioration

Bldg. 177
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740067
Status: Unutilized
Reason: Extensive deterioration

Bldg. 218
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740068
Status: Unutilized
Reason: Extensive deterioration

Bldg. 595
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740069
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2044
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740070
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2046
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740071
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2122
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740072
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2126
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740073
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2127
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740074
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2202
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740075
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2215
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740076
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2466
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740077
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2803
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740078
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2804
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740079
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2813
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740080
Status: Unutilized
Reason: Extensive deterioration

Blvd. 2814
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740081
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3170
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740082
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3175
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740083
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3182
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740084
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3184
Fort George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740085
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3185
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740086
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3186
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740087
Status: Unutilized
Reason: Extensive deterioration

Blvd. 3189
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740088
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4702
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755-5115
Landholding Agency: Army
Property Number: 219740089
Status: Unutilized
Reason: Extensive deterioration

Michigan

Bldg. 917
Selfridge ANG Base
Selfridge MI 48045-
Landholding Agency: Army
Property Number: 219740090
Status: Unutilized
Reason: Secured Area

Bldg. 918
Selfridge ANG Base
Selfridege MI 48045-
Landholding Agency: Army
Property Number: 219740091
Status: Unutilized
Reason: Secured Area

Bldg. 919
Selfridge ANG Base
Selfridge MI 48045-
Landholding Agency: Army
Property Number: 219740092
Status: Unutilized
Reason: Secured Area

Montana

5 Bldgs.
Fort Harrison
T-106, T-108, T-109, T-208, T-209
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740093
Status: Untilized
Reason: Extensive deterioration

Bldg. T-502
Fort Harrison
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740094
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Fort Harrison
T-503, T-504, T-505, T-506
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740095
Status: Unutilized
Reason: Extensive deterioration

Bldg. T-509
Fort Harrison
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740096
Status: Unutilized
Reason: Extensive deterioration

Bldg. T-518
Fort Harrison
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740097
Status: Unutilized
Reason: Extensive deterioration

Bldg. T-519
Fort Harrison
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740098
Status: Unutilized
Reason: Extensive deterioration

Bldg. T-520
Fort Harrison
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740099
Status: Unutilized
Reason: Extensive deterioration

Bldg. T-525
Fort Harrison
Ft Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740100
Status: Unutilized
Reason: Extensive deterioration

Bldg. T-526
Fort Harrison
Ft. Harrison Co: Lewis & Clark MT 59636-
Landholding Agency: Army
Property Number: 219740101
Status: Unutilized
Reason: Extensive deterioration

New Jersey

Bldg. 19A
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806-5000
Landholding Agency: Army
Property Number: 219740108
Status: Unutilized
Reason: Extensive deterioration

Bldg. 24
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806-5000
Landholding Agency: Army
Property Number: 219740109
Status: Unutilized
Reason: Extensive deterioration

Bldg. 33B
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740110
Status: Unutilized
Reason: Extensive deterioration

Bldg. 98
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740111
Status: Unutilized
Reason: Extensive deterioration

Bldg. 130
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740112
Status: Unutilized
Reason: Extensive deterioration

Bldg. 164B
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740113
Status: Unutilized
Reason: Extensive deterioration

Bldg. 232C
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740114
Status: Unutilized
Reason: Extensive deterioration

Bldg. 266A
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740115
Status: Unutilized
Reason: Extensive deterioration

Bldg. 439
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740116
Status: Unutilized
Reason: Extensive deterioration

Bldg. 506C
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740117
Status: Unutilized
Reason: Extensive deterioration

Bldg. 506D
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740118
Status: Unutilized
Reason: Extensive deterioration

Bldg. 645
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740119
Status: Unutilized
Reason: Other
Comment: Explosives testing chamber

Bldg. 722
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740120
Status: Unutilized
Reason: Extensive deterioration

Bldg. 939
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740121
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1101
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740122
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1200
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740123
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1200A
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740124
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1619
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740125
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3043
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740126
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3056
Armament R&D Engineering Ctr
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740127
Status: Unutilized
Reason: Extensive deterioration

North Carolina

18 Bldgs.
Fort Bragg
Misc. Areas
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740102
Status: Unutilized
Reason: Extensive deterioration

35 Bldgs.
Fort Bragg
Commissary Area
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740103
Status: Unutilized
Reason: Extensive deterioration

38 Bldgs.
Fort Bragg
Main Post
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740104
Status: Unutilized
Reason: Extensive deterioration

76 Bldgs.
Fort Bragg
Smoke Bomb Hill
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740105
Status: Unutilized
Reason: Extensive deterioration

273 Bldgs.
Fort Bragg
Old Division Area
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740106
Status: Unutilized
Reason: Extensive deterioration

227 Bldgs.
Fort Bragg
Coscom Area
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740107
Status: Unutilized
Reason: Extensive deterioration

Ohio

Bldg. 49
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219740128
Status: Unutilized
Reason: Extensive deterioration

Pennsylvania

Bldg. T–4–37
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740129
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5–114
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740130
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–6–76
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740131
Status: Unutilized
Reason: Extensive deterioration

Bldg. 8–78
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740132
Status: Unutilized
Reason: Extensive deterioration

Bldg. T9–9
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740133
Status: Unutilized
Reason: Extensive deterioration

Bldg. T9–63
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740134
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11–8
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740135
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11–11
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740136
Status: Unutilized
Reason: Extensive deterioration

Bldg. T24–36
Ft. Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740137
Status: Unutilized
Reason: Extensive deterioration

South Carolina

Facility J8575
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219740138
Status: Unutilized
Reason: Extensive deterioration

Tennessee

Bldg. P–97
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358–
Landholding Agency: Army
Property Number: 219740139
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Texas

Bldg. 675
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740140
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1170
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740141
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1208
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740142
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1301
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740143
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2324
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740144
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4204
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army

Property Number: 219740145
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4240
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740146
Status: Unutilized
Reason: Extensive deterioration

Bldg. 7178
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740147
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11046
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740148
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11125
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740149
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11129
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740150
Status: Unutilized
Reason: Extensive deterioration

Bldg. 11264
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740151
Status: Unutilized
Reason: Extensive deterioration

Virginia

Bldgs. 1402, 1604
Fort Eustis
Newport News VA 23604–
Landholding Agency: Army
Property Number: 219740152
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1506, 1511, 1513
Fort Eustis
Newport News VA 23604–
Landholding Agency: Army
Property Number: 219740153
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–2601
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740154
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–3408
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740155
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–5002
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740156
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–6245
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740157
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–6265
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740158
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–8503
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740159
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–11544
Fort Lee
Ft. Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219740160
Status: Unutilized
Reason: Extensive deterioration

Washington

Bldg. 1015
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219740161
Status: Unutilized
Reason: Extensive deterioration

Bldg. WT000, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740162
Status: Unutilized
Reason: Other
Comment: Sewage treatment

Bldg. HBC01, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740163
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC02, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740164
Status: Unutilized
Reason: Other
Comment: detached latrine

Bldg. HBC04, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740165
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC07, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740166
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC08, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740167
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC09, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740168
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC10, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740169
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC11, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740170
Status: Unutilized
Reason: Extensive deterioration

Bldg. HBC13, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740171
Status: Unutilized
Reason: Extensive deterioration

20 Tentpads, Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740172
Status: Unutilized
Reason: Extensive deterioration

Wisconsin

Bldg. 445
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740173
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 545, 546
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740174
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1418
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740175
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1559

Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740176
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1726, 2506
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740177
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1839
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740178
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1850, 1856, 1861
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740179
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 2437, 2537
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740180
Status: Unutilized
Reason: Extensive deterioration

Bldg. 8004
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740181
Status: Unutilized
Reason: Extensive deterioration

Bldg. 8215
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740182
Status: Unutilized
Reason: Extensive deterioration

Bldg. 21113
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219740183
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs., Badger AAP
Paste Weight House
6805–01 thru 6805–05
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740184
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

10 Bldgs., Badger AAP
Roll House
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740185
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

4 Bldgs., Badger AAP
Slitting & Carpet Roll
6802–02, 6802–3, 6802–5, 6802–7
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740186
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Press House
6810–04, 6810–07
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740187
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

7 Bldgs., Badger AAP
Inspection House
6816–01 thru 6816–06, 6816–09
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740188
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6826–01, Badger AAP
Supersonic Scanning House
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740189
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6878–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740190
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 8008–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740191
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9016–02, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740192
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9045–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740193
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

13 Bldgs., Badger AAP
Latrines
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740194
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

Bldg. 9101–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740196
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

Bldg. 9591–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740197
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

Bldg. 9592–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740198
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

Bldg. 9593–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740199
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

Bldg. 9594–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740200
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

3 Bldgs., Badger AAP
Telpher System
0923–03, 0923–04, 0923–07
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740201
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

12 Bldgs., Badger AAP
Solvent Recovery House
1600–19 thru 1600–30
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740202
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

11 Bldgs., Badger AAP
Water Dry House
1650–20 thru 1650–30
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740203
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

5 Bldgs., Badger AAP
Air Dry House
1725–08 thru 1725–12
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740204
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

8 Bldgs., Badger AAP
Rest House
1750–13 thru 1750–19, 1750–21
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740205
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, secured area.

6 Bldgs., Badger AAP
Glaze House
1700–02 thru 1800–7
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740206
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area.

8 Bldgs., Badger AAP
Screening House
1850–01 thru 1850–08
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740207
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, secured area, Extensive deterioration.

4 Bldgs., Badger AAP
Screen Storehouse
1842–02 thru 1852–05
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740208
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

23 Bldgs., Badger AAP
Magazine Standard
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740209
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

6 Bldgs., Badger AAP
Hydro-Jet House
1996–13 thru 1996–18
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740210
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3566–02, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740211
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Dehy Press House
4500–00, 5500–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740212
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Alcohol Pump House
4501–00, 5501–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740213
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Ether Still House
4502–00, 5501–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740214
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Ingredient Mix House
4506–00, 5506–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740215
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

4 Bldgs., Badger AAP
Mixer Macerator
4508–01, 4508–02, 5508–01, 5508–02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740216
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

6 Bldgs., Badger AAP
Block Press
4510–01 thru 4510–03, 5510–01 thru 5510–03
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740217
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs., Badger AAP
Final Press
4513–01 thru 4513–03, 5513–01, 5513–02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740218
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs., Badger AAP
Cutting House
4515–01 thru 4516–03, 5516–01, 5516–02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740219
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs., Badger AAP
Loading Platform
4517–01 thru 4517–03, 5517–01, 5517–02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740220
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Hydraulic Station
4521–00, 5521–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740221
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

3 Bldgs., Badger AAP
Maintenance Shop
4549–00, 5549–00, 5045–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740222
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4555–00, Badger AAP
ACR Bldg.
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740223
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

6 Bldgs., Badger AAP
Material Store
Baraboo Co: Sauk WI 53913–
Location: 4558–01, 4558–02, 4567–00, 5558–01, 5558–02, 5567–00
Landholding Agency: Army
Property Number: 219740224
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Acid Mix & Weigh
5002–00, 9002–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740225
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Acid Screening
5007–00, 9007–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740226
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Acid Heat & Cir
5008–00, 9008–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740227
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

3 Bldgs., Badger AAP
Cellulose Drying House
5010–00, 5044–00, 9010–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740228
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Catch House
5011–00, 9011–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740229
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Nitrating House
5012–00, 9012–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army

Property Number: 219740230
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

18 Bldgs., Badger AAP
Steam Pressure Reducing Station
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740231
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Steam Pressure Reducing Station
000E–02, 000F–02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740232
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0021–03, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740233
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0202–04, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740234
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0204–B1, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740235
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0271–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740236
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

4 Bldgs., Badger AAP
0308–01, 0308–02, 0308–03, 0316–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740237
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0312–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740238
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 0318–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740239
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0402–00, Badger AAP
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740240
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Waste Acid Disposal Plant
0420–04, 0420–06
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740241
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0425, Badger AAP
PH Recorder
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740242
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Storage Shed
0429–01, 0429–02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740243
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0534–00, Badger AAP
Fire Station #2
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740244
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0701–00, Badger AAP
Ammonia Storage
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740245
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Nitric Circulator
0705–00, 0706–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740246
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Fume Exhaust
5013–00, 9013–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740247
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
NC Pump House
5014–00, 9014–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740248
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Boiling Tub House
5019–00, 9019–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740249
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

4 Bldgs., Badger AAP
Settling Pit
5020–00, 9020–00, 5025–00, 9025–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740250
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Beater House
5022–00, 9022–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740251
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Poacher & Blender
5024–00, 9024–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740252
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

4 Bldgs., Badger AAP
Final Wringer
5026–00, 5043–00, 9026–00, 9043–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740253
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Spent Acid Pump
5035–00, 9035–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740254
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Maintenance Shop
5037–00, 9037–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740255
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs., Badger AAP
Chemical Storehouse
5038–00, 9038–00
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740256
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5555–00, Badger AAP
ACR Bldg. & Duct Work

Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740257
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5557–03, Badger AAP
Change House
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740258
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

13 Bldgs., Badger AAP
Latrines
Baraboo Co: Sauk WI 53913–
Location: 6513–05, 11, 25, 26, 29, 45, 9063–06 thru 10, 13, 14
Landholding Agency: Army
Property Number: 219740259
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs, Badger AAP
Transfer Shed
6531–01, 02
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740260
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6538–00, Badger AAP
Powerhouse #2
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740261
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs, Badger AAP
Gate House
6543–02, 6543–04
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740262
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 6543–05, Badger AAP
Gate House
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740263
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

3 Bldgs, Badger AAP
Inspection House
6543–11, 13, 14
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740264
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6550–00, Badger AAP
Maint Ofc.
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740265
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Bldgs, Badger AAP
Inert Storage
6586–04, 05
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740266
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6701–00, Badger AAP
NC Blender House
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740267
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

10 Bldgs, Badger AAP
Pre-Dry House
6709–14, 15, 16, 20, 22, 23, 24, 25, 26, 28
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740268
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

11 Bldgs, Badger AAP
Rest House
Baraboo Co: Sauk WI 53913–
Location: 6726–02, 6803–01, 02, 03, 04, 6812–08 17, 18, 19, 6828–07, 6882–02
Landholding Agency: Army
Property Number: 219740269
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6739–00, Badger AAP
Bag Loading House
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740270
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

3 Bldgs, Badger AAP
Rest House
6804–01, 08, 14
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219740271
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

[FR Doc. 97–31070 Filed 11–26–97; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Elvin Franks, Morehead City, NC, PRT–836847.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Randy Miller, Acton, CA, PRT–835827.

The applicant requests a permit to export and reimport one captive born leopard (*Panthera pardus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Applicant: Randy Miller, Acton, CA, PRT–836809.

The applicant requests a permit to export and reimport one captive born Siberian tiger (*Panthera tigris altaica*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notificatation covers activities conducted by the applicant over a three year period.

Applicant: The Cincinnati Zoo and Botanical Garden, Cincinnati, OH, PRT–836269.

The applicant requests a permit to export 10 tigers (*Panthera tigris*) to Safari World Public Company, Bangkok, Thailand for the purpose of enhancement of the species through conservation education and propagation.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director on or before December 29, 1997.

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: Texas A&M University, Galveston, TX, PRT–766146.

Permit Type: Take for Scientific Research.

Name and Number of Animals: Manatee (*Trichechus manatus*), 20.

Summary of Activity to be Authorized: The applicant has requested amendment and renewal of their permit to take captive manatees at facilities in Florida for the purpose of scientific research. The only amendments are staff-related.

Source of Marine Mammals: Captive manatees at facilities in Florida.

Period of Activity: Up to five years from issuance date of the permit, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of any of these complete applications, or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358-2281 and must be received on or before December 29, 1997. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with the application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: November 20, 1997.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 97–31200 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Draft Conservation Agreement for the Wasatch Front and West Desert Populations (Utah) of Spotted Frog (Rana luteiventris) for Review and Comment

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service announces the availability for public review of a Draft Conservation Agreement for the spotted frog (*Rana luteiventris*) in Utah. This species is a candidate for Federal listing pursuant to the Endangered Species Act of 1973, as amended. The Conservation Agreement was developed by the Utah Department of Natural Resources, with participation from the following parties: Bureau of Land Management; Utah Reclamation, Mitigation and Conservation Commission; Bureau of Reclamation; Central Utah Water Conservancy District; the Confederated Tribes of the Goshute Reservation; and the Service. The agreement focuses on eliminating or minimizing threats to the spotted frog and its habitat to the greatest extent possible and on restoring and maintaining populations of spotted frog throughout its historical range in Utah. The Service solicits review and comment from the public on the draft agreement.

DATES: Comments on the Draft Conservation Agreement must be received on or before December 29, 1997, to be considered by the Service during preparation of the final conservation agreement and prior to the Service's determination whether it will be a signatory party to the agreement.

ADDRESSES: Persons wishing to review the Draft Conservation Agreement may obtain a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. Written comments and materials regarding the Draft Conservation Agreement should also be directed to the same address. Comments and written materials will be available upon request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Reed E. Harris, Field Supervisor (see **ADDRESSES** section) (telephone 801/524–5001).

SUPPLEMENTARY INFORMATION:

Background

The spotted frog belongs to the family of true frogs, the Ranidae. Adult frogs have large, dark spots on their backs and pigmentation on their abdomens ranging from yellow to red (Turner 1957). Spotted frogs along the Wasatch Front generally possess a salmon color ventrally, while West Desert and Sanpete County, Utah populations generally have a yellow to yellow-orange color ventrally. Spotted frogs in Utah are reported to have fewer and lighter colored spots (Colburn, U.S. Fish and Wildlife Service, pers. comm., 1992) than other populations. The spotted frog is closely associated with water (Dumas 1966, Nussbaum *et al.* 1983). Habitat includes the marshy edges of ponds, lakes, slow-moving cool water streams and springs (Licht 1974; Nussbaum *et al.* 1983; Morris and Tanner 1969; Hovingh 1987). The present distribution of the spotted frog includes a main population in southeast Alaska, Alberta, British Columbia, eastern Washington, northeastern Oregon, northern and central Idaho, and western Montana and Wyoming. Additional disjunct populations occur in northeastern California, southern Idaho, Nevada, Utah, and western Washington and Oregon.

On May 1, 1989, the Service received a petition from the Board of Directors of the Utah Nature Study Society requesting that the Service add the spotted frog (*Rana pretiosa*) to the List of Threatened and Endangered Species and to specifically consider the status of the Wasatch, Utah, population. The Service subsequently published a notice of a 90-day finding in the **Federal Register** (54 FR 42529) on October 17, 1990 and a notice of the 12-month petition finding in the **Federal Register** (58 FR 27260) on May 7, 1993. In the 12-month petition finding the Service found that listing of the spotted frog as threatened in some portions of its range was warranted but precluded by other higher priority listing actions. The Service found, based on geographic and climatic separation and supported by genetic separation, five distinct vertebrate populations of spotted frog. Listing of both the populations occurring in Utah, the Wasatch Front and West Desert populations, was found to be warranted but precluded and both populations were transferred from category 2 candidates to category 1. The Wasatch Front population was assigned a listing priority number of 3 because the magnitude of the threats were high and imminent, while the West Desert population was assigned a listing priority of 9 because of moderate to low threats.

In the 1997 Candidate Notice of Review (62 FR 49398) published on September 19, 1997, the Service, based on newly published genetic research (Green 1997), assigned a new scientific name (*Rana luteiventris*) and common name (Columbia spotted frog) to several populations of the spotted frog, including both the Wasatch Front and West Desert populations. Additionally, the listing priority number for the West Desert populations was raised from a 9 to a 6.

Shortly after notice of the 12-month petition finding was published, the Utah Department of Natural Resources initiated a monitoring program for the

species in Utah and began development of a Conservation Agreement, working cooperatively with other agencies, in an effort to reduce the threats affecting the spotted frog. The Draft Conservation Agreement focuses on identifying, reducing and eliminating significant threats to the species that warrant its listing as a threatened species, and on restoring and maintaining a minimum of nine populations throughout Utah. This will be accomplished through implementation of the following conservation actions: (1) Determining baseline spotted frog distribution and available habitat; (2) determining baseline spotted frog population, life history and habitat needs; (3) determining and maintaining genetic composition and integrity: (4) augmenting or expanding spotted frog populations and distribution through introduction or reintroduction; (5) enhancing and maintaining habitat; (6) selectively controlling nonnative species; (7) protecting and providing habitat for spotted frog; (8) monitoring populations and habitat; (9) developing mitigation protocols for proposed development projects and future habitat alteration; and (10) protecting spotted frog populations through the use of regulatory mechanisms.

Public Comments Solicited

The Service will use information received in its determination on whether it should be a signatory party to the agreement. Comments or suggestions from the public, other concerned government agencies, the scientific community, industry, or any other interested party concerning this draft document are hereby solicited. All comments and materials received will be considered prior to the approval of any final document.

Author: The primary author of this document is Janet A. Mizzi (see **ADDRESSES** section) (telephone 801/524–5001).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Act of 1956, the Fish and Wildlife Service Coordination Act of 1964, and the National Memorandum of Understanding (94 (SMU–058)).

Dated: November 21, 1997.

Ralph O. Morgenweek,

Regional Director, Denver, Colorado.

[FR Doc. 97–31292 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On September 5, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 172, Page 47040, that an application had been filed with the Fish and Wildlife Service by Charles Ball, Watertown, NY for a permit (PRT–833846) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken prior to April 30, 1994, from the Parry Channel population (now known as Lancaster Sound), Northwest Territories, Canada for personal use.

Notice is hereby given that on November 12, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On September 5, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 172, Page 47040, that an application had been filed with the Fish and Wildlife Service by Gary Dietrich, Bismarck, ND for a permit (PRT–833835) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the Northern Beaufort Sea population, Northwest Territories, Canada for personal use.

Notice is hereby given that on November 12, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On September 11, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 176, Page 47825, that an application had been filed with the Fish and Wildlife Service by Shannon Kollmeyer, Chelan, WA for a permit (PRT–833972) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken prior to April 30, 1994, from the Parry Channel population (now known as Lancaster Sound), Northwest Territories, Canada for personal use.

Notice is hereby given that on November 12, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On September 11, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 176, Page 47825, that an application had been filed with the Fish and Wildlife Service by Lynn Herbert, Myrtle Creek, OR for a permit (PRT–833971) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the Southern Beaufort Sea population, Northwest Territories, Canada for personal use.

Notice is hereby given that on November 12, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On June 13, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 114, Page 32364, that an application had been filed with the Fish and Wildlife Service by Helmuth Pfennig, Beulah, ND for a permit (PRT–827717) to import a polar bear (*Ursus maritimus*) from Canada for the purpose of public display.

Notice is hereby given that on November 7, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On July 31, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 147, Page 41072, that an application had been filed with the Fish and Wildlife Service by the Lisbon Aquarium, c/o IDEA Co., Cambridge, MA for a permit (PRT–834423) to collect up to four Alaskan sea otters *(Enhydra lutris)* for export to the Lisbon Aquarium, Portugal for the purpose of public display.

Notice is hereby given that on September 15, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On August 7, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 152, Page 42588, that an application had been filed with the Fish and Wildlife Service by the Le Grand Aquarium, c/o IDEA Co., Cambridge, MA for a permit (PRT–832098) to collect up to two Alaskan sea otters *(Enhydra lutris)* for export to the Le Grand Aquarium, France for the purpose of public display.

Notice is hereby given that on September 15, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the

requested permit subject to certain conditions set forth therein.

On September 11, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 176, Page 47825, that an application had been filed with the Fish and Wildlife Service by the Office of Marine Mammals Management, USFWS, Anchorage, AK for a permit (PRT–834120) to import specimen samples or carcasses of sea otters *(Enhydra lutris)* from the Russia Federation for the purpose of scientific research.

Notice is hereby given that on October 30, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Date: November 20, 1997.

Mary Ellen Amtower,

Acting Chief Branch of Permits, Office of Management Authority.

[FR Doc. 97–31201 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposed information collection described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How 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 forms of information technology.

Title: Quality of life in southwestern Colorado and northwestern New Mexico.

OMB Approval Number: New Collection.

Abstract: This study is one part of an integrated study of public knowledge of, preferences for, and responses to tourism and recreation development on the Colorado Plateau. The correlated information is designed to assist Federal, state, and local land and resource managers in their management decisions by providing information about the knowledge, needs, and desires of the affected publics surrounding public lands. Natural resource land managers and county government officials in seven counties, working as partners in this research, can adjust management practices in response to citizens' knowledge and perceived values. The intended effect is to better inform managers and assist land managers in developing citizen involvement programs. This study is being conducted in partnership with the U.S. Forest Service, Bureau of Land Management, National Park Service, and as part of the Colorado Plateau Ecosystem Partnership Program (CPEPP). This study is part of a peer-reviewed research study plan of the Midcontinent Ecological Science Center in Fort Collins, Colorado and is part of the study plan of the CPEPP.

To build a picture of quality of life on the Colorado Plateau, we will measure the perceptions and preferences for the environment held by diverse residents at several locations in the region. Our objectives are to describe what resident populations perceive as the most salient elements of the region's natural landscapes, ecosystems, and human communities; what would have to be maintained, protected, or restored to attain conditions of community and ecosystem quality that residents desire. The first iteration of this research approach has been conducted by Utah State University for the Utah State Travel Council in partnership with the Canyon Country Partnership and U.S. Geological Survey. The goal of that study was to help achieve the Travel Council's specific directive to relate tourism planning to local residents' quality of life. For this second iteration, surveys will be administered to a stratified random sample of citizens living in six counties in Colorado (Archuleta, La Plata, Montezuma, Dolores, San Miguel, and San Juan) and in San Juan County, New Mexico. The sampling design is being developed in partnership with the combined U.S. Forest Service and Bureau of Land Management office in Durango, Colorado and Fort Lewis College.

Respondents will be given 12 exposure, one-time use, 35mm cameras and will be asked to photograph areas of their community that either add to or detract from their quality of life. Respondents will receive complete sets of their own photography, accompanied by a short mail-out survey instrument for the purposes of collecting demographic data and cross-check the quality of life factors reflected in the photographs.

Bureau Form Number: None.

Frequency: One time.

Description of Respondents: Individuals or households.

Estimated completion time: 25 minutes per respondent.

Number of respondents: 300 (400 cameras and mail-surveys).

Burden hours: 125 hours. (The burden hour estimate is based on a 70% return rate, with 15 minutes to take photographs and fill out the photo log and 10 minutes to complete the follow-up questionnaire.)

Dated: November 17, 1997.

Dennis B. Fern,

Chief Biologist.

[FR Doc. 97–31296 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–98–1320–01; COC 60941]

Notice of Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery Report, and Fair Market Value; Application for Competitive Coal Lease COC 60941; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive

comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by National King Coal, LLC requesting the Bureau of Land Management offer for competitive lease 194.79 acres of federal coal in La Plata County, Colorado.

DATES: The public hearing will be held at 7 p.m., December 18, 1997. Written comments should be received no later than December 30, 1997.

ADDRESSES: The public hearing will be held in the Federal Building, 701 Camino Del Rio, Room 110, Durango, Colorado 81301. Written comments should be addressed to the Bureau of Land Management, Area Manager, San Juan Basin Resource Area. Federal Building, Room 203, 701 Camino Del Rio, Durange, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Cal Joyner, Area Manager, San Juan Basin Resource Area Office at the address above, or by telephone at (970) 247–1289.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on December 18, 1997, at 7 p.m., in the Federal Building at the address given above.

An application for coal lease was filed by National King Coal, LLC, requesting the Bureau of Land Management offer for competitive lease federal coal in the lands outside established coal production regions described as:

T. 34 N., R. 11 W., N.M.P.M.
Sec. 6, lots 1 to 5, inclusive, NESW, and NWSE;

Containing 194.79 acres.

The coal resource to be offered is limited to coal recoverable by underground mining methods.

The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal,

(2) The impact that mining the coal in the proposed leasehold may have on the area, and

(3) The methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the December 18, 1997, public hearing should be received at the San Juan Resource Area Office prior to the close of business December 18, 1997. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource.

2. The price that the mined coal would bring in the market place.

3. The cost of producing the coal.

4. The interest rate at which anticipated income streams would be discounted.

5. Depreciation and other accounting factors.

6. The mining method or methods which would achieve maximum economic recovery of the coal.

7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease area, and

8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the San Juan Resource Area Office at the above address prior to close of business on December 18, 1997.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The Draft Environmental Assessment and Maximum Economic Recovery Report are available from the San Juan Resource Area Office upon request.

A copy of the Draft Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, 2850 Youngfield, Lakewood, Colorado, 80215.

Dated: November 20, 1997.

Karen A. Purvis,

Solid Minerals Team, Resource Services.

[FR Doc. 97–31202 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(AK–910–0777–51)

Iditarod Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Iditarod Advisory Council Meeting.

SUMMARY: The Iditarod Advisory Council will conduct an open meeting Wednesday, January 7, 1998, and Thursday, January 8, 1998, from 9 a.m. to 4 p.m. each day. The purpose of the meeting is to discuss the formation of a non-profit organization to assist in the management of the Iditarod National Historic Trail. The meeting will be held at the BLM Anchorage District Office at 6881 Abbott Loop Road in Anchorage.

Public comments pertaining to management of the Iditarod National Historic Trail will be taken from 1–2 p.m. Wednesday, January 7. Written comments may be submitted at the meeting or mailed to the address below prior to the meeting.

ADDRESS: Inquiries about the meeting should be sent to External Affairs, Bureau of Land Management, 222 W. 7th Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: Teresa McPherson at (907) 271–5555.

Dated: November 18, 1997.

Nick Douglas,

Anchorage District Manager.

[FR Doc. 97–31204 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–923–1990–00]

Mining Claims Under the General Mining Laws; Surface Management: Forms of Legal Financial Guarantees Allowable Under Nevada State Law

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) amended the surface management regulations at 43 CFR subpart 3809 on February 28, 1997 (62 FR 9093). The amendment requires each BLM State Director to consult with the appropriate State authorities to determine which financial instruments in 43 CFR 3809.1–9(k) are allowable under State law. Nevada State law

allows surety bonds, cash, irrevocable letters of credit, certificates of deposit, and negotiable United States Government securities or bonds as forms of financial guarantees related to reclamation requirements.

EFFECTIVE DATE: This list is effective December 1, 1997.

FOR FURTHER INFORMATION CONTACT: Cynthia Dragon, Division of Minerals Management, BLM Nevada State Office, 850 Harvard Way, Reno, Nevada 89502–2055, Telephone: 702–785–6458.

SUPPLEMENTARY INFORMATION: The BLM has consulted with the Department of Conservation and Natural Resources, Division of Environmental Protection to determine which of the financial instruments in 43 CFR subpart 3809.1–9(k) are allowable under Nevada State law to satisfy the financial assurance requirements related to mining reclamation requirements. In addition to surety bonds, cash, irrevocable letters of credit, certificates of deposit, and negotiable United States Government securities, other forms of financial assurance may be obtained through the State of Nevada to satisfy financial assurance requirements relating to mining reclamation in Nevada.

Dated: November 3, 1997.

Robert V. Abbey,

State Director, Nevada.

[FR Doc. 97–31311 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–1430–01; IDI–10102]

Termination of Recreation and Public Purpose Act Classification and Opening Order, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a Recreation and Public Purpose Act Classification on 316.92 acres as this classification is no longer needed.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Catherine D. Foster, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208–373–3863.

SUPPLEMENTARY INFORMATION: On May 19, 1978, 316.92 acres were classified as suitable for Recreation and Public Purposes. The classification is hereby terminated and the segregation for the following described lands is hereby terminated:

T. 1 N., R. 3 E., B.M.
Section 6: Lots 3–7, SE¼NW¼, E½SW¼.

The area described above aggregates 316.92 acres in Ada County.

At 9:00 a.m. on November 28, 1997, these lands will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m., on November 28, 1997, will be considered simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

At 9:00 a.m. on November 28, 1997 these lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described above under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: November 18, 1997.

Jimmie Buxton,

Branch Chief, Lands and Minerals.

[FR Doc. 97–31287 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–931–1430–01; COC–28599, COC–28618, COC–28640, and COC–28641]

Public Land Order No. 7297; Partial Revocation of Two Executive Orders and Two Secretarial Orders; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes two Executive orders and two Secretarial orders insofar as they affect 322.62 acres of public lands withdrawn for waterpower purposes. These lands no longer have value for waterpower. The withdrawals will be revoked and the lands opened to disposal to allow for an exchange. The lands have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, and these provisions are no longer required. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

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. The Executive Order dated May 27, 1913, which established Power Site Reserve No. 356, the Executive Order dated March 25, 1919, which established Power Site Reserve No. 715, the Secretarial Order dated September 14, 1943, which established Power Site Reserve No. 343, and the Secretarial Order dated August 12, 1937, which established Power Site Reserve No. 367, are hereby revoked insofar as they affect the following described public lands:

Sixth Principal Meridian

T. 2 N., R. 71 W.,
Sec. 26, lots 3 and 4.
T. 3 N., R. 71 W.,
Sec. 11, SE¼SW¼ and SE¼SE¼;
Sec. 13, lot 3;
Sec. 14, lots 1, 6, and 7.

The areas described aggregate 322.62 acres in Boulder County.

2. At 9 a.m. on February 27, 1998, the lands 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 9 a.m. on February 27, 1998, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands 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.

4. The State of Colorado, with respect to the lands described in paragraph 1, has a preference right for public highway rights-of-way or material sites for a period of 90 days from the date of publication of this order 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: November 14, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97–31297 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–1430–01; IDI–15602 01, IDI–15624 01]

Public Land Order No. 7298; Partial Revocation of Executive Orders Dated February 11, 1915 and August 31, 1917; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes two Executive orders insofar as they affect 80 acres of public lands withdrawn by the Bureau of Land Management for Powersite Reserve Nos. 475 and 654. The lands are no longer needed for these purposes and the revocations are needed to transfer the lands to the State of Idaho under State Indemnity Selection. This action will open the lands to surface entry. The lands have been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208–373–3864.

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. The Executive Orders dated February 11, 1915 and August 31, 1917, which established Powersite Reserve Nos. 475 and 654 respectively, are hereby revoked insofar as they affect the following described lands:

Boise Meridian

a. Powersite Reserve No. 475 (IDI–15602 01)

T. 45 N., R. 2 W.,
Sec. 2, SE¼SW¼.

b. Powersite Reserve No. 654 (IDI–15624 01)

T. 45 N., R. 2 W.,
Sec. 2, SW¼SE¼.

The lands described aggregate 80 acres in Benewah County.

2. The State of Idaho was notified of their preference right for public highway rights-of-way or material sites, but waived their rights on these two parcels of land.

3. At 9 a.m. on December 29, 1997, the lands 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 9 a.m. on December 29, 1997, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Dated: November 14, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97–31294 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–5700–77; NMNM 85612]

Public Land Order No. 7296; Withdrawal of National Forest System Land for Sacramento Peak Observatory; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 2,432.40 acres of National Forest System land from mining for a period of 20 years to protect the scientific value of the Sacramento Peak Observatory. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Lorraine J. Salas, BLM Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005, 505–525–4388.

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. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws, to protect the Sacramento Peak Observatory:

New Mexico Principal Meridian

Lincoln National Forest

T. 17 S., R. 11 E.,
Sec. 26, SW¼;
Sec. 27, W½NE¼, SE¼NE¼, NW¼ and S½;
Sec. 28, E½NE¼ and S½, unsurveyed;
Sec. 33, unsurveyed;
Sec. 34, lots 1 to 4, inclusive, N½, and N½S½.

The area described contains 2,432.40 acres in Otero County.

2. The withdrawal made by this order does not alter the applicability of those land laws governing the use of the National Forest System land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: November 14, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97–31308 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–VC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–03–4210–05, FL–ES–0419248]

Realty Action; Classification of Public Lands for Recreation and Public Purposes; Palm Beach County, Florida

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action for the classification of public lands for lease/conveyance pursuant to the Recreation and Public Purposes Act.

SUMMARY: The following described public lands in Palm Beach County, Florida have been examined and found suitable for lease or conveyance pursuant to the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 *et seq.*, and the regulations promulgated thereunder, title 43 Code of Federal Regulations, part 2912:

Tallahassee Meridian, Florida

T. 40 S., R. 43 E.
Sec. 31, Lot 13.
Totalling 26.35 acres

The Town of Jupiter plans to use these lands for recreational areas. The lands are not needed for Federal purposes. Lease/conveyance is consistent with current Bureau of Land Management land use planning and conveyance is deemed to be in the public interest.

The lease/patent, when issued, shall be subject to the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior, and to the following reservations to the United States:

1. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests herein.

EFFECTIVE DATE: Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons or parties may submit comments regarding the proposes lease/conveyance or classification of the lands to the Field Manager, Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206. Any adverse comments will be reviewed by the District Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mary Weaver, Realty Specialist, Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39207 (601) 944–5435.

Dated: November 19, 1997.

Bruce Dawson,

Field Manager.

[FR Doc. 97–31310 Filed 11–26–97; 8:45 am]

BILLING CODE 4210–GJ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–060–08–1430–01; M84505.1]

Notice of Realty Action: Direct Sale of Public Land in Petroleum County

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Designation of public land, surface estate only, in Petroleum County, Montana, for direct sale.

SUMMARY: The following described public lands are suitable for disposal at no less than the appraised fair market value, by direct sale to Lloyd and Karen Carrell, under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713.

Principal Meridian Montana

T. 15 N., R. 29 E.,
Section 14, SW¼NE¼, SE¼NW¼;
Containing 80.00 acres.

The above-described land is also being considered for exchange under Serial No. MTM 84505. The land is currently occupied by inhabited and abandoned buildings connected with oil field operations.

Disposal of the public surface estate is in conformance with the Judith-Valley-Phillips Resource Management Plan, as amended. Disposal of public lands with relatively low public values will help meet the management goals for the area. The Bureau of Land Management has advised State and local officials regarding the proposed exchange/sale.

DATES: For a period of 45 days from the date of this notice, interested parties may submit written comments to Chuck Otto, Resource Area Manager, Bureau of Land Management, P.O. Box 1160, Lewistown, MT 59457. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information to the exchange/sale is available for review at the Lewistown District Office, P.O. Box 1160, Lewistown, MT 59457.

SUPPLEMENTARY INFORMATION: The sale will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. A reservation to the United States of all minerals, both locatable and leasable.

3. The sale must meet the requirements of 43 CFR 4110.4–2(b).

The sale is consistent with Bureau of Land Management policies and planning and has been discussed with State and local officials. The estimated intended time of the sale is January 1998. The public interest will be served by disposal of this property.

Dated: November 17, 1997.

David L. Mari,

District Manager.

[FR Doc. 97–31170 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–DN–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–957–1020–00]

Idaho: Filing of Plats of Survey; Idaho

The plats of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., November 17, 1997.

The plat representing the dependent resurvey of a portion of the west and north boundaries and subdivisional lines, the subdivision of section 6, and metes-and-bounds surveys in section 6, T. 9 N., R. 22 E., Boise Meridian, Idaho, Group 976, was accepted November 17, 1997.

The plats representing the dependent resurvey of a portion of the west boundary and the metes-and-bounds survey of the centerline of U.S. Highway No. 93 in section 31, T. 10 N., R. 22 E., Boise Meridian, Idaho, Group 976, was accepted November 17, 1997.

These surveys were executed to meet certain administrative needs of the Bureau of Land Management. All inquiries concerning the surveys of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709–1657.

Dated: November 17, 1997.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 97–31290 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–GG–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[KM–952–07–1420–00]

Notice of Filing of Plat of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plat of survey described below will be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on December 12, 1997.

New Mexico Principal Meridian, New Mexico

T. 25 S., R. 3 E., accepted November 7, 1997, for Group 949 NM.

If a protest against this survey, as shown on the above plat is received prior to the date of official filing, the filing will be stayed pending

consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal afirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

The above-listed plat represents dependent resurveys, surveys, and subdivisions.

This plat will be in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–0115. Copies may be obtained from this office upon payment of $1.10 per sheet.

Dated: November 12, 1997.

John P. Bennett,

Chief Cadastral Surveyor For New Mexico.

[FR Doc. 97–31289 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

National Park Service

Extension of Concession Contract

SUMMARY: Pursuant to the Act of October 9, 1965 (79 STAT. 969; 16 U.S.C. 20 et seq.), notice is hereby given that the National Park Service intends to extend a concession contract. This extension is necessary to allow the continuation of public services during the completion of the planning for the park. The following concession contract will be extended for a period of one year through December 31, 1998: LIBBEY MEMORIAL PHYSICAL MEDICINE CENTER, CC–HOSP004–88.

SUPPLEMENTARY INFORMATION: This concession contract will expire on or before December 31, 1997, unless extended. The National Park Service will not renew this contract for an extended period until planning can be conducted to determine the future direction for concession services at this park. The necessary planning process is expected to begin shortly and will affect the future of his concessions. The planning process is expected to take one year to complete. Until the planning process is completed, it will not be in the best interest of the National Park Service to enter into long-term concession contracts and permits. For these reasons, it is the intention of the National Park Service to extend the current contract for a period of one year, beginning on or before January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Chief, Concessions Management, Midwest Region, George Frederick, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102 or at telephone number 402–221–3612.

Dated: November 21, 1997.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 97–31258 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Concession Contracts and Permits, Existing Extensions

AGENCY: National Park Service, Interior.

ACTION: Extension of concession contract/permit.

SUMMARY: Pursuant to the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), notice is hereby given that the National Park Service intends to extend a concession contract and permit. These extensions are necessary to allow the continuation of public services during the completion of the planning for the parks. The current concessionaires have performed their obligations to the satisfaction of the Secretary of the Interior and retain their rights of preference under this administrative action of extending the existing contract and permit.

The following concession contract and permit will be extended for a period of one year through December 31, 1998: AKER'S FERRY CANOE RENTAL, CC–OZAR012–88, and DUNE CLIMB STAND, CP–SLBE004–92.

SUPPLEMENTARY INFORMATION: This concession contact and permit will expire on or before December 31, 1997, unless extended. The National Park Service will not renew these contracts and permits for an extended period until planning can be conducted to determine the future direction for concession services at these parks. The necessary planning processes are expected to begin shortly and will affect the future of these concessions. The planning processes are expected to take one year to complete. Until the planning process is completed, it will not be in the best interest of the National Park Service to enter into long term concession contracts and permits. For these reasons, it is the intention of the National Park Service to extend the current contract and permit for a period of one year beginning on or before January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Chief, Concessions Management, Midwest Region, George Frederick, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102 or at telephone number 402–221–3612.

Dated: November 21, 1997.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 97–31259 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Draft Alternative Design Scenarios; Air Force Memorial

ACTION: Announcement of a public open house to present draft alternative design scenarios for the development of the 25 acres of park land containing the site of the proposed United States Air Force memorial within the boundary of the George Washington Memorial Parkway in further compliance with the National Environmental Policy Act of 1969.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service policy, the National Park Service (NPS) announces the presentation for public review, draft alternative design scenarios for the further development of the 25 acres of park land within the George Washington Parkway, in Arlington, Virginia, on North Meade Street, which contains the site of the proposed United States Air Force Memorial and the Iwo Jima Memorial and the Netherlands Carillon. Public comment on the draft design scenarios is requested to assist the National Park Service to identify and analyze such environmental issues as traffic, pedestrian and vehicular circulation, parking, access from the Rosslyn Metro station, landscaping, and protection of the vistas of and between the existing memorials. This is to ensure that the erection of the proposed Air Force Memorial will not detract from the other memorials, diminish other park resources, or intrude on the community.

A public open house to review and comment upon the draft alternative design scenarios will be held December 17, 1997 in the auditorium of the Arlington County Central Library, 1015 North Quincy Street, Arlington, Virginia between 7:00 p.m. and 9:30 p.m. Officials of the National Park Service and representatives of the Air Force Memorial Foundation will be in attendance to describe the draft

alternative design scenarios, answer questions and receive comments.

The Air Force Memorial Foundation was authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors. The memorial was authorized on December 2, 1993 by enactment of Public Law 103–163 and is being developed pursuant to the Commemorative Works Act, 40 U.S.C. Sec. 1001 *et seq.* This site was approved by the National Capital Memorial Commission on March 24, 1994, the National Park Service on July 8, 1994, the Commission of Fine Arts (CFA) on September 14, 1994, and the National Capital Planning Commission (NCPC) on May 4, 1995.

While the design concept for the memorial was approved by the CFA on February 15, 1996, and by the NCPC on March 7, 1996, the final design must still be approved by the Secretary of the Interior, the CFA and the NCPC. Compliance with Section 106 of the Historic Preservation Act of 1966 was initiated on March 15, 1996, with a determination of no adverse affect in which both Commonwealth of Virginia and the District of Columbia State Historic Preservation Offices have concurred. The next phase in planning is to produce a development concept plan.

For further information, please contact Mr. John G. Parsons, Associate Superintendent, Stewardship and Partnerships, National Capital Support Office at 202–619–7025. Written comments may be addressed to Mr. Parsons at National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242. Comments must be received by January 23, 1998.

Approved: November 20, 1997.

Emmons O. Larson,

Acting Regional Director, National Capital Field Area.

[FR Doc. 97–31261 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Technical Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Amended Notice of Public Meeting.

SUMMARY: The Glen Canyon Technical Work Group (TWG) was formed as an official subcommittee of the Glen Canyon Adaptive Management Work Group (AMWG) on September 10, 1997. The TWG members were named by the members of the AMWG and will provide advice and information to the AMWG. The AMWG will use this information to form recommendations to the Secretary of the Interior for guidance of the Grand Canyon Monitoring and Research Center science program and other direction as requested by the Secretary. All meetings are open to the public; however, seating is limited and is available on a first come, first served basis.

DATE AND LOCATION: The TWG public meeting will be held at the following time and location:

Phoenix, Arizona—Originally, the third in a series of TWG meetings was scheduled for December 11 and 12, 1997. However, this meeting has been rescheduled for December 10 and 11, 1997. This two-day meeting will begin at 9:30 a.m. on the first day and conclude at 4:00 p.m. on the second day. The meeting will be held at the LaQuinta Inn, 2510 W. Greenway Road, Phoenix, Arizona.

Any organization or individual wishing to make formal oral comments (limited to 10 minutes) at the meetings must provide written notice to Mr. Bruce Moore, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone (801) 524–3702; faxogram (801) 524–5499; E-mail at: bmoore@uc.usbr.gov at least five days prior to the meetings. Written comments will be provided to the TWG members at the meetings.

AGENDA: The agenda for this meeting will be as follows:

Welcome
Monitoring and Research Plans for Fiscal Year 1999
Maintenance and Beach/Habitat-Building Flows
Annual Report to Congress
Management Objectives
Resource Management Questions and Objections
Budget

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Moore, telephone (801) 524–3702; faxogram (801) 524–5499; E-mail at: bmoore@uc.usbr.gov.

Dated: November 20, 1997.

Stephen V. Magnussen,

Acting Commissioner, Bureau of Reclamation.

[FR Doc. 97–31286 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Meeting of the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, notice is hereby given that the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington, established by the Secretary of the Interior, will hold a public meeting. The purpose of the Conservation Advisory Group is to provide technical advice and counsel to the Secretary and the State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program.

DATES: Wednesday, December 10, 1997, 9 a.m.–4 p.m., Thursday, December 11, 1997, 9 a.m.–12 noon.

ADDRESSES: Bureau of Reclamation Office, 1917 Marsh Road, Yakima, Washington.

FOR FURTHER INFORMATION CONTACT: James Esget, Manager, Yakima River Basin Water Enhancement Project, P.O. Box 1749, Yakima, Washington, 98907; (509) 575–5848, extension 267.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to discuss the comments received on the Draft Yakima River Basin Water Conservation Plan. The Plan was made available for public review August 12, 1997, with comments to be provided to the Advisory Group by October 31, 1997.

Dated: November 18, 1997.

Walt Fite,

Designated Federal Official.

[FR Doc. 97–31155 Filed 11–26–97; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

Public Hearing

AGENCY: Overseas Private Investment Corporation.

ACTION: Notice of public hearing.

SUMMARY: This notice sets forth the schedule and requirements for participation in an annual public hearing to be conducted by the Overseas

Private Investment Corporation (OPIC) on December 16, 1997. This hearing is required by the OPIC Amendments Act of 1985, and this notice is being published to facilitate public participation. The notice also describes OPIC and the subject matter of the hearing.

DATES: The hearing will be held on December 16, 1997, and will begin promptly at 2 p.m. Prospective participants must submit to OPIC before close of business December 3, 1997, notice of their intent to participate.

ADDRESSES: The location of the hearing will be: Overseas Private Investment Corporation, 1100 New York Avenue, N.W., 12th Floor, Washington, D.C. Notices and prepared statements should be sent to Harvey Himberg, Financial Management and Statutory Review Department, Overseas Private Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527.

Procedures

(a) *Attendance; Participation.* The hearing will be open to the public. However, a person wishing to present views at the hearing must provide OPIC with advance notice on or before December 3, 1997. The notice must include the name, address and telephone number of the person who will make the presentation, the name and address of the organization which the person represents (if any) and a concise summary of the subject matter of the presentation.

(b) *Prepared Statements.* Any participant wishing to submit a prepared statement for the record must submit it to OPIC with the notice or, in any event, not later than 5 p.m. on December 12, 1997. Prepared statements must be typewritten, double spaced and may not exceed twenty-five (25) pages.

(c) *Duration of Presentations.* Oral presentations will in no event exceed ten (10) minutes, and the time for individual presentations may be reduced proportionately, if necessary, to afford all prospective participants on a particular subject an opportunity to be heard or to permit all subjects to be covered.

(d) *Agenda.* Upon receipt of the required notices, OPIC will prepare an agenda for the hearing setting forth the subject or subjects on which each participant will speak and the time allotted for each presentation. OPIC will provide each prospective participant with a copy of the agenda.

(e) *Publication of Proceedings.* A verbatim transcript of the hearing will be compiled. The transcript will be available to members of the public at the cost of reproduction.

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency which provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects which confer positive developmental benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(b) of the Foreign Assistance Act of 1961, as amended (''the Act'') to hold at least one public hearing each year.

Among other issues, OPIC's annual public hearing has, in previous years, provided a forum for testimony concerning section 231A(a) of the Act. This section provides that OPIC may operate its programs only in those countries that are determined to be ''taking steps to adopt and implement laws that extend internationally recognized worker rights to workers in that country (including any designated zone in that country).''

Based on consultations with Congress, OPIC complies with annual determinations made by the Executive Branch with respect to worker rights for countries that are eligible for the Generalized System of Preferences (GSP). Any country for which GSP eligibility is revoked on account of its failure to take steps to adopt and implement internationally recognized worker rights is subject concurrently to the suspension of OPIC programs until such time as a favorable worker rights determination can be made.

For non-GSP countries in which OPIC operates its programs, OPIC reviews any country which is the subject of a formal challenge at its annual public hearing. To qualify as a formal challenge, testimony must pertain directly to the worker rights requirements of the law as defined in OPIC's 1985 reauthorizing legislation (P.L. 99–204) with reference to the Trade Act of 1974, as amended, and be supported by factual information.

FOR FURTHER INFORMATION ABOUT THE PUBLIC HEARING CONTACT: Harvey A. Himberg, Financial Management and Statutory Review Department, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527 (202) 336–8614 or by facsimile at (202) 218–0177.

Dated: November 21, 1997.

James R. Offutt,

Assistant General Counsel, Department of Legal Affairs.

[FR Doc. 97–31203 Filed 11–26–97; 8:45 am]

BILLING CODE 3210–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

December 9, 1997 Board of Directors Meeting; Sunshine Act Meeting

TIME AND DATE: Tuesday, December 9, 1997, 1:00 p.m. (Open Portion); 1:30 p.m. (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, N.W., Washington, D.C.

STATUS: Meeting Open to the Public from 1:00 pm to 1:30 pm; Closed portion will commence at 1:30 pm (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Testimonial
3. Approval of September 16, 1997 Minutes (Open Portion)
4. Meeting schedule through September, 1998

FURTHER MATTERS TO BE CONSIDERED: (Closed to the Public 1:30 PM)

1. Finance Project in Jamaica
2. Insurance Project India
3. Approval of September 16, 1997 Minutes (Closed Portion)
4. Pending Major Projects
5. Report on OPIC's Small Business Initiative

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.Q04

Dated: November 24, 1997.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 97–31398 Filed 11–25–97; 12:28 p.m.]

BILLING CODE 3210–01–M

DEPARTMENT OF JUSTICE

Agency Information Collection Activities: Existing Collection; Comment Request

ACTION: Notice of information collection under review: Claims under the Radiation Exposure Compensation Act.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until January 27, 1998.

We are requesting written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions used;

3. Enhance the quality, utility, and clarity of the information being sought;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to: Gerard W. Fischer, Assistant Director, Torts Branch, Civil Division, P.O. Box 146, Ben Franklin Station, Washington, D.C. 20044–0146. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, Washington Center, 1001 G Street, N.W., Washington D.C. 20530.

Overview of This Information Collection

1. *Type of Information collection:* Extension of a currently approved collection.

2 *Title of the Form/Collection:* Claims under the Radiation Exposure Compensation Act.

3. *Agency form number:* None. *Applicable component of the Department of Justice sponsoring the collection:* The Radiation Exposure Compensation Unit, Constitutional and Specialized Torts Branch, Civil Division.

4. Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Individuals or households. *Other:* None. Information is needed to determine whether an applicant is eligible for a statutory compensation payment under the Radiation Exposure Compensation Act, 42 U.S.C. 2210 note (1994). Applicants are persons who reside near the Nevada Test Site, onsite participants in an atmospheric nuclear weapons test, and persons employed in underground uranium mines.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,000 annual respondents at 2.5 hours per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* 5,000 annual burden hours.

Public comment on the proposed information is strongly encouraged.

Dated: November 24, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–31260 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–12–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'') of 1980

Notice is hereby given that a proposed Consent Decree in *United States* v. *Larry A. Bell, et al.,* Civil Action No. 3–96–CV–80047, was lodged on October 29, 1997, with the United States District Court for the Southern District of Iowa, Davenport Division.

The complaint alleges that defendants Larry A. Bell (''Bell'') and Bell Cedaridge Development, Inc. (''Bell Cedaridge'') are liable for the United States' approximately $740,000 in response costs at the Davenport Lead Superfund Site (''Site''), located at 5403 Ricker Hill Road, Davenport, Iowa, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). The complaint also includes an *in rem* action to recover these costs, which are secured by a CERCLA lien against the Site, pursuant to Section 107(l) of CERCLA, 42 U.S.C. § 9607(l).

The Site, a partially-wooded lot owned by defendant Bell Cedaridge, was used as a disposal site for ebonite and other battery components in the early 1970s. As a result, on-Site soils were contaminated with lead at levels of up to 27,300 mg/kg. The United States Environmental Protection Agency (''EPA'') incurred its approximately $740,000 in response costs in this case by conducting a removal action at the Site in 1993.

The only valuable asset owned by Bell and Bell Cedaridge is the Site itself, which is appraised at approximately $49,000. The Site is subject to an approximate $25,000 mortgage and the CERCLA lien that secures the United States' response costs. Under the proposed consent decree, defendants Bell and Bell Cedaridge shall sell the Site and pay to United States the proceeds from the sale, less costs of the sale and amounts paid to secured lienholders with lien interests superior to the United States' interest. In exchange, the United States will grant Bell and Bell Cedaridge a Covenant Not to Sue for the claims set forth in the complaint, and release the 107(l) lien attached to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Larry A. Bell,* et al., DOJ Ref. #90–11–2–1008.

The proposed consent decree may be examined at the office of the United States Attorney, District of Iowa, U.S. Courthouse Annex, 110 E. Court Avenue, Des Moines, Iowa 50304, (515) 284–6257; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551–7010; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requiring a copy please refer to the referenced case and enclose a check in the amount of $9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–31199 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Order Pursuant to the Clean Water Act

Notice is hereby given that a proposed Consent Decree in *United States* v. *The Glidden Company*, Civil Action No. 3:96CV7198, has been lodged with the United States District Court for the Northern District of Ohio on November 17, 1997.

The Consent Decree resolves the claims alleged against defendant, The Glidden Company (''Glidden''), under the Clean Water Act (''Act''), 33 U.S.C. § 1251 *et seq.* The proposed Consent Decree provides that Glidden shall discharge process wastewaters from its facility at 300 Sprowl Road, Huron, OH, to the Erie County Sanitary Sewer System, and shall comply with the applicable National Pollutant Discharge

Elimination System (''NPDES'') permit and with standards contained in the Consent Decree. The proposed decree also provides that Glidden shall perform a compliance program for the facility, and submit reports regarding its compliance with the Consent Decree. The proposed Consent Decree also provides for the payment by Glidden of a civil penalty of $1,555,000 for its alleged failures to comply with its NPDES permit and with an EPA Administrative Order.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States* v. *The Glidden Company*, D.J. Ref. 90–5–1–1–5062.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Northern District of Ohio, Four Seagate, Third Floor, Toledo, OH 43604–2624, at the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, IL 60604, and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may also be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $9.50 (25 cents per page reproduction costs) payable to the ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–31198 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–01–M

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 consent decree in *United States* v. *Neville Land Company, et al.*, Civil Action No. 97–1683 (W.D. Pa.) was lodged on September 17, 1997.

The proposed decree resolves the claims of the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (''CERCLA''), 42 U.S.C. §§ 9606 and 9607, for past response costs and certain responses actions at the Ohio River Park Superfund Site in Allegheny County, Pennsylvania. The decree obligates the Settling Defendants to reimburse $495,943.66 of the United States' past response costs and to perform the remedial action the U.S. Environmental Protection Agency has selected for the first operable unit at the site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Neville Land Company, et al.*, DOJ Ref. # 90–11–3–1723.

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $26.75 (25 cents per page reproduction costs), payable to the Consent Decree Library. Attachments to the proposed consent decree can be obtained for additional amount.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–31197 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR § 50.7, notice is hereby given that a consent decree that would resolve the liability of one of four defendants in *United States of America* v. *Jane A. Young, et al.*, Civil Action No. 95–4202–JPG (S.D. Ill.), was lodged with the United States District Court for the Southern District of Illinois on October 28, 1997.

The proposed consent decree concerns alleged violations of the Clean Water Act, 33 U.S.C. 1311, as a result of the discharge of dredged and fill materials onto approximately 100 acres of wetlands, in Hamilton County, Illinois (''Site''), which is alleged to constitute ''waters of the United States.'' The consent decree permanently enjoins Jane A. Young from taking any actions, or causing others to take any actions, which result in the discharge of dredged or fill material into waters of the United States. The consent decree further requires Jane A. Young to pay (a) A $5,000.00 civil penalty and (b) $28,000 into an interest-bearing Registry Account of the United States District Court for the Southern District of Illinois, to be used to conduct a wetland restoration at the Site if the United States obtains access to the Site through litigation or other means. In addition, the consent decree provides that if the United States is not able to obtain access to the Site to conduct a wetland restoration, all funds in the Registry Account (except for 10% of the interest that is to be paid to the Court) will be deposited by the Clerk of the Court into the United States Treasury.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: Steven E. Rusak, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026–3986, and should refer to *United States of America* v. *Jane A. Young, et al.*, DJ Reference No. 90–5–1–6–580.

The proposed consent decree may be examined at the Clerk's Office, United States District Court, United States Courthouse, 301 West Main Street, Benton, Illinois 62812.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 97–31282 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Center for Waste Reduction Technologies

Notice is hereby given that, on April 23, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the Center for Waste Reduction Technologies (''CWRT'') and other participants in the

Total Cost Accounting project filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the joint venture. The notifications were filed for the purpose of limiting recovery of plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities to the parties are: Center for Waste Reduction Technologies, New York, NY; American Institute of Chemical Engineers, New York, NY; Arthur D. Little, Inc., Cambridge, MA; The Dow Chemical Company, Midland, MI; Eastman Chemical Company, Kingsport, TN; General Electric Corporation, Schenectady, NY; ICI Americas, Inc., Wilmington, DE; Minnesota Mining and Manufacturing Co., St. Paul, MN; Monsanto Company, St. Louis, MO; Owens Corning, Toledo, OH; Rhone-Poulenc North America, Monmouth Junction, NJ; Rohm and Haas Company, Philadelphia, PA; SmithKline Beecham, King of Prussia, PA; Union Carbide Corporation, Danbury, CT; U.S. Department of Energy, Washington, DC.

The nature and objectives of this Joint Venture is to devise and develop tools, techniques, programs, or methods to support decision making and option selection in early stages of chemical manufacturing process development, and that can be used before and/or during the laboratory phase of a chemical process development project to aid in selecting chemistry and processing conditions, with emphasis on relative cost relationships and on the manufacture of products, or material substances, rather than on the provision of services.

Participating in this Joint Venture will remain open to qualified persons and organizations. The Participants intend to file additional written notifications disclosing all changes in membership. Information regarding participation in this joint venture may be obtained from: Center for Waste Reduction Technologies, 345 East 47th Street, New York, NY 10017–2395.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31195 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Label Alliance (DLA)—Study of Digital Printing and Packaging Technology

Notice is hereby given that, on September 3, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Digital Label Alliance, LLC (''DLA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The parties in this venture have added a member to the project, National Fiberstok Corporation d/b/a Label Art. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the membership of Label America, Inc., has been transferred to National Fiberstok Corporation d/b/a Label Art. National Fiberstok Corporation of Wilton, New Hampshire has been dropped from the venture.

No other changes have been made in either the membership or planned activity of the group. Membership in this group research project is no longer open. DLA intends to file additional written notification disclosing all changes in membership.

On December 30, 1996, DLA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 29, 1997 (62 FR 23267), which was the last notification filed with the Department which has appeared in the **Federal Register.**

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31338 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Enterprise Computer Telephony Forum

Notice is hereby given that, on May 2, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the Enterprise Computer Telephony Forum (''ECTF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aculab, plc., Bucks, UNITED KINGDOM; CallScan, Ltd., Birmingham, ENGLAND; and Hewlett-Packard Company, Cupertino, CA, have become Principal Members. Communiq ASA, Sola, NORWAY; CTI Market Solutions, Menlo Park, CA; Electronic Telecommunications Research Institute (ETRI), Taejon, KOREA; Spectrum Signal Processing, Burnaby, CANADA; and VideoServer, Inc., Burlington, MA, have become Auditing Members. ITEC Telecom, Santafe De Bogota DC, COLUMBIA, has become a User Member.

Database Network Services is no longer a Principal Member.

Technology Marketing Partners (an Auditing Member) has changed its name to Vicorp.

No other changes have been made in the membership, nature or objectives of ECTF. Membership remains open, and ECTF intends to file additional written notifications disclosing all changes in membership.

On February 20, 1996, ECTF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 13, 1996 (61 Fed. Reg. 22074).

The last notification was filed with the Department on February 14, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 6, 1997 (62 Fed. Reg. 52152).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31305 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research And Production Act of 1993—Geothermal Power Organization

Notice is hereby given that, on October 22, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the

Geothermal Power Organization (''GPO'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following parties have become new members of the GPO: Geothermal Power Company, Inc., Elmira, NY; FAS Engineering, Inc., Glendale, CA; and Unocal Corporation, El Segundo, CA.

No other changes have been made in either the membership or planned activities of the GPO. Participation in the GPO will remain open to qualified entities, and the GPO intends to file written notifications disclosing all changes in membership.

On May 29, 1997, GPO filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 23, 1997, (62 FR 39550).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 97–31307 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—LCX Translational CMOS Logic Development Agreement

Notice is hereby given that, on September 9, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the partners to the LCX Translational CMOS Logic Development Agreement (''Agreement'') have filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in their membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Fairchild Semiconductor Corporation has joined the venture. National Semiconductor Corporation has withdrawn from the venture. Both changes in membership became effective June 20, 1997.

On September 7, 1994, the participants filed their original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 17, 1994 (59 FR 59434).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31303 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Flexible Robotic Assembly for Powertrain Applications

Notice is hereby given that, on October 21, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the National Center for Manufacturing Sciences filed notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are the Ford Motor Company, Dearborn, MI; Perceptron Inc, Plymouth, MI; Progressive Tool and Industries Company, Southfield, MI; and Micro Dexterity Systems, Memphis, TN.

The purpose of the joint venture is to develop and demonstrate flexible robotic assembly for powertrain applications. The activities of the joint venture will be partially funded by an award from the Advanced Technology Program, National Institute of Standards and Technology, Department of Commerce.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31193 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Center for Manufacturing Sciences, Inc. (NCMS)

Notice is hereby given that, on October 15, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the National Center for Manufacturing Sciences, Inc. (''NCMS'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following companies were accepted as active members of NCMS: American Induction Heating Corporation, Fraser, MI; Cardell Corporation, Auburn Hills, MI; Dresser Instrument Division of Dresser Industries Inc., Milford, CT; I.Q. Plus Corporation, Willowdale, Ontario, CANADA; Quantum Consultants, East Lansing, MI. PRECARN Associates Inc., Nepean, Ontario, CANADA was approved for affiliate membership. The following companies have resigned from active membership in NCMS: Abrasive Technology, Inc., Westerville, OH; Browne & Sharpe Manufacturing Company, North Kingstown, RI; Continental Electronics Corporation, Dallas, TX; Cost Technology Inc., Beaverton, OR; GenRad, Inc., Concord, MA; Expansion Programs International, Inc., Cleveland, OH; Micro Engineering Solutions, Novi, MI; Netrologic, Inc., San Diego, CA; Onset BIDCO, Inc., Ann Arbor, MI; Oracle, Inc., Chelsea, MI; Poly Circuits, Inc., Bensenville, IL; Saginaw Machine Systems Inc., Troy, MI; Technology Integration, Inc., Ann Arbor, MI; Texel Inc., Quebec, CANADA; Thriller, Inc., Dearborn, MI; Utilase Systems, Inc., Detroit, MI. Organizations which have recently resigned from affiliate membership are: Oregon Advanced Technology Consortium, Wilsonville, OR; Southern Arkansas University Technical Branch, Camden, AR.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 17, 1987 (52 FR 8375).

The last notification was filed with the Department on July 8, 1997. This notice was published in the **Federal**

Register on August 21, 1997 (62 FR 44488).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31194 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum E&P Research Cooperative

Notice is hereby given that, on August 26 and September 9, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq*, (''the Act''), Petroleum E&P Research Cooperative (''Cooperative'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Phillips Petroleum Company of Bartlesville, OK has become a new member of the Cooperative.

The Cooperative intends to undertake the following research projects: ''Risk Assessment for Current Multilateral Systems'' to provide a complete overview and a risk assessment of multilateral well completion systems currently in use particularly focusing on the Level III and Level IV type lateral well systems (mechanical integrity and pressure-sealed lateral wells, respectively); ''Enhancing Well Value by Minimizing Damage from Drilling Fluids'' to test and model the damage and cleanup performance of various drill-in fluids in simulated oil and gas wells, i.e., various screen and gravel pack configurations at temperature and pressure, with a special emphasis on the effect of solids; ''Nuclear Magnetic Resonance Well Logging with Superconducting Magnets'' to build and test the world's first superconducting NMR logging tool which can extend NMR imaging and spectroscopy into native reservoir formations surrounding a borehole, the initial phase targeting to design and evaluate a prototype cryogenic system and prototype coil for the magnet and considering the limitations imposed by the logging environment and experience gained from the current generation of permanent magnet based tools; and ''Advanced Casing Lateral Juncture Technologies for Multi-Lateral Wells-Phase I'' to identify novel concepts and, in particular, consider advanced technologies from other industries that may be used to meet the functional performance requirements for a high-pressure hydraulic seal with full-bore access at the casing-to-lateral juncture in multilateral wells.

The Cooperative was formed by a written agreement dated October 16, 1996, to develop new and improved technology to meet the needs of the exploration and production functions of the petroleum industry in areas where joint research is appropriate.

Membership in this group research project remains open, and the Cooperative intends to file additional written notification disclosing all changes in membership.

On January 16, 1997, Petroleum E&P Research Cooperative filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 13, 1997, (62 FR 6801).

The last notification was filed with the Department on August 22, 1997. The notice has not been published.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31304 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petrotechnical Open Software Corporation (''POSC'')

Notice is hereby given that, on October 16, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Petrotechnical Open Software Corporation (''POSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following additional parties have become new non-voting members of POSC: Geological Survey of Denmark & Greenland, Copenhagen, DENMARK; Romanian Society of Geophysics, Bucharest, ROMANIA; Marathon Oil Company (Division of USX), Houston, TX; and Tecpetrol, Buenos Aires, ARGENTINA.

No other changes have been made in either the membership or planned activity of POSC.

On January 14, 1991, POSC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 7, 1991 (56 FR 5021).

The last notification was filed with the Department on July 23, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 10, 1997 (62 FR 47691).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31196 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Joint Industry Program—Development of an Instrument for Corrosion Detection in Insulated Pipes Using a Magnetostrictive Sensor

Notice is hereby given that, on October 8, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301, *et seq.* (''the Act''), Southwest Research Institute (''SwRI'') has filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing a change in its membership and performance date in its cooperative research project known as ''Joint Industry Program—Development of an Instrument for Corrosion Detection in Insulated Pipes Using a Magnetostrictive Sensor,'' or ''JIP''. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, three new participants have joined the cooperative research project: CTI Alaska, Inc., Anchorage, AK; Gas Research Institute, Chicago, IL; and Mitsubishi Chemical Engineering Corporation, Tokyo, Japan. In addition, Southwest Research Institute, San Antonio, TX, has been a participant in JIP since the inception of the project, but was inadvertently not noted as such in the original and succeeding notifications. Also, participant Texaco, Inc., and Electric Power Research

Institute has withdrawn from participation in the project.

The remaining participants in the Joint Industry Program have agreed to extend the original twelve (12) month period of performance and revise the project completion date to December 31, 1997.

No other changes have been made in the planned research activities or the membership of the project. Membership in this group research project remains open and SwRI intends to file additional written notification disclosing all changes in membership.

On October 25, 1995, SwRI (Joint Industry Program, JIP) filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 23, 1996 (61 FR 7020). The last notification was filed with the Department on March 15, 1996. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 23, 1996 (61 FR 17913).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–31306 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Correctional Institution Near Glenville (Gilmer County), West Virginia

AGENCY: Bureau of Prisons, Department of Justice.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

Proposed Action

The U.S. Department of Justice, Federal Bureau of Prisons, has determined that, in order to meet increasing demands for additional inmate capacity, a new correctional facility is needed in its system.

The Bureau of Prisons proposes to construct and operate a medium security Federal Correctional Institution, with an adjacent minimum security satellite camp, in the greater Glenville, West Virginia area. The main medium security facility would be designed to have a rated capacity of approximately 1,152 inmates, and the minimum security component approximately 150–300. Several other sites in the region are currently under consideration. The potential site also would be used for road access, administration, programs and services, parking, and support facilities.

In the process of evaluating potential sites, several aspects will receive a detailed examination including utilities, traffic patterns, noise levels, visual intrusions, threatened and endangered species, cultural resources, and socio-economic impacts.

Alternatives: In developing the DEIS, the options of ''no action'' and ''alternative sites'' for the proposed facility will be fully and thoroughly examined.

Scoping Process: Several informal public meetings have already been held on the proposed project, and during the preparation of the DEIS, there will be numerous other opportunities for public involvement. The public scoping meeting will begin at 7:00 p.m. on Tuesday, December 9, 1997, at the Gilmer County Recreation Center (Dining Hall) in Glenville, West Virginia. The meeting will be well publicized and is scheduled at a time that will make the meeting possible for the public and interested agencies or organizations to attend.

DEIS Preparation: Public notice will be given concerning the availability of the DEIS for public review and comment.

ADDRESSES: Questions concerning the proposed action and the DEIS can be answered by: David J. Dorworth, Chief, Site Selection & Environmental Review Branch, Federal Bureau of Prisons 320 First Street, N.W., Washington, D.C. 20534, Telephone: (202) 514–6470, Telefacsimile: (202) 616–6024, E-mail: ddorworth@BOP.gov.

Dated: November 17, 1997.

Jeff B. Ratliff,

Acting Chief.

[FR Doc. 97–30618 Filed 11–26–97; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF LABOR

Employment Standards Administration

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 with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 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 Employment Standards Administration is soliciting comments concerning the following information collection: Davis-Bacon and Related Acts/Contract Work Hours and Safety Standards Reporting Requirements-Regulations, 29 CFR Part 5. Copies of the proposed information collection request can be obtained by contacting the office 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 February 1, 1998. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSEE: Contact Ms. Patricia A. Forkel at the U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 219–8713. The Fax number is (202) 219–6592. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The subject regulation prescribes labor standards for federally financed and assisted construction contracts under the Davis-Bacon and Related Acts (DBRA) and the Contract Work Hours

and Safety Standards Act (CWHSSA). Under DBRA, every contract subject to the Act must contain a provision (i.e., wage determination) stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics employed on the contract. In order for the Wage and Hour Division (WHD) of the Department of Labor (DOL) to establish minimum rates for classes of employees omitted from wage determinations, employers must submit a Report of Conformed Classifications and Wage Rates for review and approval. Further, the Act provides that ''wages'' may include ''. . . costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers or mechanics . . .''. Where a benefit plan is not of the conventional type described in the Act and/or common in the construction industry, it is necessary to determine whether the benefit is a ''bona fide'' benefit under the Act. Therefore, contractors must request approval of such fringe benefit plans from the Wage and Hour Division.

II. Current Actions

The Department of Labor (DOL) seeks extension of approval to collect this information in order to carry out its responsibility to meet the statutory requirements of the Act. The information will be used by Wage and Hour to establish minimum wage rates for classes of employees not listed in a wage determination, and to determine whether a fringe benefit is ''bona fide'' fringe benefit within the definition of the Act.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Information Collection Requirements in Regulations, 29 CFR Part 5.

OMB Number: 1215–0140.

Affected Public: Business or other for-profit; Federal Government, State, Local or Tribal Government.

Requirement	Total Respondents	Frequency	Total Responses	Average Time per Response	Hours
Conformance Report	2,500	On occasion	2,500	.25 hour	625
Unfunded Fringe Benefit Plans	6	On occasion	6	1 hour	6
Totals	2,506		2,506		631

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): $801.92.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 24, 1997.

Cecily A. Rayburn,

Director, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 97–31238 Filed 11–26–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Employment Standards Administration

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 with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 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 Employment Standards Administration, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation is soliciting comments concerning the following information collection: Claim for Compensation by Dependents Information Reports. Copies of the proposed information collection request can be obtained by contacting the office 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 February 1, 1998. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Contact Ms. Patricia A. Forkel at the U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 219–8713. The Fax number is (202) 219–6592. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The forms in this clearance request are used by Federal employees and their dependents to claim benefits, prove continued eligibility for benefits, and to show entitlement to the remaining compensation of a deceased beneficiary under the Federal Employees' Compensation Act. There are nine forms in this clearance request; they are the CA–5; CA–5b; CA–1031; CA–1085; CA–1093; CA–1615; CA–1617; CA–1618, and CA–1074.

Current Actions

The Department of Labor (DOL) seeks extension of approval to collect this information in order to carry out its responsibility to meet the statutory requirements of the Federal Employees' Compensation Act. The information contained in these forms is used by the Division of Federal Employees' Compensation to determine entitlement to benefits under the Act, to verify dependent status and to initiate,

continue, adjust or terminate benefits based on eligibility criteria.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Claim for Compensation By Dependents Information Reports.

OMB Number: 1215–0155.

Affected Public: Individuals or households.

Report	Total respondents	Frequency	Total Responses	Average Min. per Response	Hours
CA–5	235	Once	235	90	253
CA–5b	70	Once	70	90	105
CA–1615	120	Once	120	30	60
CA–1617	600	Semiannually	600	30	300
CA–1085	450	Once	450	45	338
CA–1031	1,700	Annually	1,700	15	425
CA–1074	70	Once	70	60	70
CA–1093	50	Once	50	30	25
CA–1618	320	Semiannually	320	30	160
Totals	3,615		3,615		1,835

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): $1,156.80.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 24, 1997.

Cecily A. Rayburn,

Director, Division of Financial Management Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 97–31239 Filed 11–26–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determination Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Massachusetts:
MA970001 (Feb. 14, 1997)
MA970002 (Feb. 14, 1997)
MA970003 (Feb. 14, 1997)
MA970006 (Feb. 14, 1997)
MA970007 (Feb. 14, 1997)
MA970008 (Feb. 14, 1997)
MA970009 (Feb. 14, 1997)
MA970012 (Feb. 14, 1997)

MA970013 (Feb. 14, 1997)
MA970015 (Feb. 14, 1997)
MA970017 (Feb. 14, 1997)
MA970018 (Feb. 14, 1997)
MA970019 (Feb. 14, 1997)
MA970020 (Feb. 14, 1997)
MA970021 (Feb. 14, 1997)
New Jersey:
NJ970005 (Feb. 14, 1997)
New York:
NY970008 (Feb. 14, 1997)
NY970010 (Feb. 14, 1997)
NY970012 (Feb. 14, 1997)
NY970020 (Feb. 14, 1997)
NY970039 (Feb. 14, 1997)
NY970041 (Feb. 14, 1997)

Volume II

None

Volume III

None

Volume IV

Wisconsin:
WI970008 (Feb. 14, 1997)
WI970010 (Feb. 14, 1997)
WI970019 (Feb. 14, 1997)

Volume V

Kansas:
KS970004 (Feb. 14, 1997)
KS970005 (Feb. 14, 1997)
KS970067 (Feb. 14, 1997)
Texas:
TX970047 (Feb. 14, 1997)

Volume VI

Idaho:
ID970003 (Feb. 14, 1997)
ID970004 (Feb. 14, 1997)
Oregon:
OR970001 (Feb. 14, 1997)
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Washington:
WA970001 (Feb. 14, 1997)
WA970002 (Feb. 14, 1997)
WA970005 (Feb. 14, 1997)
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Volume VII

Arizona:
AZ970001 (Feb. 14, 1997)
AZ970002 (Feb. 14, 1997)
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AZ970013 (Feb. 14, 1997)
AZ970014 (Feb. 14, 1997)
AZ970016 (Feb. 14, 1997)
AZ970017 (Feb. 14, 1997)
AZ970018 (Feb. 14, 1997)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Services (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 20th day of November 1997.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 97–31044 Filed 11–26–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register**. Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT: Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Contact Barbara Barron at 703–235–1910.

Dated: November 20, 1997.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M–97–011–C.
FR Notice: 62 FR 11927.
Petitioner: Consol Pennsylvania Coal Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to permit the maximum lengths of the loading machine, roof bolter, and section ventilation fan trailing cables supplying equipment from 480-volt alternating current systems to be increased to 800 feet considered acceptable alternative method. Granted for the Bailey Mine with conditions for the extended length, 480-volt, three-phase alternating current trailing cables, used to develop the three and four entry longwall development panels and the eleven-entry mains at the Bailey Mine.

Docket No.: M–97–014–C.
FR Notice: 62 FR 11927.
Petitioner: Genwal Resources, Inc.
Reg Affected: 30 CFR 75.1002.
Summary of Findings: Petitioner's proposal to use high-voltage (2400 volts) operated equipment inby the last open crosscut at the working longwall sections considered acceptable alternative method. Granted for the Crandall Canyon Mine with conditions.

Docket No.: M–97–039-C.
FR Notice: 62 FR 23799.
Petitioner: Spruce Fork Coal Company, Inc.

Reg Affected: 30 CFR 75.503(b)(2).
Summary of Findings: Petitioner's proposal to use a spring loaded locking device, instead of padlocks to secure battery plugs to machine mounted receptacles, that would prevent the threaded lock on a plug from turning and becoming loose unintentionally considered acceptable alternative method. Granted for the Spruce Fork Mine No. 1 with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M–97–041.
FR Notice: 62 FR 29370.
Petitioner: Pine Ridge Coal Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to replace a padlock on battery plug connectors on mobile battery-powered machines with a threaded ring and a spring loaded device to prevent the plug connector from accidently disengaging while under load considered acceptable alternative method. Granted for the Robin Hood No. 9 Mine with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M–97–043–C.
FR Notice: 62 FR 29371.
Petitioner: Peabody Coal Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to attach a spring-loaded plug interlock to the plug receptacle which is permanently attached to the battery case, and in addition the spring-loaded plug interlock has been designed so that when the battery plugs are secured and the spring-loaded interlock released, the threaded ring securing the battery plugs cannot become loose considered acceptable alternative method. Granted for the Marissa Mine with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M–97–055–C.
FR Notice: 62 FR 29372.
Petitioner: Pen Coal Corporation.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to replace a padlock on battery plug connectors on mobile battery-powered machines with a threaded ring and a spring loaded device to prevent the plug connector from accidently disengaging while under load; and to instruct all persons on the requirements for operating or maintaining battery-powered machines considered acceptable alternative method. Granted for the Deep Mine No. 4 with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–002–C.
FR Notice: 61 FR 13882.
Petitioner: Ohio County Coal Company, Inc.
Reg Affected: 30 CFR 75.901(a).
Summary of Findings: Petitioner's proposal to operate its diesel powered generator (DPG) without an earth referenced ground considered acceptable alternative method. Granted for the Freedom Mine with conditions for the diesel powered generator located in the Freedom Mine.

Docket No.: M–96–007–C.
FR Notice: 61 FR 13883.
Petitioner: Consolidation Coal Company.
Reg Affected: 30 CFR 75.364(b)(4).
Summary of Findings: Petitioner's proposal to establish a checkpoint and make a weekly examination where an extended probe would be used to examine the No. 3 Seal for methane and a smoke tube would be used to verify the direction of air flow; to have the person making the examination and tests record their initials, date and time in a record book which would be kept on the surface and made available for inspection by interested parties; and to maintain the checkpoint and all approaches to the checkpoint in safe condition at all times considered acceptable alternative method. Granted for the Shoemaker Mine with conditions for weekly examinations of the No. 3 seal which has been rendered inaccessible and hidden from full visibility by fallen roof material and entry deterioration near Browns Run Shaft at a safe location, 20 feet outby the seal.

Docket No.: M–96–009–C.
FR Notice: 61 FR 13883.
Petitioner: Peabody Coal Company.
Reg Affected: 75.1100–2(b).
Summary of Findings: Petitioner's proposal to install firehouse outlets with valves in the longwall gate entries every fourth cross-cut at intervals of approximately 440 feet instead of at intervals of 300 feet considered acceptable alternative method. Granted for the Camp No. 11 Mine with conditions for the increased interval between fire hose outlets on the water line installed alongside belt conveyors or in entries adjacent to belt conveyors.

Docket No.: M–96–010–C.
FR Notice: 61 FR 13883.
Petitioner: Monterey Coal Company.
Reg Affected: 30 CFR 75.1100–2(i)(1).
Summary of Findings: Petitioner's proposal to use the following emergency materials instead of emergency materials required by the mandatory safety standard: 112 Kennedy Metal Shopping Panels with associated head sills and twist clamps; 24 Kennedy Stopping Rib Angles; 3 rolls of tape; 3 twist tools; 2 rolls of brattice cloth; 3 stopping jacks; 3 picks; 3 shovels; 9 buckets of Celtite 10–12 (or equivalent material for stopping); and 5 tons of rock dust considered acceptable alternative method. Granted for the No. 1 Mine with conditions for emergency materials readily available at locations not exceeding 2 miles from each working section.

Docket No.: M–96–011–C.
FR Notice: 61 FR 13883.
Petitioner: Peabody Coal Company.
Reg Affected: 30 CFR 77.1304(a).
Summary of Findings: Petitioner's proposal to use waste petroleum-based lubrication oil recycled from equipment used at its mine for blending with diesel fuel oil to create ammonium nitrate/fuel oil (ANFO) for use as a blasting agent considered acceptable alternative method. Granted for the Hawthorn Mine with conditions for the collection, processing, and use of petroleum-based used oils, for blending with No. 2 diesel fuel (fuel oil), to sensitize ammonium nitrate prill, and the temporary storage and use of the resulting blasting agent (ANFO).

Docket No.: M–96–014–C.
FR Notice: 61 FR 17733.
Petitioner: Tennessee Energy Corporation.
Reg Affected: 30 CFR 75.1405.
Summary of Findings: Petitioner's proposal to use a 9-foot steel tongue with a hole on each end aligned with existing holes in the frame of the motor and flatcar and secured with a pin, to couple the motor to the flatcar instead of using automatic couplers considered acceptable alternative method. Granted for Mine No. 43 with conditions.

Docket No.: M–96–024–C.
FR Notice: 61 FR 20543.
Petitioner: West End Coal Company, Deep Mine.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps on an annual basis instead of the required 6 month interval and to update maps daily by hand notations considered acceptable alternative method. Granted for the Last Chance Slope Mine with conditions for annual revisions and supplements of the mine map.

Docket No.: M–96–025–C.
FR Notice: 61 FR 20543.
Petitioner: West End Coal Company, Deep Mine.
Reg Affected: 30 CFR 75.1200(d) & (i).
Summary of Findings: Petitioner's proposal to use cross-sections instead of contour lines through the intake slope,

at locations of rock tunnel connections between veins, and at 1,000-foot intervals of advance from the intake slope and to limit the required mapping of the mine workings above and below to those present within 100 feet of the veins being mined except when veins are interconnected to other veins beyond the 100-foot limit through rock tunnel considered acceptable alternative method. Granted for the Last Chance Slope Mine with conditions for the use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

Docket No.: M–96–027–C.
FR Notice: 61 FR 20543.
Petitioner: West End Coal Company, Deep Mine.
Reg Affected: 30 CFR 75.360.
Summary of Findings: Petitioner's proposal to visually examine each seal for physical damage from the slope gunboat during the preshift examination after an air quantity reading is taken inby the intake portal and to test for the quantity and quality of air at the intake air split locations off the slope in the gangway portion of the working section, and to physically examine the entire length of the slope once a month considered acceptable alternative method. Granted for the Last Chance Slope Mine with conditions for examinations of seals (conducted from the gunboat) in the intake air haulage slope of this mine.

Docket No.: M–96–028–C.
FR Notice: 61 FR 20543.
Petitioner: West End Coal Company, Deep Mine.
Reg Affected: 30 CFR 75.335.
Summary of Findings: Petitioner's proposal to construct seals using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criterion in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs considered acceptable alternative method. Granted for the Last Chance Slope Mine with conditions for seals installed in this mine.

Docket No.: M–96–029–C.
FR Notice: 61 FR 20544.
Petitioner: West End Coal Company, Deep Mine.
Reg Affected: 30 CFR 75.1100.
Summary of Findings: Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the Last Chance Slope Mine with conditions for firefighting equipment in the working section.

Docket No.: M–96–031–C.
FR Notice: 61 FR 20544.
Petitioner: Eighty-Four Mining Company.
Reg Affected: 30 CFR 75.1100–2(e).
Summary of Findings: Petitioner's proposal to use two portable fire extinguishers or one portable fire extinguisher with twice the required capacity at each temporary electrical installation instead of using one fire extinguisher and rock dust at temporary electrical installations considered acceptable alternative method. Granted for Mine 84 with conditions for the temporary electrical installations provided the Petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100–1(e) at each of the temporary electrical installations.

Docket No.: M–96–036–C.
FR Notice: 61 FR 33140.
Petitioner: Kade Coal Company, Inc.
Reg Affected: 30 CFR 77.214(a).
Summary of Findings: Petitioner's proposal to cover several entries at each abandoned mine opening with coarse refuse material during construction of a refuse fill considered acceptable alternative method. Granted for Mine No. 2 with conditions.

Docket No.: M–96–044–C.
FR Notice: 61 FR 33141.
Petitioner: Consolidation Coal Company.
Reg Affected: 30 CFR 75.364(b)(1).
Summary of Findings: Petitioner's proposal to establish two check points, one inby and one outby the affected area; to maintain these check points in a safe condition at all times; to have a certified person test for methane and the quantity of air on a weekly basis at both check points; and to have the person making such examinations record the results with their initials and date in a record book kept on the surface and made accessible to interested parties considered acceptable alternative method. Granted for the Loveridge No. 22 Mine with conditions for the ''unsafe to travel'' 60-foot segment of the intake aircourse which has ventilated the battery charging station (old inside shop) near Sugar Run Shaft.

Docket No.: M–96–045–C.
FR Notice: 61 FR 33141.
Petitioner: Elk Run Coal Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking devices to secure battery plugs on mobile equipment instead of padlocks to maintain equipment in permissible condition in accordance with 30 CFR 18.41 considered acceptable alternative method. Granted for the Castle Mine; Bishop No. 2 Mine; Black King No. 1/ North Portal Mine; White Knight Mine; Laurel Eagle Mine; Laurel Alma Mine; and Black King No. 1 Mine with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–047–C.
FR Notice: 61 FR 38785.
Petitioner: Pilgrim Mining Company, Inc.
Reg Affected: 30 CFR 75.901.
Summary of Findings: Petitioner's proposal to allow the use of a 150 KW diesel generator set, Serial Number 94–E5913 considered acceptable alternative method. At the request of the petitioner, previous MSHA docket numbers M–96–048–C through M–96–051–C were withdrawn and M–96–047–C was modified to include the mines covered by these petitions. Granted for the Pegasus Mine, 1–C Mine, White Cabin No. 1 Mine, White Cabin No. 2 Mine, Pilgrim Mine No. 3, and Voyager Mine No. 2 with conditions for the 480-volt, three-phase, 150 KW diesel powered generator set.

Docket No.: M–96–052–C.
FR Notice: 61 FR 38786.
Petitioner: Martin County Coal Corporation.
Reg Affected: 30 CFR 75.701.
Summary of Findings: Petitioner's proposal to allow the use of a 100 KW diesel generator set, Serial Number 94–E5260 considered acceptable alternative method. At the request of the petitioner, previous MSHA docket numbers M–96–053–C through M–96–056–C were withdrawn and M–96–052–C was modified to include the mines covered by these petitions. Granted for the Pegasus Mine, 1–C Mine, White Cabin No. 1 Mine, White Cabin No. 2 Mine, Pilgrim Mine No. 3, and Voyager conditions for the 480-volt, three-phase, 150–KW diesel powered generator set.

Docket No.: M–96–058–C.
FR Notice: 61 FR 38786.
Petitioner: Windsor Coal Company.
Reg Affected: 30 CFR 75.1700.
Summary of Findings: Petitioner's proposal to clean out and plug oil and gas wells using specific techniques and procedures as outlined in the petition and to mine through the plugged oil or gas well considered acceptable alternative method. Granted for the Windsor Mine with conditions for mining through plugged oil or gas wells

penetrating the Pittsburgh No. 8 Coal Seam.

Docket No.: M–96–063–C.
FR Notice: 61 FR 38787.
Petitioner: Enlow Fork Mining Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to increase the maximum length of the loading machine, shuttle car, roof bolter, and section ventilation fan trailing cables to 900 feet while developing four-entry longwall panels; to provide training before alternative method is implemented to all miners designated to examine the integrity of seals and verify the short-circuit settings and proper procedures for examining trailing cables for damage considered acceptable alternative method. Granted for the Enlow Fork Mine with conditions.

Docket No.: M–96–065–C.
FR Notice: 61 FR 38787.
Petitioner: West Cameron Mining.
Reg Affected: 30 CFR 75.1200(d) & (i).
Summary of Findings: Petitioner's proposal to use cross-sections instead of contour connections between veins, and at 1,000-foot intervals of advance from the intake slope and to limit the required mapping of the mine workings above and below to those present within 100 feet of the veins being mined except when veins are interconnected to other veins beyond the 100-foot limit through rock tunnel considered acceptable alternative method. Granted for the Lenig Tunnel Mine with conditions for the use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

Docket No.: M–96–066–C.
FR Notice: 61 FR 38787.
Petitioner: West Cameron Mining.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps on an annual basis instead of the required 6 month interval and to update maps daily by hand notations considered acceptable alternative method. Granted for the Lenig Tunnel Mine with conditions for annual revisions and supplements of the mine map.

Docket No.: M–96–067–C.
FR Notice: 61 FR 38787.
Petitioner: West Cameron Mining.
Reg Affected: 30 CFR 75.1405.
Summary of Findings: Petitioner's proposal to use bar and pin or link and pin couplers on its underground haulage equipment considered acceptable alternative method. Granted for the Lenig Tunnel Mine with conditions.

Docket No.: M–96–069–C.
FR Notice: 61 FR 38788.
Petitioner: Cyprus Emerald Resources Corporation.
Reg Affected: 30 CFR 75.507.
Summary of Findings: Petitioner's proposal to use a non-permissible pump in the longwall bleeder pump located near the No. 3 Bleeder shaft, No. 6 Return shaft, and all future and/or bleeder shafts as they are developed considered acceptable alternative method. Granted for the Emerald No. 1 Mine with conditions for a submersible pump installed in the No. 3 bleeder shaft.

Docket No.: M–96–070–C.
FR Notice: 61 FR 38788.
Petitioner: Consolidation Coal Company.
Reg Affected: 30 CFR 75.804(a).
Summary of Findings: Petitioner's proposal to use high-voltage cable with an internal ground check conductor smaller than No. 10 (A.W.G.) as a part of its longwall mining system considered acceptable alternative method. Granted for the Loveridge No. 22 Mine's longwall system with conditions.

Docket No.: M–96–071–C.
FR Notice: 61 FR 38788.
Petitioner: Genwal Resources, Inc.
Reg Affected: 30 CFR 75.350.
Summary of Findings: Petitioner's proposal to use belt haulage entries as intake air courses to ventilate active working places and to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries used as intake air courses considered acceptable alternative method. Granted for the Crandall Canyon Mine with conditions for use of belt air in two-entry mining systems.

Docket No.: M–96–072–C.
FR Notice: 61 FR 47192.
Petitioner: Old Ben Coal Company.
Reg Affected: 30 CFR 75.382(a).
Summary of Findings: Petitioner's proposal to continue using its existing escape facilities in both the material and belt slopes considered acceptable alternative method. Granted for the Spartan Mine with conditions for the slope conveyor belt, operated as a mechanical escape facility in the mine's return air alternative escapeway.

Docket No.: M–96–073–C.
FR Notice: 61 FR 47192.
Petitioner: Left Fork Mining, Inc.
Reg Affected: 30 CFR 75.1103–4(a).
Summary of Findings: Petitioner's proposal to use one carbon monoxide monitoring device for monitoring a belt head and tailpiece when located adjacent to each other considered acceptable alternative method. Granted for the Straight Creek No. 1 Mine with conditions for the use of a carbon monoxide monitoring system that identifies the location of sensors in lieu of identifying belt flights.

Docket No.: M–96–074–C.
FR Notice: 61 FR 47192.
Petitioner: Boone Resources, Inc.
Reg Affected: 30 CFR 75.1700.
Summary of Findings: Petitioner's proposal to clean out and plug oil and gas wells using specific techniques and procedures as outlined in the petition and to mine through the plugged oil or gas well considered acceptable alternative method. Granted for the Boone No. 1 Mine with conditions for plugging of gas wells and the mining-through of plugged gas wells.

Docket No.: M–96–088–C.
FR Notice: 61 FR 47193.
Petitioner: Stephen Shingara Jr. Coal Company.
Reg Affected: 30 CFR 75.1400.
Summary of Findings: Petitioner's proposal to use a slope conveyance (gunboat) in transporting persons without installing safety catches or other no less effective devices but instead use an increased rope strength/safety factor and secondary safety rope connection in place of such devices considered acceptable alternate method. Granted for the No. 1 Slope Mine with conditions for the use of the gunboat without safety catches.

Docket No.: M–96–089–C.
FR Notice: 61 FR 47194.
Petitioner: Mountain Coal Company.
Reg Affected: 30 CFR 75.1100–2(e)(2).
Summary of Findings: Petitioner's proposal to use two portable fire extinguishers or one portable fire extinguisher with twice the required capacity at each temporary electrical installation instead of using one fire extinguisher and rock dust at temporary electrical installations considered acceptable alternative method. Granted for the West Elk Mine with conditions for the temporary electrical installations, provided the Petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100–1(e) at each of the temporary electrical installations.

Docket No.: M–96–102–C.
FR Notice: 61 FR 57458.
Petitioner: CONSOL of Kentucky, Inc.
Reg Affected: 30 CFR 75.1101–8.
Summary of Findings: Petitioner's proposal to use a single overhead pipe system with 1/2-inch orifice automatic sprinklers located on 10-foot centers, to cover 50 feet of fire-resistant belt or 150 feet of nonfire-resistant belt with

actuation temperatures between 200 degrees and 250 degrees fahrenheit and with water pressure equal to or greater than 10 psi, so that the discharge of water would extend over the belt drive, belt take-up, electrical control, and gear reducing unit considered acceptable alternative method. Granted for the Mill Creek E–3 Mine with conditions for a single overhead pipe sprinkler system.

Docket No.: M–96–106–C.
FR Notice: 61 FR 57459.
Petitioner: S & M Coal Company.
Reg Affected: 30 CFR 75.1002–1(a).
Summary of Findings: Petitioner's proposal to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation anytime methane concentration at the equipment reaches 0.5 percent, either during operation or during a pre-shift examination considered acceptable alternative method. Granted for the Buck Mountain Slope Mine with conditions for the use of non-permissible electric drags and associated non-permissible electric components located within 150 feet from pillar workings.

Docket No.: M–96–108–C.
FR Notice: 61 FR 57459.
Petitioner: Maple Creek Mining, Inc.
Reg Affected: 30 CFR 75.1002.
Summary of Findings: Petitioner's proposal to use longwall panels with a maximum width not to exceed 1,000 feet and a maximum length not to exceed 14,000 feet considered acceptable alternative method. Granted for the Maple Creek Mine with conditions for the high-voltage equipment located in the Maple Creek Mine.

Docket No.: M–96–140–C.
FR Notice: 61 FR 64374.
Petitioner: Drummond Company, Inc.
Reg Affected: 30 CFR 75.1100–2(e).
Summary of Findings: Petitioner's proposal to use two portable fire extinguishers at each temporary electrical installation instead of using one fire extinguisher and 240 pounds of rock dust at each electrical installation considered acceptable alternative method. Granted for the Shoal Creek Mine with conditions for the temporary electrical installations.

Docket No.: M–96–143–C.
FR Notice: 62 FR 421.
Petitioner: Minton Hickory Coal Company.
Reg Affected: 30 CFR 75.380(f)(4)(i).
Summary of Findings: Petitioner's proposal to install two five pound or one ten pound portable fire extinguisher in the operator deck of each Mescher Tractor operated at the mine; to have the fire extinguisher readily accessible to the operator; and to have the equipment operator inspect each fire extinguisher daily prior to entering the escapeway considered acceptable alternative method. Granted for the Mine No. 9 with conditions for Mescher three wheel tractors to be operated in the primary intake escapeway.

Docket No.: M–96–144–C.
FR Notice: 62 FR 421.
Petitioner: Minton Hickory Coal Company.
Reg Affected: 30 CFR 75.342.
Summary of Findings: Petitioner's proposal to use hand-held continuous-duty methane and oxygen detectors instead of machine mounted methane monitoring systems on permissible three-wheel tractors with drag bottom buckets considered acceptable alternative method. Granted for Mine No. 9 with conditions for the Mescher permissible three-wheel battery-powered tractors used to load coal.

Docket No.: M–96–145–C.
FR Notice: 62 FR 421.
Petitioner: F–M Coal Company.
Reg Affected: 30 CFR 75.342.
Summary of Findings: Petitioner's proposal to use hand-held continuous-duty methane and oxygen detectors instead of machine mounted methane monitoring systems on permissible three-wheel tractors with drag bottom buckets considered acceptable alternative method. Granted for Mine No. 2 with conditions for the Mescher permissible three-wheel battery-powered tractors used to load coal.

Docket No.: M–96–147–C.
FR Notice: 62 FR 421.
Petitioner: Old Ben Coal Company.
Reg Affected: 30 CFR 75.900.
Summary of Findings: Petitioner's proposal to use contractors capable of dropping out at 40–60 percent the voltage loss on belt starting equipment in the Mine's New Main East and New Main South Development areas instead of using undervoltage release breakers for undervoltage protection considered acceptable alternative method. Granted for the Ziegler No. 11 Mine with conditions.

Docket No.: M–96–148–C.
FR Notice: 62 FR 421.
Petitioner: Jim Walter Resources, Inc.
Reg Affected: 30 CFR 75.1002.
Summary of Findings: Petitioner's proposal to provide the high-voltage circuit from the longwall power center to the longwall controller with short circuit protection set at not more than 2,500 amperes or the value of current indicated in the Longwall Approval Plan and to permit a time delay of not more than 0.25 second for coordination with downstream short-circuit protection devices or the time delay specified in the Longwall Approval Plan considered acceptable alternative method. Granted for the No. 7 Mine with conditions.

Docket No.: M–96–149–C.
FR Notice: 62 FR 421.
Petitioner: Eighty-Four Mining Company.
Reg Affected: 30 CFR 75.507.
Summary of Findings: Petitioner's proposal to use non-permissible submersible pumps to dewater a pump in which it is installed; to operate the pumps on a 480-volt three-phase alternating-current electrical power circuit with power supplied from a resistor grounded wye transformer; and to protect the pumps with a line power ground fault, pilot combination unit considered acceptable alternative method. Granted for the Mine No. 84 with conditions for a submersible pump installed in return shafts or boreholes in Mine 84.

Docket No.: M–96–152–C.
FR Notice: 62 FR 422.
Petitioner: Road Fork Development Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking device to secure battery plugs on mobile equipment to prevent unintentional loosening of the battery plugs from battery receptacles and to eliminate the hazards associated with difficult removal of padlocks during emergency situations considered acceptable alternative method. Granted for the Extra Energy Company Mine, the Burnwell Energy Mine, the Pegs Branch Mine, and the Calloway Mine with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–165–C.
FR Notice: 62 FR 423.
Petitioner: Bar-K, Inc.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use a threaded ring and a spring loaded device on battery plug connectors on mobile battery-powered machines used inby the last open cross-cut to prevent the plug connector from accidently disengaging while under load instead of using a padlock considered acceptable alternative method. Granted for the Camp Creek No. 1 Mine and the Sugar Tree No. 1 Mine with conditions for the use of permanently installed spring-locked locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–196–C.
FR Notice: 62 FR 4334.
Petitioner: Freedom Energy Mining Company.

Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking device to secure battery plugs on mobile equipment to prevent unintentional loosening of the battery plugs from battery receptacles and to eliminate the hazards associated with difficult removal of padlocks during emergency situations considered acceptable alternative method. Granted for the No. 1 Mine with conditions for the use of permanently installed spring-locked locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–197–C.
FR Notice: 62 FR 4335.
Petitioner: Rockhouse Energy Mining Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking device to secure battery plugs on mobile equipment to prevent unintentional loosening of the battery plugs from battery receptacles and to eliminate the hazards associated with difficult removal of padlocks during emergency situations considered acceptable alternative method. Granted for the Rockhouse Mine No. 1 with conditions for the use of permanently installed spring-locked locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–198–C.
FR Notice: 62 FR 4335.
Petitioner: Solid Energy Mining Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking device to secure battery plugs on mobile equipment to prevent unintentional loosening of the battery plugs from battery receptacles and to eliminate the hazards associated with difficult removal of padlocks during emergency situations considered acceptable alternative method. Granted for Mine No. 1 with conditions for the use of permanently installed spring-locked locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–199–C.
FR Notice: 62 FR 4335.
Petitioner: Clean Energy Mining Company.
Reg Affected: 30 CFR 75.503.
Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking device to secure battery plugs on mobile equipment to prevent unintentional loosening of the battery plugs from battery receptacles and to eliminate the hazards associated with difficult removal of padlocks during emergency situations considered acceptable alternative method. Granted for Mine No. 1 with conditions for the use of permanently installed spring-locked locking devices in lieu of padlocks on battery plugs.

Docket No.: M–96–202–C.
FR Notice: 62 FR 4335.
Petitioner: Blue Mountain Energy, Inc.
Reg Affected: 30 CFR 75.1002.
Summary of Findings: Petitioner's proposal to use high-voltage 2,400-volt cables to power longwall mining equipment in the active pillar workings, to implement additional safety features, and to train all electrical personnel before the alternative method is implemented considered acceptable alternative method. Granted for Deserado Mine with conditions.

Docket No.: M–96–208–C.
FR Notice: 62 FR 11925.
Petitioner: Brookside Coal Company.
Reg Affected: 30 CFR 75.1002–1(a).
Summary of Findings: Petitioner's proposal to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation anytime methane concentration at the equipment reaches 0.5 percent, either during operation or during a pre-shift examination considered acceptable alternative method. Granted for the Diamond Vein Slope Mine with conditions for the use of nonpermissible battery-powered locomotives located within 150 feet from pillar workings.

Docket No.: M–95–008–C.
FR Notice: 60 FR 11680.
Petitioner: Rothermel Coal Company.
Reg Affected: 30 CFR 75.360(b)(5).
Summary of Findings: Petitioner's proposal to examine each seal for physical damage from the slope gunboat during the preshift examination after an air quantity reading is taken in by the intake portal; to test for the quantity and quality of air at the intake air split locations off the slope in the gangway portion of the working section; and to physically examine the entire length of the slope once a month considered acceptable alternative method. Granted for the No. 11 Vein Slope Mine with conditions for examinations of seals in the intake air haulage slope of this mine.

Docket No.: M–95–009–C.
FR Notice: 60 FR 11680.
Petitioner: Rothermel Coal Company.
Reg Affected: 30 CFR 75.1100–2(a)(2).
Summary of Findings: Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the No. 11 Vein Slope Mine with conditions for firefighting equipment in the working section.

Docket No.: M–95–010–C.
FR Notice: 60 FR 11680.
Petitioner: Rothermel Coal Company.
Reg Affected: 30 CFR 75.1200(d) & (i).
Summary of Findings: Petitioner's proposal to use cross-sections instead of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000-foot intervals of advance from the intake slope and to limit the required mapping of the mine workings above and below to those present within 100 feet of the veins being mined except when veins are interconnected to other veins beyond the 100-foot limit through rock tunnels considered acceptable alternative method. Granted for the No. 11 Vein Slope Mine with conditions for use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

Docket No.: M–95–011–C.
FR Notice: 60 FR 11680.
Petitioner: Rothermel Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps on an annual basis instead of the required 6 month interval and to update maps daily by hand notations considered acceptable alternative method. Granted for the No. 11 Vein Slope Mine with conditions for annual revisions and supplements of the mine map.

Docket No.: M–95–116–C.
FR Notice: 60 FR 52217.
Petitioner: Amax Coal Company.
Reg Affected: 30 CFR 75.364(b)(2).
Summary of Findings: Petitioner's proposal to establish evaluation points at crosscut #76 at the 3 South/4 East connection to monitor the air entering the Old 3 South/4 East and 5 East from the 3 South /4 East connection point and the Main South, and at crosscut #186 and #196 in the Main South to monitor the air exiting the area; to have a certified person test for methane and the quantity of air at each station on a weekly basis and to record their initials, date, time, and results of the examinations in a book kept on the surface and available to inspection by interested persons considered acceptable alternative method. Granted for the Wabash Mine with conditions for continuous monitoring using intrinsically safe sensors installed through appropriate electrical barriers of an Atmospheric Monitoring System (AMS) and weekly evaluation of portions of the air entering and leaving the dual sets of return entries of 5 East and 3 South/4 East return aircourse.

Docket No.: M–95–156–C.

FR Notice: 60 FR 57025 and 60 FR 64079.

Petitioner: Amax Coal Company and Clipmate Corporation.

Reg Affected: 30 CFR 77.1303(y)(1).

Summary of Findings: Petitioner's proposal to use a protected Rozdet open circuit detonator system at its Chinook Mine instead of shunted electrical detonators; to package and store the detonator at the mine in accordance with the U.S. Department of Transportation Report, Reference Number EX–9309092; and to provide instructions in each Rozdet package on the proper use of the Rozdet considered acceptable alternative method. Granted for the Chinook Mine with conditions for the use of protected open circuit detonators.

Docket No.: M–95–166–C.

FR Notice: 60 FR 64080.

Petitioner: Cyprus Plateau Mining Corporation.

Reg Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to use belt entry in its longwall development entries as a return entry during longwall development and to use the belt entry as an intake entry during longwall retreat mining and in some mains during and after development; and to install carbon monoxide detectors as an early warning fire detection system in the longwall panel intake escapeway entry and the panel belt entry used as a return air course considered acceptable alternative method. Granted for the Willow Creek Mine with conditions for use of belt air in two-entry mining systems.

Docket No.: M–95–168–C.

FR Notice: 60 FR 64081.

Petitioner: Cyprus Plateau Mining Corporation.

Reg Affected: 30 CFR 75.352.

Summary of Findings: Petitioner's proposal to use the belt entry in its longwall development entries as a return entry during longwall development; and to install carbon monoxide detectors as an early warning fire detection system in the longwall panel intake escapeway entry and the panel belt entry used as a return air course considered acceptable alternative method. Granted for the Willow Creek Mine with conditions for use of a conveyor belt in a return air course during development of a two-entry mining system.

Docket No.: M–95–169–C.

FR Notice: 61 FR 8304.

Petitioner: Mackie J. Coal Company, Inc.

Reg Affected: 30 CFR 75.1710–1.

Summary of Findings: Petitioner's proposal to use self-propelled electric face equipment without cabs or canopies in mining heights of 48 inches or less considered acceptable alternative method. Granted for the Mine No. 4 with conditions for the two Fletcher and Lee Norse roof bolting machines, three Joy center drive shuttle cars, one Joy continuous mining machine, and two S & S scoops, in mining heights less than 48 inches.

Docket No.: M–95–173–C.

FR Notice: 61 FR 8305.

Petitioner: Genwal Resources, Inc.

Reg Affected: 30 CFR 75.352.

Summary of Findings: Petitioner's proposal to use belt air in a two-entry mining system and to install a low-level carbon monoxide detection system as an early warning fire detection system in the intake escapeway entry and the belt entry considered acceptable alternative method. Granted for the Crandall Canyon Mine with conditions for use of the conveyor belt in a return aircourse during development of a two-entry mining system.

Docket No.: M–95–175–C.

FR Notice: 61 FR 8305.

Petitioner: Philippi Development, Inc.

Reg Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal to increase the maximum length of its trailing cables to 900 feet for supplying power to shuttle cars, roof bolters and mobile roof supports considered acceptable alternative method. Granted for the Sentinel Mine with conditions for shuttle cars, roof bolters and mobile roof supports used in the Sentinel mine.

Docket No.: M–95–177–C.

FR Notice: 61 FR 8305.

Petitioner: McElroy Coal Company.

Reg Affected: 30 CFR 75.804(a).

Summary of Findings: Petitioner's proposal to use a high-voltage cable with an internal ground check conductor smaller than No. 10 (A.W.G.) as part of its 4,160-volt longwall mining system considered acceptable alternative method. Granted for the McElroy Mine with conditions for McElroy Coal Company's, McElroy Mine's longwall system.

Docket No.: M–95–181–C.

FR Notice: 61 FR 8306.

Petitioner: Philippi Development, Inc.

Reg Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to install carbon monoxide detectors as an early warning fire detection system in all belt entries used as intake air courses considered acceptable alternative method. Granted for the Sentinel Mine with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

Docket No.: M–94–043–C.

FR Notice: 59 FR 24728.

Petitioner: Little Rock Coal Company.

Reg Affected: 30 CFR 75.364(b)(1), (4), and (5).

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions less frequently considered acceptable alternative method. Granted for the Lykens Valley #1 Vein Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M–94–048–C.

FR Notice: 59 FR 24728.

Petitioner: K & L Coal Company.

Reg Affected: 30 CFR 75.364(b)(1), (4), and (5).

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions less frequently considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M–94–074–C.

FR Notice: 59 FR 35147.

Petitioner: Chestnut Coal Company.

Reg Affected: 30 CFR 75.364(b)(1), (4), and (5).

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions less frequently considered acceptable alternative method. Granted for the No. 10 Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M–94–091–C.

FR Notice: 59 FR 35149.

Petitioner: Shadle Coal Company.

Reg Affected: 30 CFR 75.364(b)(1), (4), and (5).

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions less frequently considered acceptable alternative method. Granted for the Shadle Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M–94–103–C.
FR Notice: 59 FR 40924.
Petitioner: H.L. & W. Coal Company.
Reg Affected: 75.364(b)(1), (4), and (5).

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions less frequently considered acceptable alternative method. Granted for the No. 2 Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M–93–060–C.
FR Notice: 58 FR 29640.
Petitioner: Quarto Mining Company.
Reg Affected: 30 CFR 75.380(d)(4).
Summary of Findings: Petitioner's proposal to reroute portions of the alternative and primary escapeways; to use the primary escapeway in case of an emergency; and if the escapeway is impassible to deenergize the longwall machinery and belt haulage while transporting injured persons considered acceptable alternative method. Granted for the Powhatan No. 4 Mine with conditions for the conveyor belt entry of each retreating longwall section.

Docket No.: M–93–110–C.
FR Notice: 58 FR 39238.
Petitioner: Wenrich Coal Company.
Reg Affected: 30 CFR 75.364(b)(1), (4), and (5).

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions less frequently considered acceptable alternative method. Granted for the Buck Mountain Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M–93–130–C.
FR Notice: 58 FR 39240.
Petitioner: M & S Coal Company.
Reg Affected: 30 CFR 75.332(b)(1) and (b)(2).

Summary of Findings: Petitioner's proposal to use air passing through inaccessible abandoned workings and additional areas by mixing with the air in the intake haulage slope to ventilate the only active working section, to ensure air quality by sampling intake air during pre-shift and on-shift examinations, and to suspend mine production when air quality fails to meet specified criteria considered acceptable alternative method. Granted for the Buck Mountain Slope Mine with conditions for the quality of air used to ventilate the Buck Mountain Slope Mine.

[FR Doc. 97–31154 Filed 11–26–97; 8:45 am]
BILLING CODE 4510–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that propose the destruction of records not previously authorized for disposal, or reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before January 12, 1998. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Civilian Appraisal Staff (NWRC), National Archives and Records Administration, 8601 Adelphi Road College Park, MD 20740–6001. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

FOR FURTHER INFORMATION CONTACT: Michael L. Miller, Director, Records Management Programs, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, telephone (301) 713–7110.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Army (N1–AU–97–11). Aircraft maintenance records.

2. Department of the Army (N1–AU–97–16). Routine opinions or comments issued by the Judge Advocate General pertaining to minor claims, investigations, or cases.

3. Department of the Army (N1-AU–97–17). Civilian misconduct files.

4. Department of the Army (N1-AU–97–20). Temporary Duty Travel records.

5. Department of the Army (N1-AU–97–28). Personal property shipping and storage records.

6. Department of the Army (N1-AU–97–29). Combined Federal Campaign records.

7. Department of the Army (N1-AU–97–31). Deoxyribonucleic Acid (DNA) registry records.

8. Department of the Army (N1-AU–98–2). Microfilm quality test reports.

9. Department of the Army (N1-AU–98–4). Routine Congressional correspondence.

10. Department of Commerce (N1–40–97–2). Budget preparation files, administrative management files, and other general administrative records.

11. Department of Commerce, National Institute of Standards and Technology (N1–167–97–1). Manufacturing Extension Partnership (MEP) program competition proposals.

12. Department of the Interior, Bureau of Land Management (N1–49–96–6). Routine administrative electronic records dealing with data verification, system documentation, tracking systems and data reported to higher levels.

13. Department of the Treasury, Internal Revenue Service (N1–058–97–4). Records maintained by the Information Systems organization Servicewide, including the Chief Information Officer.

14. Department of the Treasury (N1–58–97–13). Electronic systems used in tax administration activities (RCS 211).

15. The Corporation for National and Community Service (N1-362–97–1). Records maintained by the Office of General Counsel.

16. Defense Logistics Agency (N1–361–98–2). Automated document management records to be included with other Defense Automated Printing Service Records already approved for destruction.

17. National Bankruptcy Review Commission (N1–220–98–2). Audio and video tapes of media interviews with Commission members, staff, and outside observers.

18. Nuclear Regulatory Commission (N1–431–96–1). NUDOCS interim automated test/document search system.

19. Office of Personnel Management (N1–478–97–1). Office of General Counsel's chronological files.

20. Tennessee Valley Authority (N1–142–96–8). Health Services correspondence files relating to administrative and facilitative matters.

21. Tennessee Valley Authority (N1–142–98–1). Board Minutes (security copy will be preserved).

22. Tennessee Valley Authority (N1–142–98–3). Engineering and construction project maintenance records for generating plants.

23. Tennessee Valley Authority (N1–142–98–5). Employment applications for apprentice and secretarial non-hires.

Dated: November 19, 1997

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 97–31162 Filed 11–26–97; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Quarterly Meeting

AGENCY: National Council on Disability.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability. Notice of this meeting is required under Section 522b (e)(1) of the Government in the Sunshine Act, (P.L. 94–409).

DATES: January 26–28, 1997, 8:30 a.m. to 5:00 p.m.

Location: New Orleans Hilton Riverside, Poydras at the Mississippi River, New Orleans, Louisiana 70140; 504–561–0500.

FOR INFORMATION CONTACT: Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1331 F Street NW, Suite 1050, Washington, D.C. 20004–1107; 202–272–2004 (Voice), 202–272–2074 (TTY), 202–272–2022 (Fax).

Agency Mission: The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficient, independent living, and inclusion and integration into all aspects of society.

Accomodations: Those needing interpreters or other accommodations should notify the National Council on Disability prior to this meeting.

Environmental illness: People with environmental illness must reduce their exposure to volatile chemical substances in order to attend this meeting. In order to reduce such exposure, we ask that you not wear perfumes or scents at the meeting. We also ask that you smoke only in designated areas and the privacy of your room. Smoking is prohibited in the meeting room and surrounding area.

Open Meeting: This quarterly meeting of the National Council on Disability will be open to the public.

Agenda: The proposed agenda includes:

Reports from the Chairperson and the Executive Director
Committee Meetings and Committee Reports
Executive Session
Return-to-work Initiative
Disability Data Collection
Youth Leadership Development Conference
Unfinished Business
New Business
Announcements
Adjournment
Hearing on Meeting the Unique Needs of Minority and Rural Children with Disabilities and their Families

Records will be kept of all National Council on Disability proceedings and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on November 25, 1997.

Ethel D. Briggs,

Executive Director.

[FR Doc. 97–31479 Filed 11–25–97; 3:43 pm]

BILLING CODE 6820–MA–M

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 11:00 a.m. Friday, November 21, 1997.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices); and (9 (B) (disclosure would significantly frustrate implementation of a proposed Agency action * * *).

MATTERS TO BE CONSIDERED: Budget.

CONTACT PERSON FOR MORE INFORMATION: John J. Toner, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 273–1940.

Dated: Washington, DC November 20, 1997.

By direction of the Board:

John J. Toner,

Executive Secretary, National Labor Relations Board.

[FR Doc. 97–31397 Filed 11-25-97; 12:27 pm]

BILLING CODE 7545–01–M

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised and Expiring Information Collection; Forms RI 38–117, 38–118, and 37–22

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a request for review of a revised & expiring information collection. RI 38–117, Rollover Election, is used to collect information from each payee affected by a change in the tax code (Pub. L. 102–318) so that OPM can make payment in accordance with the wishes of the payee. RI 38–118, Rollover Information, explains the election. RI 37–22, Special Tax Notice Regarding Rollovers, provides more detailed information.

Approximately 6,000 RI 38–117 forms will be completed annually. We estimate it takes approximately 30 minutes to complete the form. The annual burden is 3,000 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@opm.gov.

DATES: Comments on this proposal should be received within on or before December 29, 1997.

ADDRESSES: Send or deliver comments to:

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415, and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Budget & Administrative Services Division, (202) 606–0623.

Janice R. Lachance,

Acting Director.

[FR Doc. 97–31167 Filed 11–26–97; 8:45 am]

BILLING CODE 6325–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Application to Act as Representative Payee.

(2) *Form(s) submitted:* AA–5, G–478.

(3) *OMB Number:* 3220–0052.

(4) *Expiration date of current OMB clearance:* 2/28/1998.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 20,300.

(8) *Total annual responses:* 20,300.

(9) *Total annual reporting hours:* 16,350.

(10) *Collection description:* Section 12 of the Railroad Retirement Act provides for the payment of benefits to a representative payee when an employee, spouse or survivor annuitant is incompetent or a minor. The collection obtains information used by the Railroad Retirement Board for selection of a representative payee and verification of an annuitant's ability to manage payments.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 97–31168 Filed 11–26–97; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel No. IC–22899; 812–10568]

Bank Austria AG and Bank Austria Mortgage Corp.; Notice of Application

November 20, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') granting relief from all provisions of the Act.

SUMMARY OF APPLICATION: Bank Austria AG, acting through its New York Branch (''Bank Austria''), and Bank Austria Mortgage Corp. (''Mortgage Corp.'') request an order exempting Mortgage Corp., a real estate investment trust, from all provisions of the Act to permit Mortgage Corp. to hold certain real estate related assets of Bank Austria in order to obtain a more favorable tax treatment on the earnings from these assets.

FILING DATES: The application was filed on March 12, 1997. Applicants have agreed to file an amendment during the notice period, the substance of which is incorporated in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m., on December 16, 1997, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 565 Fifth Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Brian T. Hourihan, Senior Counsel, at (202) 942–0526, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth

Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Bank Austria is the largest bank in Austria, where its shares are publicly traded. Among its largest shareholders are Anteilsverwaltung-Zentralsparkasse, a mutual savings bank holding company affiliated with the municipal government of the City of Vienna, Austria, which holds 45% of the voting shares and the Republic of Austria, which holds 18.9% of the voting shares indirectly through a subsidiary. Bank Austria is exempt from the provisions of the Act under rule 3a–6.

2. Mortgage Corp. is a Delaware corporation that has not begun business activities and has not yet issued any stock. When stock is issued, Bank Austria will be the sole holder of Mortgage Corp.'s common stock and Mortgage Corp. will be a wholly-owned subsidiary of Bank Austria.

3. Currently, Bank Austria's New York and Grand Cayman Branches (together, the ''New York Branch'') [1] own a substantial amount of real estate related assets, the earnings from which are subject to United States federal, New York state, and New York City income taxation. In order to obtain more favorable tax treatment for the earnings from the real estate related assets, Bank Austria would operate Mortgage Corp. as a real estate investment trust (''REIT'') for purposes of the Internal Revenue Code of 1986, as amended (''IRC''). To organize and capitalize Mortgage Corp., Bank Austria will acquire 100 shares of common stock and 109 shares of non-voting preferred stock (with a liquidation preference of $1,000 per share and a right to receive a cumulative dividend of 9 percent per year) (''Preferred Shares'') from Mortgage Corp., with an aggregate value of $50 million. Thereafter, Mortgage Corp. will issue commercial paper, which will be fully guaranteed by Bank Austria, and use the proceeds to acquire approximately $1 billion of real estate related assets from the New York Branch.[2] The liquidation preference of the Preferred Shares will be de minimis compared to the net capital of Mortgage Corp. The New York Branch will continue to administer the transferred assets pursuant to a service contract. Bank Austria may, from time to time, make loans with a maximum aggregate outstanding principal amount of approximately $50 million in order to assist Mortgage Corp. in the management of its cash flow.

4. In order for Mortgage Corp. to qualify as a REIT under Section 856 of the IRC, its shares must be beneficially held by 100 or more persons.[3] Bank Austria therefore will transfer the Preferred Shares to no more than 109 employees of the New York Branch and the head office in Vienna, Austria, as a bonus. Mortgage Corp. will have 110 shareholders: 109 employees of Bank Austria will each hold one Preferred Share and Bank Austria will hold all the shares of common stock. No employee of Bank Austria will (i) receive more than one Preferred Share; (ii) deliver money or other property in return for his or her Preferred Share; or (iii) suffer a reduction of his or her other compensation or benefits as a result of the receipt of a Preferred Share. Because under the IRC, the preferred stock of a REIT must be freely transferable, the holders of Preferred Shares generally cannot be prevented from selling their Shares. Bank Austria will offer to buy from each holder his or her Preferred Share when his or her employment with Bank Austria terminates. A similar offer to buy also will be made when a shareholder receives a bona fide offer from someone who is not an employee of Bank Austria. In each case, if the offer to purchase is accepted, Bank Austria will purchase the Preferred Share at its appraised value. To the extent advisable in connection with the 100-shareholder requirement for REITs under the IRC, any Preferred Shares acquired in this manner by Bank Austria will, from time to time, be transferred as a bonus on the same terms described above to employees who do not then hold any Preferred Shares. Mortgage Corp. will maintain its own stock ledger and will not (i) register any purported transfer of a share of preferred stock to any person (other than Bank Austria) who already is a registered owner of a share or (ii) register a share of preferred stock in more than one name.

Applicants' Legal Analysis

1. Section 3(a)(1)(C) of the Act defines an ''investment company'' to include any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Under section 3(a)(2) of the Act, ''investment securities'' include all securities except Government securities and those issued by majority-owned subsidiaries or employees' securities companies. Applicants state that, upon commencing operations, approximately 100% of Mortgage Corp.'s future assets (approximately $275 million), exclusive of Government securities and cash items, will consist of investment securities. Therefore, Mortgage Corp. may be deemed to be an investment company under section 3(a)(1)(C) of the Act.

2. Section 3(c)(5)(C) of the Act excepts from the definition of investment company any person who is not engaged in the business of issuing redeemable securities and who is primarily engaged in purchasing or otherwise acquiring mortgages and other liens on and interests in real estate. Applicants state that this exception is unavailable to them because all or almost all of the assets to be held by Mortgagee Corp. would constitute partial-pool certificates which do not qualify as ''interests in real estate'' under section 3(c)(5)(C) of the Act.

3. Applicants state that Mortgage Corp. will be a wholly-owned subsidiary of Bank Austria, which is a foreign bank that is exempt from the provisions of the Act under rule 3a–6. Applicants also state that Mortgage Corp. will be organized for the purpose of holding certain real estate related assets of the New York Branch of Bank Austria. Moreover, applicants state that Preferred Shares of Mortgage Corp. will be given to a limited number of Bank Austria's employees as a bonus, at no cost, solely for the purpose of enabling Mortgage Corp. to rely on the REIT provisions under the IRC.

4. Section 6(c) of the Act provides that the SEC may exempt any person, security, or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

5. Applicants request an exemption under section 6(c) from all provisions of the Act. Applicants assert that exempting Mortgage Corp. from the Act

[1] Bank Austria's Grand Cayman Branch is managed from New York.

[2] Approximately 90% of the real estate related assets currently have an AAA rating or are securities issued by the United States government. The assets will consist of approximately $800 million (or 80%) of Government securities (largely U.S. Treasury Notes and securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corp., the Government National Mortgage Association, and a small number of securities issued by the Student Loan Marketing Association). The remainder of the assets will consist mostly of collateralized mortgage obligations issued by privately-sponsored securitization vehicles. Bank Austria expects that in the future 80% or more of Mortgage Corp.'s assets will be of comparable quality.

[3] See 26 U.S.C. 856(a)(5) 1996.

is appropriate in the public interest because allowing Bank Austria to utilize a REIT to hold its real estate related assets in the United States will, under the IRC, allow the head office of Bank Austria to treat the earnings on those assets as not being effectively connected with a United States trade or business and to be taxed on those earnings on a pass-through basis, which will render Bank Austria's United States operations more efficient and less costly. In addition, applicants note that specific provisions of New York state tax law also provide more beneficial tax treatment to REITs than to certain other kinds of entities, including banks. Applicants believe that the combined effect of the treatment of REITs under the IRC and New York state tax law will lower their cost of doing business in the United States and encourage Bank Austria to continue investing in the United States, and perhaps expand its investment activities. Applicants state that the tax-treatment which Bank Austria seeks for its investments in the United States is generally available to REITs and no public interest is served by requiring Bank Austria to hold certain of its assets in its New York Branch rather than in a separate subsidiary.

6. Applicants submit that exempting Mortgage Corp. from the Act is consistent with the protection of investors. Applicants claim that the proposed use of Mortgage Corp. to restructure the manner in which Bank Austria holds its United States real estate related assets will not subject investors to any of the abuses addressed by the Act. Applicants state that all of Mortgage Corp.'s common stock will be owned by Bank Austria and that Preferred Shares will be given to a limited number of employees as a bonus in order to enable Mortgage Corp. to rely on the REIT provisions of the IRC. It is anticipated that there will be fewer than 100 holders of Preferred Shares who are residents of the United States.

7. Applicants submit that granting Mortgage Corp. the requested exemption is consistent with the policies and provisions of the Act. Applicants note that although the Act deals with companies which invest and reinvest in securities, it contains exemptions for some entities which would otherwise come within its purview, in particular entities that are wholly-owned subsidiaries of companies that are themselves exempt from the Act and through which exempt companies conduct their activities and entities that invest in real estate.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. Mortgage Corp. will operate as a REIT and its investments will be limited to those permitted for a REIT under the IRC.

2. Mortgage Corp. will issue no securities other than shares of common stock to be held by Bank Austria, Preferred Shares to be given at no cost from time to time to employees of Bank Austria solely when necessary or advisable for maintaining a number of shareholders sufficient to rely on the REIT provisions of the IRC, commercial paper to finance or refinance any of its investments, and a credit agreement with Bank Austria in the approximate amount of $50,000,000. No participants in or syndication of the credit agreement will be made.

3. No employee will own more than one Preferred Share. Bank Austria will offer to buy at their appraised value Preferred Shares from its employees under the circumstances described in the application. Mortgage Corp. also will not permit there to be more than 109 holders of Preferred Shares at any time.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 97–31152 Filed 11–26–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39341; File No. SR–CHX–97–28]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Amending the Exchange's Clearing the Post Policy for Cabinet Securities

November 21, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 23, 1997, the Chicago Stock Exchange, Incorporated (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes, for a six-month pilot period, to amend interpretation and policy .02 of Rule 10 of Article XX and amend Rule 11 of Article XX relating to clearing the post for cabinet securities. The text of the proposed rule change is available at the Office of the Secretary, the CHX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the period rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's existing clearing the post policy for cabinet securities for a six-month pilot period. The clearing the post policy is contained in interpretation and policy .02 of CHX Article XX, Rule 10.[2] The Exchange's clearing the post policies were previously contained in several Notices to Members which had been approved by the Commission.[3] These Notices to Members, and their corresponding Approval Orders, explain the Exchange's clearing the post requirements.

In general, the clearing the post policy requires a floor broker or market maker to clear the post by his or her physical presence at the post. The purpose of this

[1] 15 U.S.C. 78s(b)(1).

[2] *See* Securities Exchange Act Release No. 39337 (November 19, 1997) granting immediate effectiveness to SR–CHX–97–30.

[3] Securities Exchange Act Release No. 33806 (March 23, 1994) 59 FR 15248 (Notice of Filing and Immediate Effectiveness of File No. SR–CHX–94–03); Securities Exchange Act Release No. 17766 (May 8, 1981) 46 FR 25745 (Order approving SR–MSE–81–3 and SR–MSE–81–5); and Securities Exchange Act Release No. 28638 (November 30, 1990) 55 FR 49731 (Order approving SR–MSE–90–7).

proposed rule change is to permit a floor broker or market maker to clear the post in cabinet securities by phone. The bids and offers made to clear the post by phone will be audibly announced at the cabinet post through a speaker system maintained by the Exchange. This new policy will be effective for a six-month pilot period to permit the Exchange to determine the effectiveness of the new policy before implementing it on a permanent basis.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5)[4] of the Act in that it is designed to prevent fraudulent and manipulative acts and practices and to perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–97–28 and should be submitted by December 19, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–31240 Filed 11–26–97; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b)(5).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39340; File No. SR–GSCC–97–05]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving a Proposed Rule Change to Modify the Loss Allocation Process

November 21, 1997.

On July 8, 1997, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–GSCC–97–05) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On July 23, 1997, GSCC filed with the Commission an amendment to the proposed rule change. Notice of the proposal was published in the **Federal Register** on September 19, 1997.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Generally, if a GSCC member were to default, after liquidating the defaulting member's positions and applying its collateral deposited with GSCC, GSCC would allocate any loss that it did not absorb from its own capital among members pro rata based on the extent of their recent activity with the defaulting member. In order to determine which members will be subject to loss allocation, GSCC would look at trading authority that was entered into GSCC's netting system during as many days as is necessary to reach a level of activity that is equal to or greater than five times the dollar value of the liquidated positions.

Pursuant to this proposed rule change, GSCC is limiting the amount to which any netting member that is not an interdealer broker is liable for loss allocation arising from blind brokered activity.[3] The new cap per loss event is equal to the lesser of $5 million or five percent of the total loss amount arising from blind brokered activity that is allocated to members that are not interdealer brokers as a group. To the extent that this cap is applicable, any amounts not collected from individual netting members will be reallocated to the entire netting membership pro rata based on each member's average daily clearing fund deposit requirement over the twelve month period prior to the insolvency.

GSCC states that the $5 million cap is intended to provide to all members the same level of protection that interdealer broker members currently have for blind brokered activity. The 5% limit is intended to ensure that no single member will be liable for an amount of loss for blind brokered activity that is significantly greater than the amount of loss allocated to other dealer members.

II. Discussion

Section 17A(b)(3)(F)[4] of the Act provides that the rules of a clearing agency must be designed to assure the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and Section 17A(b)(3)(D)[5] of the Act provides that the rules of a clearing agency must provide for equitable allocation of charges among its participants. Prior to the rule change, nonbroker members could be assessed for the entire loss resulting from blind brokered transactions even though they did not have any control or knowledge of their counterparty. Because in brokered transactions, dealers cannot select their counterparty, these members may not be able to limit their losses resulting from the counterparty's default. The rule change limits the member's liability but still provides the member with an incentive to minimize the risk of loss. Therefore, the Commission believes that the rule

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 39066 (September 12, 1997), 62 FR 49280.

[3] Interdealer broker netting members already have a $5 million cap per loss event on their liability for loss allocation.

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 15 U.S.C. 78q–1(b)(3)(D).

change is consistent with a clearing agency's obligation to provide for equitable allocation of charges among its participants.

In addition, by spreading any losses resulting from a member default among a wider segment of GSCC's members, the rule change should decrease the likelihood that any one member will be disproportionately affected. Thus, the proposal may make it easier for GSCC to collect such funds should the need ever arise. Therefore, the Commission believes that this rule will enhance GSCC's ability to safeguard securities and funds.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of Sections 17A(b)(3)(F) and 17A(b)(3)(D) of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–GSCC–97–05) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–31153 Filed 11–26–97; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 8, 1997 [62 FR 47235].

DATES: Comments must be submitted on or before December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Crawford Ellerbe, 202/366–2643, Office of Maritime Labor, Training and Safety, Maritime Administration, MAR–250, Room 7302, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Maritime Administration

Title: U.S. Merchant Marine Academy Application for Admission and Pre-Candidate Application.

OMB Number: 2133–0010.

Type of Request: Extension of a currently approved collection.

Affected Public: Individuals desiring to become students at the U.S. Merchant Marine Academy.

Abstract: This collection consists of form KP–3–4 (Pre-Candidate Application), and KP–2–65 (U.S. Merchant Marine Academy Application for Admission). These forms are completed by individuals wishing to be admitted as students to the U.S. Merchant Marine Academy and are reviewed by staff members of the Academy.

Estimated Annual Burden Hours: 12,500.

Number of Respondents: 2,500.

Needs and Users: The collected information is necessary to perform the reviews required in order to permit payment of Maintenance and Repair subsidy.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on November 20, 1997.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 97–31302 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity: Proposed Collection Comment Request

AGENCY: Department of Transportation, Federal Aviation Administration (DOT/FAA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) this notice announces that the information collection request described below will be forwarded to the Office of Management and Budget (OMB) for review and comment. This notice describes the paperwork burden associated with this rule and allows for a 60-day comment period. The following information describes the nature of the information collection and its expected burden.

Although the May 17, 1988, proposed rule provided a 150-day comment period and the final rule is based on the comments received, paperwork reduction and recordkeeping were not addressed in that document. Therefore, as required by section 3507(d) of the Paperwork Reduction Act of 1995, the FAA has submitted a copy of the final rule to OMB for its review of these information collection requirements.

DATES: Submit any comments to OMB and FAA by January 27, 1998.

SUPPLEMENTARY INFORMATION:

Title: Retrofit of Improved Seats in Air Carrier Transport Category Airplanes.

Collection of Information: Only air carrier operators that wish to continue to operate aircraft equipped with older, approved seats that are in partial compliance with newer dynamic seat requirements must submit an application and supporting data to the FAA. The information needs to be submitted only once, within four years of the effective date of the final rule. The FAA estimates 100 applications will be submitted per year for four years, with 425 hours of reporting burden per application and an annual reporting burden of 42,500 hours for each of the four years. The total cost to respondents is estimated to be $850,000 per year for 2 years; this figure is derived by multiplying 42,500 × $20.00 per hour. Cost estimates were obtained from applicants. After four years, there will no longer be application/reporting requirements.

Organizations and individuals desiring to submit comments on the

[6] 17 CFR 200.30–3(a)(12).

information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10102, New Executive Office Building, Washington, D.C. 20503; Attention: Desk Officer for Federal Aviation Administration and also to John Petrakis, Aircraft Engineering Division (AIR–120), Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, DC 20591.

The FAA considers comments by the public on this 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, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC, on November 21, 1997.

Steve Hopkins,

Manager, Corporate Information Division, ABC–100.

[FR Doc. 97–31241 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Toledo Express Airport, Toledo, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Toledo Express Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before December 29, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Mark VanLoh, Director of Airports of the Toledo-Lucas County Port Authority, at the following address: Toledo Express Airport, 11013 Airport Highway, Box 11, Swanton, Ohio 43558.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Toledo-Lucas County Port Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jack D. Roemer, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (313–487–7282). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Toledo Express Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On November 3, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by Toledo-Lucas County Port Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 27, 1998.

The following is a brief overview of the application.

PFC Application No.: PFC–97–03–C–TOL.

Level of the proposed PFC: $3.00.

Proposed charge effective date: April 1, 1998.

Proposed charge expiration date: October 1, 2003.

Total estimated PFC revenue: $6,750,400.00.

Brief description of proposed projects:

(1) Noise Mitigation Project.

(2) Terminal Entrance Road Rehabilitation.

(3) Environmental Study—Runway 16/34 Extension.

(4) Runway 7/25 Rehabilitation.

(5) Terminal Building Expansion—Phase I.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Toledo-Lucas County Port Authority.

Issued in Des Plaines, Illinois, on November 20, 1997.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 97–31242 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 97–3078]

Notice of Request for Renewal of an Existing Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces the intention of the FHWA to request the Office of Management and Budget (OMB) to renew the information collection identified below under supplementary information.

DATES: Comments must be submitted by January 27, 1998.

ADDRESSES: All signed, written comments should refer to the docket number that appears in the heading 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 10:00 a.m. and 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.

Interested parties are invited to send comments regarding any aspect of this information collection, including, but not limited to: (1) the necessity and utility of the information collection for the proper performance of the functions of the FHWA; (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 renewal of this information collection.

FOR FURTHER INFORMATION CONTACT: Mr. Mohan Pillay, Office of Engineering, (202) 366–4655, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Emergency Relief Funding Applications.

OMB Number: 2125–0525.

Background: 23 U.S.C. 125 requires States to submit an application for emergency relief (ER) funds to the Federal Highway Administration. The ER funds are established for the repair or reconstruction of Federal-aid highways and Federal roads which are found to have suffered serious damage by natural disasters over a wide area or serious damage from catastrophic failures. The information is needed for the FHWA to fulfill its statutory obligations regarding funding determinations on emergency work to repair highway facilities. The requirements covering the FHWA ER program are contained in 23 CFR part 668.

Respondents: State Highway Agencies.

Estimated Annual Burden on Respondents: The amount of time required depends on the nature of the event, the extent of damage, among other things, and varies widely among applications by the same State and among States. On the average, it is estimated to require approximately 150 hours of professional staff time (engineering) plus 50 hours of secretarial staff time (typing and editing) for a total of 200 hours per application. The estimated average annual burden for all respondents per year would be 7,200 hours (i.e., 36 applications times 200 hours per application).

Authority: 23 U.S.C. 125; 23 CFR 668.

Issued on: November 18, 1997.

Diana Zeidel,

Deputy Associate Administrator for Administration.

[FR Doc. 97–31173 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Henderson and Warren Counties, Illinois

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the construction of U.S. Route 34 as a four-lane highway. The proposed project will extend from east of the Village of Gulfport in Henderson County, Illinois to the vicinity of Monmouth in Warren County, Illinois.

FOR FURTHER INFORMATION CONTACT:

Dennis Johnson, Environmental Engineer, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: (217) 492–4600

Dale E. Risinger, District Engineer, Illinois Department of Transportation, 401 Main Street, Peoria, Illinois 61602–1111, Phone: (309) 671–3333.

SUPPLEMENTARY INFORMATION: The proposed action is the construction of a four-lane divided highway in Henderson and Warren Counties, Illinois which will be approximately 47 km (29 miles) in length. The project will begin just east of Gulfport, Illinois extending east through a corridor in the vicinity of U.S. Route 34, ending east of Monmouth, Illinois. The proposed project may bypass communities within its limits.

The proposed action will enhance traffic access, improve traffic circulation, provide safer and more efficient access to the urban area, provide a divided highway design for high operating speeds and continuity from the Illinois/Iowa border to I–74 in Galesburg, Illinois. Primary environmental resources which may be impacted are local property tax income, agricultural land and wetlands. Alternatives under consideration include: (1) Taking no action or (2) improvement of the existing two-lane roadway to a four-lane facility between Gulfport and U.S. Route 67 including improvement of the existing northwest bypass around Monmouth. Several proposed alignment alternatives will be evaluated.

The scoping process undertaken as part of this proposed project will include distribution of a scoping information packet, coordination with appropriate Federal, State, and local agencies, and review sessions as needed. A formal scoping information packet may be obtained from one to the contact persons listed above.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, a comprehensive public involvement program will be undertaken. A public meeting concerning the proposed action will be held in the study area prior to the public hearing. Public notice will be given of the time and place of the meeting and hearing. The Draft EIS will be available for public agency review and comment and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or Illinois Department of Transportation contact persons.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernment consultation on Federal programs and activities apply to this program)

Issued on: November 14, 1997.

Dennis Johnson,

Environmental Engineer, Springfield.

[FR Doc. 97–31291 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–97–2320; FHWA–96–46]

Achieving Interoperability in Intelligent Transportation Systems (ITS) With Dedicated Short Range Communications (DSRC)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplemental notice; extension of comment period.

SUMMARY: The FHWA published a notice in the **Federal Register** on January 6, 1997 (62 FR 791), in which the agency requested comments on three items of concern relating to the

implementation of dedicated short range communication (DSRC) systems specified in the Intelligent Transportation Systems (ITS) National Architecture. These issues are paraphrased as follows:

(1) Should the FHWA require that DSRC systems purchased with Federal-aid highway funding meet draft standard specifications?

(2) Should the FHWA require that DSRC systems purchased with Federal-aid highway funding meet an escalating interoperability formula (e.g., start with national interoperability of all commercial vehicle operations (CVO) applications and gradually transition stepwise over time to national interoperability of all federally-funded DSRC applications)?

(3) Should a single DSRC standard be developed for all applications in ITS projects with Federal-aid highway funding?

The comment period for this notice was scheduled to close on February 1, 1997. The FHWA solicits further public comment on this issue; therefore, it is extending the comment period until January 27, 1998.

DATES: Comments must be received no later than January 27, 1998.

ADDRESSES: All 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: For technical and programmatic questions contact: Mr. Michael P. Onder, ITS Joint Program Office, (202) 366–2639. For legal questions contact: Ms. Beverly M. Russell, Office of the Chief Counsel, (202) 366–1355. Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The ITS program of the United States Department of Transportation (USDOT) was established by the Congress in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102–240, 105 Stat. 1914. In section 6053(b) of the ISTEA, the Congress directed the USDOT to develop and implement standards and protocols to promote widespread use and evaluation of ITS technology as a component of the nation's surface transportation systems. A precursor to the development of standards has been the formation of a National ITS Architecture. The architecture describes how system components should work and interact, and includes recommendations for which kinds of communication system media are used for data transmission among the various components.

The USDOT began an intensive National ITS Architecture development program in December 1994, and concluded with an architecture that supports 30 ITS user services in July 1996. The National ITS Architecture envisions a transportation system in which DSRC is the favored method of wireless communications between vehicles and roadside subsystems for CVO, for Electronic Toll and Traffic Management (ETTM), and for several other important, but less prevalent, ITS applications. In ITS reauthorization legislation, for fiscal years 1998 or 1999, it is expected that the USDOT will be directed to ensure conformance with the National ITS Architecture and its implementing standards for ITS deployment projects using Federal-aid highway funds, thus ensuring the highest effectiveness and benefits for the funds expended.

The Vehicle/Roadside Air Interface Problem

Currently, interoperability does not exist between the DSRC equipment of different manufacturers. The DSRC standards governing the wireless communication between the transponder and reader, and the message sets in this wireless air interface exchange that are required for interoperability, are not yet applied to ITS project deployment. Interoperability, in this case, is the ability of any given roadside reader or interrogation device to meaningfully query, send or receive, and process data from any given transponder mounted in a vehicle, regardless of which manufacturer produced either the reader or transponder. In order for wireless communication between vehicles and roadside—a fundamental enabling technology for ITS—to take place successfully, DSRC standards must be established at levels one and two of the International Standards Organization's Open Systems Interconnect (OSI) reference model, which deal with the ''air interface'' and the physical properties of the system. Furthermore, for the DSRC applications to be a viable alternative for commercial fleets, it is essential that interoperability exist on a nationwide basis.

Over the past several years, the DSRC industry has been unable to agree upon a viable path for DSRC standardization. If the FHWA continues to allow Federal-aid highway funds to be invested in noncompatible systems, the magnitude of the problem will continue to escalate. Unless the DSRC industry can identify a solution to the remaining areas of non-interoperability soon, the FHWA will be forced to seek a process to develop and apply a standard as an interoperability solution to support long term deployment of DSRC using Federal-aid highway funds, and therein halt the proliferation of non-interoperable DSRC systems.

Discussion of Comments

A total of 21 comments were received in response to the initial notice soliciting comments on January 6, 1997. These comments represent the opinions of 29 entities. The comments received in response to each question are described immediately after a restatement of each question. The first question is subdivided into three parts for clear delineation of the salient aspects of the responses. The remaining two questions are briefly stated with their respective responses from the public.

Questions and Responses

1(a). Should the FHWA require that the DSRC systems purchased with Federal-aid highway funds meet draft standard specification, such as that of the American Society for Testing Materials (ASTM) proposed Draft No. 6 DSRC standard and the Committee for European Normalization (CEN) draft documents N473, N474, and N505, prior to their formal adoption as industry standards in an effort to reduce the proliferation of non-interoperable systems?

The responses were evenly divided on the question of whether Federal-aid funds should be tied to conformance with draft standards.

Comments from manufacturers were divided. Those manufacturers with products that meet, or are close to meeting, the ASTM draft DSRC standards were in favor of using a draft standard rather than a fully adopted national standard. The majority of the manufacturers, and some of the public and user agencies, stated that the CEN pre-standards are not suitable for North America. It was suggested that current work on the ASTM standard covering North American use of the 902 and 928 megahertz (MHZ) band for the DSRC

capability should be completed and, then, a long-term transition to the 5.8 gigahertz (GHz) band should be developed.

A majority of the commenters from the public and user agencies rejected use of the ASTM draft DSRC standards. They stated that the existing ASTM draft DSRC standards are not interoperable and would not ensure interoperability.

A few system integrators commented that requiring conformance with the ASTM draft DSRC standards would force all manufacturers to support preparation of the final standard, thus accelerating the effort to establish and publish the national standards.

1(b). Should the FHWA include message set requirement, such as, the Commercial Vehicle Information Systems and Networks Dedicated Short Range Communications Interface Requirements of April 2, 1996 (The Johns Hopkins University-Applied Physics Lab)?

A majority of commenters agreed that message set requirements are needed in the DSRC standards.

Manufacturers commented that message set requirements should be part of the standard, but that they would rather work with a fully defined and adopted DSRC standard.

Comments from the public and user agencies varied depending on the particular DSRC application in use; however, a majority stated that message set requirements should be incorporated into the DSRC standard to the extent practicable.

The system integrators believed that including message set requirements as a portion of the DSRC standard is necessary and would help force commitment to reach an agreement on the DSRC standard.

1(c). Should compliance with specific draft DSRC standards be required for CVO application only; for both CVO and ETTM application; or for CVO, ETTM, and additional applications?

A slight majority of commenters favored requiring compliance with the ASTM draft DSRC standard for application to CVO and ETTM.

Comments from manufacturers were divided on adopting an ASTM draft DSRC standard. One half of this group stated that the availability of Federal-aid highway funds should be tied only to a fully defined and endorsed DSRC standard; while the other half supported the adoption of a specific ASTM draft standard. There was a divergence of views on the extent of applicability of a DSRC standard. Some stated that users of simple applications should not have to pay for the needs of complex applications. Others supported a single DSRC standard for all applications. Another group would adopt a single DSRC standard applicable to both CVO and ETTM applications.

Public and user agency responses were slightly varied, with all supporting application of a DSRC standard to CVO. A majority favored application of the DSRC standard to both CVO and ETTM. A few commenters favored a single DSRC standard for all DSRC applications.

Comments from the system integrators supported a widely applicable DSRC standard. This group supported immediate establishment of rules for use of the ASTM draft DSRC standard as a prerequisite for Federal-aid highway funding. According to the system integrators, even a draft DSRC standard could be used as a mechanism to move all parties to agreement on the final endorsed DSRC standard.

2. Should the FHWA require that DSRC systems purchased with Federal-aid highway funds meet an escalating interoperability formula? An example would be that, initially, all CVO applications must be nationally interoperable; later, all new (after some specified later date) ETTM systems and system upgrades must be interoperable with CVO applications; and, finally, all other new (after another specified even later date) and upgrading DSRC applications must be interoperable with CVO applications.

The FHWA believes that nationwide interoperability is critical for the efficient operation of vehicles using DSRC equipment crossing the nation, especially commercial vehicles, and, thus, requires a national focus. The ETTM programs, on the other hand, and possibly other DSRC applications are more focused on regional travel, with the exception of commercial carriers. Thus, it may not be practical to require all users of DSRC equipment to adhere immediately to a national DSRC standard. Instead, a transition to national interoperability may be the best approach.

A significant majority (60 percent) of all commenters favored use of a DSRC standard with an escalating interoperability formula as a prerequisite for use of Federal-aid highway funds.

A large majority of the DSRC equipment manufacturers and the DSRC system integrators responded favorably to the use of an escalating interoperability formula.

Comments from public and user agencies were divided on support for application of the escalating interoperability formulas as a prerequisite for use of Federal-aid highway funds. The public and user agencies strongly supported continued use of existing equipment, including both transponders and readers, when a DSRC standard is established.

3. Should a single DSRC standard be developed for all DSRC applications, or should separate standards be developed with an assumption that trucks and buses, and perhaps other users, would likely require separate technology to perform those functions?

The FHWA recognizes that the CVO and ETTM applications, as well as other DSRC applications, have different requirements that have also shaped the design and operation of the DSRC equipment. While it may be desirable to have a single DSRC standard, it may not be practical. A possible alternative measure would be to have a single DSRC standard with standard fields, such as, vehicle identifier and message set identifier, but with different message sets for each application.

A majority (64 percent) of all non-Federal respondents favored use of a single DSRC standard for all applications as a prerequisite for use of Federal-aid funds.

The DSRC equipment manufacturers and the DSRC system integrators unanimously favored development and endorsement of an appropriately designed single DSRC standard, and its use for all ITS applications of DSRC, as a prerequisite for use of Federal-aid highway funds.

Comments from the public and user agencies were more divided on their responses for and against a single DSRC standard. Some of the agencies seemed to favor a single DSRC standard with multiple applications under its umbrella, which would provide interoperability, but possibly with different optional features (such as, different message sets) for the different applications. This is differentiated from the scenario implied by those questions asked in the January 6 notice; namely, a single DSRC standard with all of its requirements applicable to all DSRC applications.

Conclusions

The USDOT has a strong desire to facilitate development and acceptance of standards that best serve the industry and the users of ITS technology. The USDOT is relying on the DSRC industry and users of ITS technology to come to agreement on the national DSRC standards. The FHWA has demonstrated its willingness to assist in this process by funding ASTM, a standards development organization, for this purpose. Also, the FHWA has been

participating in all discussions sponsored by the Intelligent Transportation Society of America (ITS America) that have been taking place between DSRC users and manufacturers. The FHWA understands that significant progress has been made toward agreement on a broad DSRC standard in the ASTM Draft No. 7 DSRC standard, prepared with industry and user participation. It is clear that the DSRC industry and users have been striving to make progress on the national DSRC standards—many work on their own time and at their own expense. The USDOT is sincerely appreciative for this cooperative effort, and will continue to encourage the DSRC industry to do its part. The need for national interoperability for CVO applications is becoming more critical. Also, the total national investment in non-interoperable ETTM equipment continues to grow rapidly. The USDOT would prefer that the DSRC industry and users set the necessary DSRC standards through a consensus building process among the DSRC vendor and user communities, which the USDOT is sponsoring through ITS America. It is imperative that the DSRC standards be ready for ballot by the end of 1997. If the ballottable standard is not available by that time, for publication by June 1998, of the endorsed DSRC standards, a meeting will be held under the ITS America auspices between the USDOT, the DSRC users, and the manufacturers to determine the extent of the delay. If a significant impasse to progress remains at the conclusion of that meeting, the USDOT will initiate a rulemaking action to establish the necessary standards to allow interoperability between DSRC applications.

(Sec. 6053(b), Pub. L. 102–240, 105 Stat. 1914; 23 U.S.C. 307 note; 49 CFR 1.48)

Issued on: November 19, 1997.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 97–31243 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–97–2907]

Outdoor Advertising Control

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Nevada Department of Transportation (NVDOT) proposes to amend the Highway Beautification Federal/State Agreement dated January 21, 1972, between the United States of America represented by the Secretary of Transportation and the State of Nevada.

DATES: Comments must be received on or before December 29, 1997.

ADDRESSES: Submit written, signed comments to FHWA Docket FHWA–97–2907, the Docket Clerk, U.S. DOT Docket Room PL–401, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 10:00 a.m. and 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 envelope/postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Johnson, Chief, Program Services Division, Office of Real Estate Services, HRE–20, (202) 366–2020; or Mr. Robert Black, Office of Chief Counsel, HCC–31, (202) 366–1359, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The Highway Beautification Act of 1965 (HBA), codified at 23 U.S.C. § 131, requires States to provide effective control of outdoor advertising in the areas adjacent to both the Interstate System and Federal-aid primary system. States must provide effective control as a condition of receiving their full apportionment of Federal-aid Highway Funds. Effective control of outdoor advertising includes prohibiting the erection of new advertising signs except for certain categories of signs listed at § 131(c).

One of these sign categories, ''off premise'' signs, may be allowed by a State in zoned or unzoned commercial or industrial areas. Signs in such areas must conform to the requirements of an agreement between the State and the Federal Government which establishes size, lighting, and spacing criteria consistent with customary use. The agreement between Nevada and the FHWA was executed January 21, 1972.

The 1972 agreement states that the State of Nevada may permit signs to be erected no closer than 500 feet from an intersection outside ''incorporated villages and cities.'' The amendment to the agreement, the exact language of which is set forth below, would use the term ''urbanized area boundaries'' as defined by 23 U.S.C. § 101(a) in place of ''incorporated villages and cities.''

In April 1980 the FHWA adopted a procedure to be followed if a State requested a change in the Federal/State agreement. A State must first submit its proposed change, along with the reasons for the change and the effects of such change, to the FHWA Division Office. The Division, Region, and headquarters offices all review and comment on the proposal. If the concept is approved, the State must then hold public hearings on the proposed change to receive comments from the public. If the State then wishes to amend the agreement, it must submit: (1) the justification for the change; (2) the record of the hearings; and (3) an assessment of the impact. These are summarized and published in the **Federal Register** for comments. Comments on the proposed amended agreement will then be evaluated by the FHWA. The FHWA will then decide if the agreement should be amended as proposed and will publish its decision in the **Federal Register**. An amended agreement will then be sent to the State for signature.

Nevada has completed the above procedure up to the point of publishing in the **Federal Register**. No negative comments were received in response to the State's public hearings on this proposed change, and several supportive comments were received. Nevada's formal request provides justification for the proposed revision to the 1972 Federal/State Agreement. The primary issue is that the term ''urbanized area boundaries'' would be more consistent with the Code of Federal Regulations (23 CFR 750, Subpart G) which speaks primarily of urban areas, rather than incorporated cities, towns, or villages. The change in the agreement is aimed primarily at effective control of billboards in Clark County (Las Vegas), Nevada, where a vast part of the metropolitan area is outside the incorporated city limits of Las Vegas. The State of Nevada believes that this change in the agreement could allow between 20 and 24 new billboard sites primarily in the Las Vegas area. The State maintains that this would result in minimal aesthetic impact because the urban areas are generally developed and contain numerous on-premise signs.

The Proposed Change

The Federal/State Agreement ''For Carrying Out the National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System'' made and entered on January 21, 1972, between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway

Administrator and the State of Nevada now reads at *Section III: STATE CONTROL,* Paragraph 2. b. *Spacing of Signs,* as follows: ''Outside of incorporated villages and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.''

The amended agreement would read as follows: ''Outside of urbanized area boundaries, as defined by 23 U.S.C. 101(a), no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.''

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: November 19, 1997.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 97–31244 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–97–3137; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1974 Alfa Romeo GTV Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1974 Alfa Romeo GTV passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1974 Alfa Romeo GTV that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is December 29, 1997.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 10 a.m. to 5 p.m.]

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**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1974 Alfa Romeo GTV passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1974 Alfa Romeo GTV that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1974 Alfa Romeo GTV to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1974 Alfa Romeo GTV, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1974 Alfa Romeo GTV is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer. The petitioner states that the vehicle is equipped with combination lap and shoulder restraints that adjust by means of an automatic retractor and release by means of a single push button at both front designated seating positions, and with combination lap and shoulder restraints that release by means of a single push button at both rear designated seating positions.

Standard No. 214 *Side Impact Protection:* installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the non-U.S. certified 1974 Alfa Romeo GTV must be reinforced or replaced with U.S.-model components to comply with the Bumper Standard found in 49 CFR Part 581.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicle to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the 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. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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 November 21, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 97–31172 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–97–3150]

General Motors Corporation; Denial of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) determined that certain of its 1996 J/L/N model cars fail to comply with the requirements of 49 CFR 571.101, Federal Motor Vehicle Safety Standard (FMVSS) No. 101, ''Controls and Displays,'' and filed an appropriate report pursuant to 49 CFR Part 573 ''Defect and Noncompliance Information Reports.'' GM also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on March 7, 1997, and an opportunity afforded for comment (62 FR 10618). This document denies the application.

The report submitted by GM states that the company has built cars in which some interior lights may come on while the car is moving, for a period that may last as long as half an hour. The only way the driver can turn them off is to remove the fuse because the light switch will not extinguish them. This is a noncompliance with S5.3.5 of FMVSS No. 101, which requires that sources of illumination forward of a transverse vertical plane 4.35 inches rearward of the manikin ''H'' point, with the driver's seat in its rearmost driving position, that are not used for controls and displays, are not a telltale, and are capable of being illuminated while a vehicle is in motion, have either (1) light intensity which is manually or automatically adjustable to provide at least two levels of brightness, (2) a single intensity that is barely discernible to a driver who has adapted to dark ambient roadway conditions, or (3) a means of being turned off.

GM's description of the non-compliance follows

''*Vehicles involved:* Certain of these 1996 makes and models (with estimated number of cars): Chevrolet Cavalier and Pontiac Sunfire (J cars) coupes and convertibles from start of production to January 16, 1996 (115,351 cars); Pontiac Grand Am, Oldsmobile Achieva, and Buick Skylark (N cars) from start of production to October 31, 1995 (74,902 cars); and Chevrolet Corsica and Chevrolet Beretta (L cars) from start of production to November 13, 1995 (61,738 cars).

Noncompliance: ''These vehicles are equipped with interior lights that illuminate when a door is opened or when the driver activates a switch. Power to the lights is turned on and off by a control module, rather than by direct action of the door or light switches. One of the parts in the control module is a field effect transistor (FET).

Because of manufacturing variances in the FETs, the condition of the FET in some modules, in combination with the programming of the module, can cause a situation where the module will not turn on the lights when the door is opened. Five minutes later, there is a fifty percent chance that the lights will turn on. If that does not happen, there is an increasing chance at ten, fifteen, twenty, twenty-five, and thirty minutes that the lights will turn on. If the lights are turned on at one of those five minute increments, they will then remain on for up to thirty minutes, unless the fuse is removed to cut power to the module. Moving the light switch or ignition to ''off'' will not cause the module to turn off the lights.

In August 1995, GM found a 1996 N car in which the interior lights failed to turn on when a door was opened. In September, GM determined the cause of the problem and its supplier of FETs began inspecting 10% of them. In October, GM started its own screening of all incoming FETs. In January 1996, GM learned of and began investigating the potential for the lights to come on and stay on.

Even in the affected cars, this condition is intermittent. The incidence is higher during cold weather and in vehicles with interior light configurations that place a higher load on the circuit.

This table identifies the lights in these vehicles that are forward of a transverse vertical plane 4.35 inches rearward of the mannequin ''H'' point with the driver's seat in its rearmost driving position:

Chassis	Body type and options	Dome lamp	Map lights in rearview mirror	Footwell lamps
J	Coupe	X		
	Coupe and GT w/sunroof		X	
N	Convertible		X	
Base trim			X	

Chassis	Body type and options	Dome lamp	Map lights in rearview mirror	Footwell lamps
Uplevel trim	X		X	
With sunroof		X	X	
L	All			X

Based on GM's examination of cars and modules, no more than 9.5% of the vehicles with modules built before 100% inspection of FETs began have a FET that could lead to this problem.

Field experience indicates the actual incidence is much lower. Within the total estimated population of 251,991 cars that are potentially affected, GM has paid for replacement of the modules in just under one percent (2,464) under warranty (through October 31, 1996). For cars with modules made after the 100% inspection of FETs began, the rate is about 0.5%. Because the module performs several functions, there are other unrelated malfunctions that could lead to replacement of the module and, absent the FET problem, the rate of warranty replacements for cars of comparable age is 0.3%. Therefore the rates attributable to the FET estimated to be approximately 0.7 and 0.2% respectively.

GM has received no reports of accidents or injuries related to this condition.

To help assess the magnitude of the interior light during nighttime driving, GM measured the luminance values (light on windshield surface) from the driver's eye position in representative vehicles, with the exterior lights on (low beam) and with the interior lights both off and on. The test setup is shown in Attachment B.

The measurements were made in a darkened laboratory with a flat black surface ten feet ahead of the cars. A white paper target was placed on the windshield, so that the total light impinging on the windshield was measured, not just what was reflected from the glass surface. The instrument panel illumination was at the maximum setting. A Minolta Luminance Meter, Model LS–1200 (range: 0.001 to 299900 cd/m(2), was used.

These values are in foot-lamberts and are the average of two readings for each car:

Car	Interior lights off	Interior lights on
J coupe with sunroof	.03	.16
N coupe with sunroof	.03	.16
J convertible	.05	.12
N with base trim	.05	.23
J coupe	.03	.21
N with uplevel trim	.04	.38
L	.07	.14
Average	.04	.20

Attachment C shows the range of luminance levels for human vision and the zones of photopic, mesopic, and scotopic vision. Adaptation occurs when the luminance changes from one zone to another. The levels with the interior lights both off and on within the mesopic (''rod and cone'') zone.'' [Attachments B and C are on file with the application in NHTSA's Docket Room.]

GM supported its application for inconsequential noncompliance with the following.

''1. Driving in total darkness, with no lights from other vehicles, no street lighting, and no light from buildings is the worst case, but it is also infrequent. Daylight is half of the day, but only 18.3% of vehicle trips and 20.2% of vehicle miles occur from 7:00 p.m. through 6:00 a.m. (From 1990 NPTS Databook, Nationwide Personal Transportation Survey, vol. II, figure 5.27). Based on 1993 data from the Federal Highway Administration, 1.045 billion of the annual 1.623 billion passenger car miles traveled were on ''urban'' roads, streets, and highways (from Highway Statistics 1993, Table VM–1).

2. As measured in GM's test, the change in luminance level that a driver would experience is small and, significantly, does not cross one of the adaptation boundaries.

3. Glare is an undesirable, but inevitable feature of night-time driving and drivers can successfully adapt to it. A recent report for NHTSA by Jan Theeuwes and John Alferdinck, *The Relationship Between Discomfort Glare and Driving Behavior,* DOT HS 808 452 (1996), shows that adaptation includes driving more slowly and investing more effort. Major sources of glare include the lights of other vehicles, street lights, and lights on building, parking lots, signs, and billboards adjoining streets and highways. The headlights of a nearby vehicle can easily be many times brighter than any of these interior lights.

4. On some of these cars, the only affected lights are in the footwells, below the instrument panel. While they are in the area covered by the standard, they are not in the driver's forward field of view and, as a matter of common sense, are less likely to be a source of troublesome glare. On other cars, map lights mounted in the rearview mirror assembly are involved. These lights point downward and are also much less likely to be a source of troublesome glare.

5. This condition cannot occur in 90.5% of the cars. Field data shows that the actual incidence is much lower.

6. Many drivers will be alerted to the presence of a problem because they will notice that the interior lights are not on when they enter their cars. Because the absence of interior lights when entering the cars at night is an inconvenience, drivers will be likely to return the cars to dealers for repair. Many cars are likely to be repaired before the driver experiences illumination of the interior lights during night-time driving.

7. GM has received no reports associating this condition with any kind of an accident or injury.

To reach the worst case condition, several low probability events have to coincide—the car has to be one of the 9.5% potentially affected, the car has to be driven at night, the illumination from external sources must be unusually low, and the condition must manifest itself. Further, even if this series of unlikely events occurs, data indicate the driver should be able to successfully adapt to the increased light, as he/she does on a regular basis to other sources of light. Therefore, because the expected coincidence of these events is extremely low and the effects on the driver are minimal; this condition is inconsequential to motor vehicle safety.''

No comments were received on the application.

The purpose of S5.3.5 is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls. The operator of a GM vehicle that is noncompliant with FMVSS No. 101 in the manner described is likely to be confronted

unexpectedly with activation of the interior lamps while the vehicle is in motion. This would be likely to divert the driver's attention from the driving task. It would also create a level of interior glare for up to 30 minutes that would not otherwise occur. Compliance with S5.3.5 should remove interior glare from the driver's forward field of view.

GM conducted tests to compare the light on the windshield surface with the interior lights on and off. These tests were performed in a darkened laboratory with a black surface 10 feet ahead of the test vehicle. This is a simulation of the worst-case scenario for the increased glare, as there would be no other light sources from buildings, other cars, or street lamps. The contrast between the relatively dark surroundings and the interior lights would provide the most glare discomfort. GM found that when the interior lights were turned on, the luminance values ranged from two to over nine times greater (an average of five times greater) than when the interior lights were turned off. In the agency's opinion, this is excessive glare for many low-light driving scenarios and is the type of situation NHTSA sought to preclude with S5.3.5.

To justify granting its application, GM sought to persuade the agency that the likelihood of the noncompliance occurring is, in fact, small. For the noncompliance to happen, it argued that the vehicle must be one of the 9.5 percent that is affected, that it must be driven at night, that the light from external sources must be ''unusually low,'' and that the condition must manifest itself. In GM's view, the probability of this series of events occurring is low.

NHTSA disagrees with this rationale, in part because it does not believe that the light from external sources must be ''unusually low'' for there to be an effect. NHTSA staff conducted a few informal tests using their own vehicles. Uniformly, when these individuals turned on the interior dome and map lights during night time driving, they found the light to be an impairment to their vision. These tests were conducted in relatively unlit areas as well as areas with some ambient light from street lamps and buildings. In all cases, the impediment to vision was significant. Further, to determine whether the conclusions made performing the informal tests would also be reached with the subject vehicles, agency staff examined a 1996 Chevrolet Cavalier. The vehicle was examined in a garage with moderate ambient light. This examination reinforced the agency's view that the noncompliance is detrimental to safety. The dome light and the two map lights (integrated with the dome light) not only created distracting reflections in the windshield, but also on the side windows and the interior rear view mirror. The tests that GM conducted only considered the light on a piece of paper attached to the windshield. This measurement does not consider these other reflections, which are distracting in nature. Based on NHTSA's judgment, the noncompliance could hinder vision in areas with ambient light that is more than ''unusually low.'' NHTSA has concluded that a safety problem could occur as a result of the noncompliance in areas with higher glare from exterior light sources.

GM also believes that even if the interior lights turn on, the driver will be able to adapt successfully to the glare created, specifically arguing that the change in luminance level is small and does not cross one of the ''adaptation boundaries.'' Attachment C of GM's petition contains a table showing three consecutive ranges of luminance values: photopic, mesopic, and scotopic. GM states that visual adaptation must occur when the luminance values go from one level to the next. It therefore asserts that, because the luminance values attained in its tests are all within the mesopic level, there will be an insignificant effect on the driver's vision.

NHTSA disagrees with this rationale as well. When comparing the luminance values a driver would experience with the interior lights both off and on, GM found a maximum increase of 900 percent with the lights on, with an average increase of 500 percent. While the range of the luminance values may remain within one of the adaptation levels, it is NHTSA's judgment that increasing the interior light in a vehicle by nine times will have a significant effect on the driver's vision. With such a large increase in glare, it could be difficult to operate a vehicle at night. This situation could be further exacerbated if an inexperienced or elderly driver were operating the vehicle. Inexperienced drivers may not yet be familiar with adapting to commonly-encountered glare, and the elderly may have lost their ability to cope with it effectively.

Finally, GM states that glare, although undesirable, is inevitable and drivers can successfully adapt to it. It cites in support a study by Jan Theeuwes and John Alferdinck, The Relationship Between Discomfort Glare and Driving Behavior, DOT HS 808 452 (1996). However, the authors of the study analyzed the effects of glare from sources such as other vehicles, building, signs, et al, on driving habits, and concluded that, to adapt to glare, drivers went more slowly and invested more effort. A study which is more on point was conducted by the University of Michigan Transportation Research Institute (UMTRI) in 1985 (UMTRI-85–31). This study measured the effects of various vehicle interior lighting systems on driver sight distance at night, and found that turning on the interior lighting systems of a vehicle could reduce forward sight distance by as much as 20 percent. Further, the effect was much more pronounced for rearward visibility, though the test data obtained couldn't be translated into rearward visibility distance. UMTRI did conclude that objects behind the test subjects, when viewed in the rearview mirror, are much more likely not to be visible when the interior lights are illuminated. This study shows that drivers will not completely adapt to the increased light created by interior lights during nighttime driving.

GM also stated that oncoming headlamps can be ''many times brighter than any of these interior lights.'' NHTSA agrees that, to adapt to the glare, the drivers would naturally go more slowly and invest more effort in the task of driving because their vision is impaired. However, the agency sees inconsistencies when comparing the adaptation to the interior lights of the subject vehicles and to the external light sources mentioned in the study. The external light sources such as those from oncoming cars and street lights are inevitable because they provide necessary illumination of surroundings. A driver must learn to adapt to these forms of glare because they are very common. Conversely, the interior light illumination during night driving is not common. Since it is not the practice of drivers to drive at night with their interior lights on, it is unlikely that the driver of one of GM's noncompliant vehicles has ever had to cope with such a situation. Further, the nature of external light sources is that they are fairly transient. Because a vehicle is moving, the external glare is usually not constant, but a light source within the vehicle would provide constant internal glare, and up to 30 minutes of it.

In summary, NHTSA does not agree with GM's argument that the noncompliance reflects a rare problem that will create insignificant problems should it arise. Of the approximately 20,000 vehicles that have not yet been repaired, some will inevitably suffer this noncompliance at night. Moreover, NHTSA believes that this noncompliance has the potential to create an unsafe situation which is

consequential to motor vehicle safety even in conditions where there are external light sources.

Accordingly, for the reasons stated above, GM has not met its burden of persuasion that the noncompliance herein described is inconsequential to safety and its application is denied.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: November 21, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–31266 Filed 11–26–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–97–3149]

Nissan Motor Corporation, U.S.A.; Denial of Application for Decision of Inconsequential Noncompliance

Nissan Motor Manufacturing Corporation USA, (Nissan) determined that certain Nissan Sentra 4-door sedans fail to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard No. 108, ''Lamps, Reflective Devices and Associated Equipment,'' and filed an appropriate report pursuant to 49 CFR Part 573 ''Defect and Noncompliance Information Report.'' Nissan also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h) on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of an application was published on December 18, 1996, and an opportunity afforded for comment (61 FR 66744). This notice denies the application.

Paragraph S5.1.1 of Standard No. 108 requires that each motor vehicle shall be equipped with certain lamps and reflective devices designed to conform to applicable SAE Standards or Recommended Practices referenced in the Standard. The stop lamp function of a rear combination lamp assembly must meet the photometric performance requirements of SAE J586 FEB84. To determine photometric performance, measurements of light intensity are taken at 19 test points in a geometric grid. The grid is further broken down into five separate zones. The measured test point values that are located within a zone are added together to provide a zone total which must meet a minimum value.

Based on its tests, Nissan believes that the taillamp function of the combination lamps in certain Nissan Sentra 4-door sedans meet or exceed all test criteria and is in compliance with Standard No. 108. Further, the stop lamp function of certain rear combination lamp assemblies in those vehicles meet the requirements in Zones 1, 2, 4, and 5.

However, in certain lamps, the minimum requirements in Zone 3 for the stop lamp function were not met. The photometric results for the tested lamps of the Sentra 4-door sedan stop lamp function in Zone 3 are discussed in the decision portion of this notice, and are set forth in Nissan's application, which has been filed in the National Highway Traffic Safety Administration Docket Section.

According to Nissan, from December 11, 1995, through September 1996, the company manufactured approximately 65,000 1996 and 1997 model year Nissan Sentra 4-door sedans with combination tail/stop lamp assemblies that it determined did not comply with the stop lamp photometric requirements of SAE J586 FEB84 as incorporated by reference in Standard No. 108. J586 FEB84 defines 19 test points for stop lamps that must emit a specified range of light intensity. These test points are grouped into five zones and their intensities are summed to arrive at a total within each zone. Each zone's total has a required value, measured in candela, that must be met, with none of the test points falling below 60 per cent of its specified value.

Nissan stated that it discovered that the total candela of the five test points measured across Zone 3 in some lamps that it tested did not meet the required minimum of 380 candela for Zone 3. All other zone totals were within Standard No. 108's specifications for the stop lamp function, and all the Standard's criteria were met for the taillamp function.

Nissan supported its application for inconsequential noncompliance with the following:

> Nissan [we] believe the failure of the stop lamp portion of the rear combination lamp assembly to meet photometric requirements in one of five zones is inconsequential to motor vehicle safety for the following reasons:
>
> A NHTSA sponsored study titled ''Driver Perception of Just Noticeable Difference[s] in [of Automotive] Signal Lamp Intensities'' [DOT HS 808 209, September 1994] demonstrated a change in luminous intensity of 25 percent or less is not noticeable by most drivers. Since all of the stop lamps Nissan tested, except one, were closer to the standard than 25 percent, the noncompliance is likely undetectable to the human eye. The single worst case sample was 25.5 percent below the standard in zone 3 but exceeds the photometric requirements of zones one, two, four, and five and meets or exceeds all other FMVSS and SAE requirements.
>
> The stop lamp is more than five times brighter than the tail lamp. A following driver will have no problem detecting the moment of brake application.
>
> The two combination lamp assemblies are supplemented by a Center High Mounted Stop Lamp (CHMSL). The Sentra's CHMSL illuminates at over two times the minimum standard to provide not only strong warning of brake application to the following driver, but also vehicles further back in the traffic flow. Nissan believes the supplementary benefit of the bright CHMSL helps to compensate for any diminished stop lamp performance.
>
> The combination tail/stop lamp assemblies are mounted high in the vehicle's body near the beltline. This mounting location provides excellent line of sight visibility to a following driver.
>
> Nissan is not aware of any accidents, injuries, owner complaints or field reports related to this condition.
>
> In similar situations NHTSA has granted the applications of various other petitioners. See, for example, 61 **Federal Register**, January 22, 1996 (petition by General Motors); 56 **Federal Register** 59971, November 26, 1991 (petition by Subaru of America); and 55 **Federal Register** 37601, September 12, 1990 (petition by Hella Inc).

No comments were received on the application.

NHTSA has carefully considered Nissan's arguments and the facts in this case. It is reassuring to have Nissan affirm that, in spite of the photometric failures, the stop lamp ''is more than five times brighter than the tail lamp,'' as is the Sentra's mandated center highmounted stop lamp. However, this is no less than what Standard No. 108 already requires for the pair of stop lamps. Because the pair of stop lamps are mounted within the range of height from the road specified by Standard No. 108, the fact that they may be mounted near the beltline is regarded as a neutral safety factor for purposes of this discussion. In the final analysis, it appears to NHTSA that the company has understated the magnitude of the noncompliance in comparison with the data it has submitted, and that the severity of the noncompliance reflects flaws in Nissan's design and manufacturing process that cannot be overlooked regardless of compensating factors such as the location of other stop lamps and the conformance of the stop lamps in question with the other four zonal requirements.

The agency deems it relevant to its decision to deny Nissan's application to discuss briefly the accommodation that Standard No. 108 already makes for manufacturers by imposing less than the absolute performance requirements

established by other Federal motor vehicle safety standards. As Nissan indicates, the first step in determining the photometric compliance of a lighting device with Standard No. 108 is to measure the candela at a number of discrete test points, and then compare them with the values (minimum or maximum) established by the standard. When NHTSA initially proposed in late 1966 that lamps ''comply'' with Standard No. 108, industry represented that it could not manufacture every lamp to meet every single test point without a substantial cost penalty unjustified by safety. NHTSA accepted this argument. In adopting Standard No. 108, the agency specified that lamps be ''designed to comply'' with applicable photometric specifications. On a number of occasions since, NHTSA has stated that it will not consider a lamp to be noncompliant if its failure to meet a test point is random and occasional. Thus, historically, there has never been an absolute requirement that every motor vehicle lighting device must meet every single photometric test point in order to comply with Standard No. 108.

NHTSA further accommodated the industry when Standard No. 108 adopted the SAE's zonal system as an alternative method of determining photometric compliance of certain lamps. Under this system, individual test points are grouped into a ''zone'' with nearby test points. The values are measured and added. If the sum equals or exceeds the total of the minimum required for all test points within the zone, the zone is judged to comply even if one or two of its test points fail to meet its individual candela specification, (as long as the failure is not less than 60 percent of the prescribed value.) Thus, an individual test point within a zone may fail by up to 40 percent.

Nissan asks that NHTSA go even further in accepting a lower level of performance, citing three instances in which it believes that the agency has granted inconsequentiality applications where failures of luminous intensity of less than 25 percent have occurred, the threshold at which it believes differences in light output become noticeable.

The agency has reviewed the cases cited by Nissan (GM, Subaru, Hella) in order to judge whether they afford a precedent for granting this inconsequentiality application. NHTSA has concluded that none of the cases are on point, and, further, that the agency should clarify the apparent misunderstanding of its comments regarding 25 percent luminous intensity differences.

GM determined that turn signal lamps on Buick Century passenger cars failed to meet Zone 3 by an average of 10 percent among the 17 lamps tested while the three compliant zones exceeded the light intensity requirements by at least 20 percent. Because the failures averaged far less than 25 percent, GM argued that they would not be detectable by the naked eye. However, NHTSA granted the application on the basis that, overall, the performance of the lamps would be consistent with that of lamps meeting the minimum requirements in every zone. In the case of Nissan, the magnitude of failure was considerably greater; a number of individual test point failures exceed 25 percent, up to 35.6 percent below the minimum requirement. Even using the zonal method, 18 of 34 zones tested fail to meet Standard No. 108, one zone failing by up to 25.5 percent.

Subaru discovered that amber front side reflex reflectors on some of its vehicles failed to meet Standard No. 108's performance requirements. Subaru contended that the luminance transmittance failures were all less than 20 percent of the minimum values specified by the standard. According to demonstrations that it had conducted, observers could not differentiate between the reflected light of complying and noncomplying reflectors at distances of 30 , 60, and 100 meters. NHTSA accepted this argument and granted the application. NHTSA notes that, in this instance, the inconsequential effect of the noncompliance was demonstrated by tests with observers, and that the failures were at individual test points and not zones, as in the Nissan noncompliance. Further, conformance of stop lamps is demonstrably more important to motor vehicle safety than that of front side reflex reflectors.

In the Hella case, NHTSA testing had discovered that eight of 18 combination stop/taillamps had exceeded the *maximum* candela permissible at certain test points for the taillamp function. Hella argued that none of its failures exceeded the maximum intensity by more than 20 percent. NHTSA granted the application on the basis that real-world voltages were typically lower than test voltages, and that any excessive candela values would be reduced upon installation and even further reduced as the lamp aged. In other words, the probability of the noncompliant lamps contributing to glare was reduced in the real world because, as installed and used, their noncompliant maxima may have been reduced to a level of near conformance. Again, the failure was small and was for test point failures rather than zone failures. The actual effect of real world voltages on the Nissan lamps is not known, but is of little consequence because, except for vehicle voltage, the effect of all external events such as dirt and age is to lower the lamp's intensity. This makes a dim stop lamp an even greater risk.

As stated, NHTSA wishes to clarify its occasional statements that differences in light output do not become noticeable until there is a differential of 25 percent between the light sources being compared. This language was based on a study conducted by NHTSA titled ''Driver Perception of Just Noticeable Differences of Automotive Signal Lamps'' (DOT HS808209). In outlining its rationale, Nissan seems to misunderstand the research done on ''just noticeable differences'' (JND). First, the research on JND is based on individuals looking at lamps from a single vantage point in front of the lamps, that is, comparing intensities of single test points.

It is not valid to use the JND justification for judging the effect of zonal intensity failures. Drivers do not look at zones when they observe lamps, they look at the lamp from very narrow angles based on the distance between their eyes and the distance to the lamp. Using the JND justification on zones would imply that drivers would be looking at lamps from all the test points in the zone simultaneously and somehow integrating the numerous intensities into some false representation of how intense the lamp should be. This is simply not the case. For this reason, the JND argument is not applicable to zone failures.

Because it is the central portion, Zone 3 is the most critical area of the stop lamp. It is aimed directly at the following traffic. With respect to Nissan's noncompliance, 104 of the 170 test points (the total number of test points from the group of lamps tested) in Zone 3 did not meet the minimum requirements. This shows that the noncompliances are very specific to one particular zone. It also suggests an apparent failure of quality control procedures rather than random test point noncompliances throughout all five zones. Occasional random noncompliances are to be expected in this very complicated design and manufacturing process. It is for this reason that the ''designed to comply'' provision is contained in the lighting standard. Further, NHTSA has always interpreted the ''designed to comply'' requirement to include well-defined quality control procedures.

On the vehicles that NHTSA tested, fourteen test points failed by more than 25 percent, with the worst case test point being over 35 percent. When using the zone compliance measurement, 18 out of the 34 zones tested failed to meet the minimum requirements, one zone failing the zone total by slightly over 25 percent. Again, the agency believes that these are not random, occasional failures of the type that NHTSA sometimes encounters in the course of its compliance testing. Instead, the pervasiveness of the failures is evidence of flaws in Nissan's design and manufacturing process.

To further support granting its application, Nissan staff brought two identical Sentras equipped with noncomplying lamps for NHTSA staff to examine. The stop lamps on these vehicles were examined both in a garage which was moderately lighted and outside in daylight where the skies were overcast. Nissan performed photometric testing on each vehicle before they were examined and found that on one vehicle, the left and right stop lamps produced a sum of 386 and 293 candela in Zone 3, respectively. On the other vehicle, the left and right stop lamps produced a sum of 384 and 330 candela in Zone 3, respectively. As previously stated, the required minimum for Zone 3 is 380 candela. NHTSA staff examined the vehicles from a number of different distances and angles for approximately five minutes in each setting.

Based on this examination, NHTSA staff did not see a stark difference between any of the stop lamps, although most of the staff members could determine that the lamp with the Zone 3 measurements of 293 candela was the dimmest. However, this type of examination does not convince NHTSA that the noncompliance is inconsequential to safety. In the real world, drivers following one of the subject vehicles would not always have the luxury of intently examining the vehicles from a number of angles for a long period of time. They would, in many cases, have to make split second judgments as to whether the vehicle in front of them has its brake lamps illuminated.

Through crash data analysis, NHTSA has found that many rear end crashes occur as a result of a driver's inattention to the area ahead of the vehicle. Drivers may be operating the radio, using a cellular phone, or any number of non-driving related activities. To see the vehicles in front of them, they must often rely on their peripheral vision. In these situations, it may not be readily apparent that one of the subject vehicles has its stop lamps illuminated. On the subject vehicles, even the stop lamps which comply with the minimum requirement for Zone 3, do so by a narrow margin. The worst failure among the noncompliant lamps was over 25 percent below the minimum for Zone 3. Because of this, the noncompliance has the potential to confuse following drivers as to whether it is a stop lamp or a tail lamp which they are seeing. In an emergency situation, when drivers compare the subject lamps with other nearby stop lamps or with their memory of a stop lamp, they may not make the correct judgment quickly enough. In certain situations, a fraction of a second may be all the time the driver has to make the necessary crash avoidance maneuver. This may not be ample time for the driver to discern whether the lamp is a tail lamp or a stop lamp. It is this added level of risk associated with these vehicles that must drive a decision regarding safety consequences.

This concern about risk of incorrect identification is supported by a 1986 study sponsored by NHTSA and conducted by the University of Michigan Transportation Research Institute (UMTRI–86–28). In this study, test subjects were presented with two lamps intended to simulate a U.S. tail lighting system. These lamps were illuminated to 18, 40, 60, 80, and 100 candela. After the lamps were illuminated to one of these levels, the test subject was asked to quickly determine, only by the brightness of the lamps, whether they were signaling braking or presence (vehicle's taillamps on). When the lamps were illuminated to 80 candela, the test subjects identified the lamps as signaling braking 90 percent of the time. When they were illuminated to 60 candela, the test subjects identified the lamps as signaling braking 74 percent of the time. Finally, when the lamps were illuminated to 40 candela, the test subjects identified the lamps as signaling braking only 39 percent of the time. Of the five test points in Zone 3, the standard requires that three have a minimum value of 80 candela and two have minimum value of 70 candela. Also, according to Nissan's test data submitted with its application, the lowest value obtained at any test points on the subject vehicles was 45.1 candela. These data lead NHTSA to believe that the Nissan noncompliance could lead drivers following the subject vehicles to mistake the stop lamps for tail lamps. Thus, the risk of being in a crash would be higher for the Nissan vehicles compared to vehicles with complying lamps.

In consideration of the foregoing, it is hereby found that the applicant has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential to safety, and its application is denied.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50)

Issued on: November 21, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97–31264 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–477 (Sub–No. 3X)]

Owensville Terminal Company, Inc.—Abandonment Exemption—in Edwards and White Counties, IL and Gibson and Posey Counties, IN

On November 7, 1997, Owensville Terminal Company, Inc. (OTC) filed with the Surface Transportation Board (Board) a petition [1] under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad known as the Browns-Poseyville line, between milepost 205.0 at or near Browns, IL, and milepost 227.5 near Poseyville, IN, a distance of 22.5 miles in Edwards and White Counties, IL, and Gibson and Posey Counties, IN. The line traverses U.S. Postal Service Zip Codes 62818, 62844, 47616, and 47633. The line includes the stations of Browns, milepost 205.0; Grayville, milepost 213.5; Griffin, milepost 219.9; and Stewartsville, milepost 225.4.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 25, 1998.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due

[1] This petition is a refiling of OTC's April 15, 1997 submission in STB Docket No. AB–477 (Sub-No. 1X). On August 1, 1997, the Board denied the petition without prejudice to OTC's filing an abandonment application. OTC did not adhere to the Board's directive in the August 1 decision in filing this petition for exemption. Consequently, although the Board is publishing notice of the filing of the instant petition based on representations made therein, OTC is advised that the petition may be rejected if opposition is received.

no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a $900 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than December 18, 1997. Each trail use request must be accompanied by a $150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–477 (Sub-No. 3X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street N.W., Washington, DC 20423–0001, and (2) Thomas F. McFarland, Jr., McFarland & Herman, 20 North Wacker Drive, Suite 1330, Chicago, IL 60606–2902.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: November 21, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–31223 Filed 11–26–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub.L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund) within the Department of the Treasury is soliciting comments concerning the Bank Enterprise Award (BEA) Program.

DATES: Written comments should be received on or before January 27, 1998 to be assured of consideration.

ADDRESSES: Direct all comments to Jeannine Jacokes, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, D.C. 20005, Fax Number (202) 622–7754.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, D.C. 20005, or call (202) 622–8662.

SUPPLEMENTARY INFORMATION:

Title: Bank Enterprise Award Program.

OMB Number: 1505–0153.

Abstract: The purpose of the Community Development Banking and Financial Institutions Act of 1994 (Act) was to create the Fund to promote economic revitalization and community development through investment in and assistance to Community Development Financial Institutions (CDFIs). The Fund's BEA Program helps achieve this purpose through an incentive system for insured depository institutions to, among other things, increase their lending to and investment in CDFIs by rewarding participating institutions with awards.

Current Actions: The Fund is in the process of making minor technical revisions to its regulations (12 CFR part 1806), application and final report, in order to publish a Notice of Funds Availability (NOFA) for the third round of the BEA Program.

Type of review: Extension with change.

Affected Public: Insured depository institutions.

Estimated Number of Respondents: 70–75.

Estimated Time Per Respondent: Application: 10; Final Report: 7.

Estimated Total Annual Burden Hours: 1,240.

Requests for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 1834a, 4701, 4704, 4713; 12 CFR part 1806.

Dated: November 28, 1997.

Maurice A. Jones,

Acting Deputy Director.

[FR Doc. 97–31285 Filed 11–26–97; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

November 18, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–1130.

Form Number: IRS Form 8816.

Type of Review: Extension.

Title: Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.

Description: Form 8816 is used by insurance companies claiming an additional deduction under IRC section 847 to reconcile their special loss discount and special estimated tax payments, and to determine their tax benefit associated with the deduction. The information is needed by the IRS to determine that the proper additional deduction was claimed and to insure the proper amount of special estimated tax was computed and deposited.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 3,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 3,000.

Recordkeeping	6 hr., 42 min.
Learning about the law or the form.	53 min.
Preparing, copying, assembling, and sending the form to the IRS.	1 hr., 2 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 25,890 hours.

OMB Number: 1545–1151.

Form Number: IRS Form 8818.

Type of Review: Extension.

Title: Optional Form to Record Redemption of Series EE—U.S. Savings Bonds Issued After 1989.

Description: If an individual redeems U.S. Savings Bonds issued after 1989 and pays qualified higher education expenses during the year, the interest on the bonds is excludable from income. The form can be used by the individual to keep a record of the bonds cashed so that he or she can claim the proper interest exclusion.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 25,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	7 min.
Learning about the law or the form	4 min.
Preparing the form	17 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 22,500 hours.

OMB Number: 1545–1288.

Form Number: IRS Form 8828.

Type of Review: Extension.

Title: Recapture of Federal Mortgage Subsidy.

Description: Form 8828 is needed to compute the section 143(m) tax on recapture of the Federal Subsidy from use of qualified mortgage bonds and mortgage credit certificates in cases where the financing is provided after 1990 and the home subject to the financing is sold during the first 9 years after financing was provided. IRS uses the information to determine that the proper amount of Federal subsidy is recaptured.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 4 hours.

Frequency of Response: Other (for year of sale of home).

Estimated Total Reporting/ Recordkeeping Burden: 1,868 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–31163 Filed 11–26–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

November 19, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–1554.

Form Number: IRS Form MTQ/941 and Schedule B (Form MTQ/941).

Type of Review: Revision.

Title: Montana Quarterly Tax Report/ Employer's Quarterly Return (MTQ/941); and Employer's Record of Federal Tax Liability (Schedule B).

Description: Form MTQ/941 is used by employers to report payments made to employees subject to income and social security and Medicare taxes and the amounts of these taxes. The state of Montana and the Simplified Tax and Wage Reporting Systems (STAWRS) have formed a partnership to explore the potential or combining Montana's quarterly reports for state withholding, Old Fund Liability tax, and Unemployment Insurance with the Employer's Quarterly Federal Tax Return (Form 941). One form will satisfy both state and federal requirements and will make employer filing faster and easier.

Respondents: Business or other for-profit, Individual or households, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 175.

Estimated Burden Hours Per Respondent/Recordkeeper:

	MTQ/941	Schedule B
Recordkeeping.	9 hr., 34 min	2 hr., 53 min.
Learning about the law or the form.	18 min	6 min.
Preparing the form.	28 min	9 min.

Frequency of Response: Quarterly.

Estimated Total Reporting/ Recordkeeping Burden: 6,486 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–31164 Filed 11–26–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

November 21, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub.L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance

Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: New.

Form Number: IRS Form 8854.

Type of Review: New collection.

Title: Expatriation Information Statement.

Description: Internal Revenue Code (IRC) section 6039G and Notice 97–19 provide information reporting requirements for taxpayers who lose U.S. citizenship or cease to be taxed as U.S. lawful permanent residents. Form 8854 is used to report this information.

Respondents: Individual or households.

Estimated Number of Respondents/ Recordkeepers: 11,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Part I	Parts I and II
Record-keeping.	33 min	4 hr., 16 min.
Learning about the law or the form.	9 min	26 min.
Preparing the form.	37 min	3 hr., 46 min.
Copying, assembling, and sending the form to the IRS.	20 min	35 min.

Frequency of Response: Other (once).

Estimated Total Reporting/ Recordkeeping Burden: 25,550 hours.

OMB Number: 1545–1447.

Regulation Project Number: CO–46–94 Final.

Type of Review: Extension.

Title: Losses on Small Business Stock.

Description: Records are required by the Service to verify that the taxpayer is entitled to a section 1244 loss. The records will be used to determine whether the stock qualifies as section 1244 stock.

Respondents: Individual or households, Business or other for-profit.

Estimated Number of Recordkeepers: 10,000.

Estimated Burden Hours Per Recordkeeper: 12 minutes.

Estimated Total Recordkeeping Burden: 2,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–31165 Filed 11–26–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

White House Conference Center: Meeting

AGENCY: Advisory Commission to the President of the United States.

ACTION: Notice of meeting.

SUMMARY: The agenda for the first meeting of the Commission to Study Capital Budgeting includes a discussion of organizational and process issues, including staffing requirements and the need for subcommittees; the work of the Commission, particularly the goals and objectives of the Commission, and the major issues and question requiring background research and evaluation; the schedule and location for the next and subsequent meetings of the Commission.

DATES: December 13, 1997.

TIME: 10:00 a.m. to 4:00 p.m.

ADDRESSES: White House Conference Center, Truman Room, 726 Jackson Place, N.W., Washington, D.C.

Meeting is open to the public. Limited seating capacity is available.

FOR FURTHER INFORMATION CONTACT: Maynard Comiez, Room 4449, Main Treasury, Washington, D.C. 20220, Telephone: (202) 622–2310.

Maynard Comiez,

Senior Economic Advisor/DFO.

[FR Doc. 97–31147 Filed 11–26–97; 8:45 am]

BILLING CODE 4810–25–P

Friday
November 28, 1997

Part II

Department of Energy

48 CFR Part 970

Acquisition Regulation: Department of Energy Management and Operating Contracts; Final Rule

DEPARTMENT OF ENERGY

48 CFR Part 970

RIN 1991–AB–37

Acquisition Regulation; Department of Energy Management and Operating Contracts

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) published a final rule amending the Department of Energy Acquisition Regulation (DEAR) to incorporate certain contract reform initiatives on June 27, 1997 (62 FR 34842). Among the initiatives is the implementation of DOE's diversity policy, which requires that contractors take appropriate action to develop and meet diversity performance goals as part of their business operations. DOE is adopting a diversity contract clause to ensure uniform implementation of this policy in its management and operating contracts.

EFFECTIVE DATE: December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Gloria B. Smith, U.S. Department of Energy, Office of Economic Impact and Diversity, 1000 Independence Avenue, S.W., Washington, DC 20585–0901, (202) 586–8383, or Romulo L. Diaz, Jr., Esq., U.S. Department of Energy, Office of General Counsel, 1000 Independence Avenue, S.W., Washington, DC 20585–0103, (202) 586–2902.

SUPPLEMENTARY INFORMATION:

I. Introduction

In its Strategic Plan for Diversity, which was published in 1994, the Department established goals for enhanced partnerships with small, minority and women-owned businesses; minority educational institutions (i.e., Historically Black Colleges and Universities; Hispanic serving educational initiatives; and Native American Institutions); employees; and communities. The Department's diversity goals were included in amendments to the DEAR published on June 27, 1997 (62 FR 34842, 34864, new § 970.2601(b)). The Department has articulated on numerous occasions its intent to evaluate contractor performance consistent with DOE policies and authorities as they may be interpreted and implemented in light of *Adarand Constructors Inc.* v. *Peña,* 115 S. Ct. 2097 (1995).

Notice of the Department's proposal to adopt a clause to be added at 48 CFR § 970.5204–81 for inclusion in all management and operating contracts was published for public comment in the **Federal Register** at 62 FR 44350 on August 20, 1997. Guidance for the preparation of a diversity plan by a for-profit contractor—originally developed for use with DOE's ''Sample Contract Provisions for Department of Energy Performance Based Management Contracts (Model Contract) with For-Profit Contractors''—was reproduced for informational purposes as an appendix to the Department's proposal. (62 FR 44351) A public hearing on the proposed rulemaking was scheduled for September 4, 1997, and the public comment period closed on September 19, 1997. No comments were received on the proposal, nor were there any requests to speak at the public hearing. Accordingly, in order to implement the Department's diversity policy found at 48 CFR 970.2601(b), the final rule adopts without modification the clause previously proposed to be added at section 970.5204–81.

II. Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

B. Review Under Paperwork Reduction Act

DOE has determined that the clause requiring submission of a diversity plan by DOE contractors is necessary to implement the diversity policy enunciated at 48 CFR 970.2601(b). The information in the diversity plan, to be submitted initially upon award of a new contract and updated annually thereafter, will be used by DOE contracting officers to evaluate contractor performance and determine whether DOE's policy of developing innovative strategies to increase opportunities for small, minority and women-owned businesses and educational institutions is being advanced. Approximately 36 management and operating contractors will be subject to the diversity plan. The Department's best estimate is that the burden will average 40 hours per contractor; the total annual burden is estimated to be approximately 1440 hours.

Comments were solicited on the Department's need for this information in the proposed rule, whether the information would have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any other suggested methods for minimizing respondents' burden. No comments were received.

The Office of Management and Budget approved the diversity plan information collection on October 23, 1997, and assigned to it OMB Number 1910–4100. OMB approval for the information collection expires April 30, 1998.

An agency may not conduct or sponsor a collection of information unless the collection of information contains a currently valid OMB control number. 5 CFR 1320.5(b).

C. Review Under the National Environmental Policy Act

Pursuant to the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), the Department of Energy has established regulations for its compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Pursuant to Appendix A of Subpart D of 10 CFR Part 1021, the Department has determined that today's regulatory action is categorically excluded from the need to prepare an environmental impact statement or an environmental assessment. Today's rule amends an existing rule without changing its environmental effect (Categorical Exemption A5).

D. Review Under Executive Order 12612

Executive Order 12612, 52 FR 41685 (October 30, 1987), requires that rules be reviewed for any substantial direct effect on States, on the relationship between the National Government and the States, or in the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. The Department has determined that this rulemaking will not have a substantial direct effect on the institutional interests or traditional functions of States.

E. Review Under Executive Order 12988

With regard to the review required by section 3(a) of Executive Order 12988, DOE has completed the required review and determined that, to the extent permitted by law, the regulations meet the relevant standards of Executive Order 12988.

F. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. §§ 601–612) requires that an agency prepare an initial regulatory flexibility analysis, and publish the analysis or a summary at the time of publication of general notice of proposed rulemaking for the rule. 5 U.S.C. § 603. This requirement does not apply if the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. 5 U.S.C. § 605(b).

DOE certifies that requiring the inclusion of a clause in DOE contracts which requires the contractor to submit a plan that explains its approach and actions to promoting diversity, consistent with Departmental policy, would not have a significant economic impact on a substantial number of small entities. The diversity plan clause would be included in all DOE management and operating contracts, which historically have been cost reimbursement contracts. Thus, DOE believes that this rule will not have an adverse economic impact on any small entity.

G. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each federal agency to prepare a written assessment of the effects of any federal mandate in a proposed or final agency rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. The Act also requires a Federal agency to develop an effective process to permit timely input by elected officers of state, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity to timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. The rule published today does not contain any federal mandate, so these requirements do not apply.

H. Congressional Notification

As required by 5 U.S.C. § 801, DOE will report to Congress on the promulgation of the rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. § 804(2).

List of Subjects in 48 CFR Part 970

Government procurement.

Issued in Washington, DC, on November 21, 1997.

Federico Peña,

Secretary of Energy.

For the reasons set forth in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is amended as set forth below:

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

1. The authority citation for Part 970 continues to read as follows:

Authority: Sec. 162 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) and Sec. 644 of the Department of Energy Organization Act, Public Law 95–91 (42 U.S.C. 7254).

2. Subsection 970.2602–2 is amended by redesignating the current paragraph as paragraph (a), and by revising the title and adding a new paragraph (b) to read as follows:

970.2602–2 Contract clauses.

* * * * *

(b) The Contracting Officer shall insert the clause at 48 CFR (DEAR) 970.5204–81 Diversity Plan in management and operating contracts.

3. Subpart 970.52 is amended to add section 970.5204–81 to read as follows:

970.5204–81 Diversity Plan.

As prescribed in 48 CFR (DEAR) 970.2602–2(b), insert the following clause.

Diversity Plan

(December 1997)

The Contractor shall submit a Diversity Plan to the Contracting Officer for approval within 90 days after the effective date of this contract. The contractor shall submit an update to its Plan with its annual fee proposal. Guidance for preparation of a Diversity Plan is provided in Appendix __. The Plan shall include innovative strategies for increasing opportunities to fully use the talents and capabilities of a diverse work force. The Plan shall address, at a minimum, the Contractor's approach for promoting diversity through (1) the Contractor's work force, (2) educational outreach, (3) community involvement and outreach, (4) subcontracting, and (5) economic development (including technology transfer).

[FR Doc. 97–31256 Filed 11–26–97; 8:45 am]

BILLING CODE 6450–01–P

Friday
November 28, 1997

Part III

Department of Education

34 CFR Parts 682 and 685

Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 682 and 685

RIN 1840–AC45

Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Federal Family Education Loan (FFEL) Program regulations, 34 CFR Part 682, and the William D. Ford Federal Direct Loan (Direct Loan) Program regulations, 34 CFR Part 685, to modify requirements in these programs. These modifications eliminate certain differences in the requirements of the FFEL and Direct Loan programs and reduce burden.

DATES: Effective date: These regulations take effect July 1, 1998. However, affected parties do not have to comply with the information collection requirement in § 685.212 until the Department of Education publishes in the **Federal Register** the control number assigned by the Office of Management and Budget (OMB) to this information collection requirement. Publication of the control number notifies the public that OMB has approved this information collection requirement under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Smith, U.S. Department of Education, 600 Independence Avenue, SW, ROB–3, room 3045, Washington, DC 20202–5346. Telephone: (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: On September 25, 1997, the Secretary published a notice of proposed rulemaking (NPRM) for the FFEL Program and the Direct Loan Program in the **Federal Register** (62 FR 50462).

The NPRM included a discussion of the major issues surrounding the proposed changes that will not be repeated here. The following list summarizes those issues and identifies the pages of the preamble to the NPRM on which a discussion of those changes can be found:

Sections 682.201 and 685.301 Students with Need of $200 or Less

The Secretary proposed to establish a provision that would allow, but not require, a school to choose not to originate a Direct Subsidized Loan for a student with a calculated need of $200 or less. (page 50462)

Sections 682.202(c)(5), 682.401(b)(10), and 685.202(c)(4) Refund of FFEL Program Origination Fees and Insurance Premiums and of Direct Loan Program Loan Fees

The Secretary proposed a new provision that would provide for the refund of the applicable portion of the origination fee, insurance premium, or loan fee that is attributable to that portion of loan funds that are returned by the school in order to comply with the Higher Education Act of 1965, as amended (HEA) or with applicable regulations. (page 50463)

Sections 682.402 and 685.212 Discharge of a Loan

The Secretary proposed to provide for the discharge of a borrower's or endorser's obligation to repay a Direct Consolidation Loan for a borrower who became totally and permanently disabled (or whose condition substantially deteriorated, so as to render the borrower totally and permanently disabled) after applying for all of the Consolidation Loan's underlying loans. The Secretary also proposed to clarify FFEL Program regulations that relate to this type of loan discharge. (page 50463)

Sections 682.604(g)(2) and 685.304(b)(2) Exit Counseling

The Secretary proposed to revise the FFEL and Direct Loan program regulations that govern exit counseling to allow a school to base the calculation of a student's ''average anticipated monthly repayments'' upon either the student's individual indebtedness or upon the average indebtedness of students who have obtained loans for attendance at that school or in the borrower's program of study. (page 50463)

These final regulations contain changes from the NPRM. These changes are fully explained in the Analysis of Comments and Changes elsewhere in this preamble.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, a number of parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

Substantive issues are discussed under the section of the regulations to which they pertain. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—generally are not addressed.

General

Comments: The vast majority of commenters strongly supported the Secretary's efforts to eliminate the differences in the requirements of the FFEL and Direct Loan programs and to reduce burden. However, three commenters stated that the changes proposed in the NPRM provide a benefit to Direct Loan Program participants, but do not provide a significant benefit to FFEL Program participants. The commenters urged the Department to review other differences between the Direct Loan and FFEL Programs and to provide benefits for participants in both programs. One commenter proposed additional areas for the Secretary to consider changing to achieve better parity between the requirements in the two programs.

Discussion: The Secretary believes that FFEL Program participants will benefit from the changes made in these regulations. For example, the change to the exit counseling requirements will allow FFEL schools to use student-specific information to inform students of their anticipated average monthly repayments. This change will permit schools to use the most specific information they have in counseling borrowers. This change will also ensure that borrowers receive the best information available in planning for their repayment obligations. The other three revisions will clarify the FFEL Program regulations and ensure that a student borrowing in the FFEL Program receives the same terms, conditions, and benefits as a student borrowing in the Direct Loan Program.

In addition, a school that participates in both the FFEL and Direct Loan Programs will derive a significant benefit concerning its participation in both programs as a result of any change that reduces the differences between the programs. Elimination of these differences will make it easier for schools to administer the two programs and reduces the likelihood of confusion.

This final rule does not reduce benefits in the FFEL Program. Instead, the regulations help to implement § 455(a) of the HEA, which generally requires that the FFEL and Direct Loan Programs have the same terms,

conditions, and benefits unless otherwise specified.

Changes: None.

Students With Need of $200 or Less (§§ 682.201 and 685.301)

Comments: Many commenters asked that a paragraph similar to the proposed § 685.301(a)(6) be included in FFEL Program regulations, to more clearly state a school's authority to choose not to certify a Stafford Loan of $200 or less and to include that amount in an unsubsidized Stafford Loan. One commenter also asked that the regulations for both programs specify that the authority to include the amount in an unsubsidized loan is subject to applicable annual and aggregate loan limits.

Discussion: The result of the changes made to §§ 682.201(a)(2) and 685.301 by these regulations will be essentially the same for schools participating in the FFEL Program as for schools participating in the Direct Loan Program. Schools in each program will be able to choose whether or not to certify or originate a subsidized loan for a student with need of $200 or less. However, fundamental differences between the two programs preclude making the regulatory text identical.

In the FFEL Program, the ability of a borrower to receive a subsidized loan of $200 or less rests, ultimately, with the lender, not with the school. For example, a school may certify a Stafford Loan for $100 but cannot compel a lender to actually make a loan of this amount to a borrower. However, in the Direct Loan Program, the school may act for the Department in determining whether or not a borrower may receive a subsidized amount of $200 or less.

As for the commenter's request to clarify that the amount of $200 or less that is provided to the student as an unsubsidized loan amount is subject to the applicable annual and aggregate loan limits, no change is needed. The FFEL and Direct Loan annual and aggregate unsubsidized loan limits include both subsidized and unsubsidized loan amounts. Therefore the unsubsidized amount has already been incorporated into the determination of the borrower's annual and aggregate amount. If a borrower is eligible to receive the $200 or less amount, and the school chooses not to certify or originate a subsidized loan for the amount, in all cases, the borrower remains eligible to receive those funds in an unsubsidized loan.

Changes: None.

Comments: Two commenters asked that paragraphs § 682.201(a)(2) (ii) and (iii) be removed, noting that the requirements in those paragraphs were specific to loans made under the Supplemental Loans for Students (SLS) Program, which has been repealed. The commenters contended that the provisions in the NPRM had made them unnecessary.

Another commenter expressed concern that, in many cases, the proposed revisions to § 682.201 would remove a dependent student's eligibility for a ''base'' unsubsidized Stafford Loan amount, as described at § 682.204(c). For example, the commenter noted that simply changing ''SLS'' to ''unsubsidized Stafford'' in § 682.201(a)(3) as proposed in the NPRM would provide that a dependent undergraduate student would be ineligible for the ''base,'' as well as the ''additional'' unsubsidized amount unless the student's parents were precluded by exceptional circumstances from borrowing a PLUS loan.

Discussion: The Secretary agrees with the commenters. Paragraphs § 682.201(a)(2) (ii) and (iii) are no longer needed. Also, as noted by the commenter, § 682.201(a)(3) would appear to place a restriction upon a dependent undergraduate student's eligibility to receive unsubsidized Stafford loan funds. The Secretary did not intend to propose such a change, but intended only to clarify a school's authority to choose not to certify a subsidized Stafford loan for a student with need of $200 or less.

Changes: Section 682.201(a)(2) has been rewritten to reflect the elimination of paragraphs (ii) and (iii), and § 682.201(a)(3) is revised to more accurately describe a dependent undergraduate student's ability to receive a ''base'' unsubsidized Stafford loan amount.

Refund of FFEL Program Origination Fees and Insurance Premiums and of Direct Loan Program Loan Fees (§§ 682.202(c)(5), 682.209(i)(1), 682.401(b)(10), and 685.202(c)(4))

Comments: One commenter asked that the Secretary note in this Preamble that the purpose of the proposed changes to § 682.202(c)(5)(i) is to clarify that a refund of the origination fees must be credited to a student's loan balance by the lender even after 120 days, if there is an institutional delay in processing the refund.

Discussion: The commenter notes a valid example in which the refund of the origination fee would be credited against a borrower's loan balance. However, the revision to § 682.202(c)(5)(i) is intended to clarify the conditions under which the fee must be refunded, rather than the timeframe in which the refund must be made. The revision clarifies that the fee must be refunded by a credit against the borrower's loan balance in all cases in which the school is returning the funds to comply with its responsibilities under the HEA or applicable regulations.

This means that for a fee to be refunded by a credit under this provision, the return of funds by the school must be in keeping with the school's normal responsibilities under the HEA and applicable regulations, such as when a school is returning or repaying a title IV refund or overaward amount. The origination fee would *not* be refunded, however, if a school returned funds as a prepayment for the borrower later than 120 days after the date of the loan disbursement.

Changes: None.

Comments: Many commenters noted that language proposed in the NPRM for § 682.202 and § 682.401 would require a lender to refund to the borrower's account a portion of the origination fee and insurance premium any time that a payment was made by a borrower within 120 days of disbursement. The commenters noted that, under the proposed rules, if a borrower made a prepayment, an interest payment, or a scheduled payment on a loan within 120 days of disbursement, a lender would be required to return the applicable portion of the origination fee and insurance premium. These commenters stated that they believed that the corresponding Direct Loan Program regulations at § 685.202(c)(4) do not include this requirement.

The commenters requested that the same rule apply to the FFEL and Direct Loan Programs. The commenters also suggested that the return of a portion of the origination fee or insurance premium for a disbursement only be made when the funds are returned by a school to comply with the HEA or applicable regulations, and that a borrower returning funds within 120 days would only receive a refund of an origination fee or insurance premium when the borrower pays an amount equal to the full amount of the disbursement.

Discussion: As stated in the footnote in the preamble to the NPRM (62 FR at 50463), the changes to the FFEL regulations at § 682.202(c)(5) are a technical correction. The corresponding changes to §§ 682.401(b)(10)(vi)(B) and 682.209(i)(1) in this final rule are made as conforming changes to this technical correction.

The commenters are correct in noting that FFEL regulations require the return of a portion of the origination fee or

insurance premium when a borrower repays or returns funds within 120 days of disbursement. The commenters are not correct in claiming that a Direct Loan borrower must return the full amount of a disbursement in order to receive a refund of the loan fee. Though the language in the two regulations is slightly different, the substance of this requirement is the same in the FFEL and Direct Loan Programs. A borrower may repay or return a portion of a FFEL or Direct Loan Program disbursement to receive a partial refund of the fees.

However, the Secretary did not intend that a portion of an origination fee, insurance premium, or loan fee would be automatically refunded to a borrower within 120 days of disbursement if the borrower has a loan that is in repayment unless the borrower specifically instructs the Secretary or the lender, in writing, to use the payment to cancel all or a portion of the loan. If a borrower is in repayment and does not supply written instructions to the contrary, the payment made by the borrower is applied to the borrower's loan balance as provided at § 682.209(b) or § 685.211(a).

The regulatory language has been revised to reflect this clarification. Specifically, it has been revised to provide that, unless a borrower in repayment status instructs otherwise, any payment by that borrower is applied in accordance with regular payment application rules without any effect on the origination fee, insurance premium, or loan fee. The regulatory language has also been revised to provide that, unless a borrower who is *not* in a repayment status instructs otherwise, any payment by that borrower is applied to cancel all or a portion of the most recent disbursement, and correspondingly, all or a portion of the fees are returned.

For example, if a borrower who is in repayment status makes a regularly scheduled payment on a PLUS loan, within 120 days of the last disbursement, the fees are not refunded unless the borrower requests, in writing, that the funds be applied to cancel all or a portion of a recent disbursement. If the same borrower includes an amount greater than the scheduled payment amount with the regularly scheduled payment, the additional amount is applied to the borrower's loan balance under applicable regulations at § 682.209(b) or § 685.211(a). If the same borrower mails a check to the lender without including any instructions at all, the amount is applied to the borrower's loan balance under regulations at § 682.209(b) or § 685.211(a). In all cases, a borrower who is in repayment will not receive a proportional refund of fees unless the borrower requests in writing that the payment, or a portion of the payment, is intended to be applied to cancel all or a portion of a recent loan disbursement.

As another example, a borrower who has not yet entered repayment status on any loans is scheduled to make a payment of accruing interest on an unsubsidized loan within 120 days of disbursement. If the borrower *does not* provide written instructions concerning the application of the payment (whether on a payment coupon, in a written note, or in other written form), then a payment made within 120 days of disbursement is applied as a cancellation of part of the loan, and the appropriate portion of the fees is refunded to the borrower. If the borrower *does* provide written instruction that the payment is to be applied to the accruing interest (by including the return of a payment coupon, a written note, etc.), then the payment is applied to the interest, and no fees are refunded. However, if a borrower who is not in repayment status is making a payment to be applied to the accruing interest that includes an amount greater than the amount of the accrued interest, the excess amount is used to cancel a portion of the loan and the corresponding portion of the fees is refunded to the borrower.

Changes: The regulations have been revised to clarify that a borrower in repayment status on any loan must provide written instructions to prevent a payment made within 120 days of disbursement from being applied to the debt under the regular application of payment rules in § 682.209 or § 685.211. A borrower who is not in repayment status on any loan must provide written instructions to prevent a payment made within 120 days of a disbursement from being applied as a cancellation of all or part of the loan.

Also, a change is made in § 682.209(i)(1) to be consistent with corresponding changes at §§ 682.202(c)(5) and 682.401(b)(10)(vi)(B). Additional minor revisions have also been made to clarify this rule.

Comments: Several commenters suggested that the preamble for the final rule clarify that a lender in the FFEL Program may assume that any amount returned by a school was being returned pursuant to § 682.202(c)(5)(i) or § 682.401(b)(10)(vi)(B)(*1*) unless the school specifically advised otherwise. The commenters stated that this approach would provide for a more streamlined exchange of data between a school and a lender.

Discussion: The Secretary agrees with the commenters. Unless a school specifically states otherwise, a lender may assume that the amount being returned by the school is pursuant to § 682.202(c)(5)(i) or § 682.401(b)(10)(vi)(B)(*1*).

Changes: None.

Comments: One commenter asked that proposed § 682.202(c)(5)(iii) be expanded to provide more specific regulations regarding the standards for the non-delivery of loan funds that will require the return of an origination fee, similar to requirements provided in corresponding regulations for an insurance premium, at §§ 682.401(b)(10)(vi)(B)(*3*) and (*4*). The regulations for insurance premiums provide for different treatment of these fees depending on the disbursement method. Another commenter noted the same disparity, but recommended the opposite action, that §§ 682.401(b)(10)(vi)(B)(*3*) and (*4*) be revised to conform to the less specific language at § 682.202(c)(5)(iii).

Discussion: The Secretary agrees that § 682.202(c)(5)(iii) should be expanded to provide more details concerning when a loan will be considered to have not been delivered, thus requiring the return of the origination fee. This language was inadvertently omitted from previous regulations.

Changes: Section 682.202(c)(5) is revised to more closely correspond to provisions in paragraphs §§ 682.401(b)(10)(vi)(B)(*3*) and (*4*).

Discharge of a Loan (§§ 682.402 and 685.212)

Comments: Many commenters found the text of §§ 682.402 and 685.212 to be difficult to understand, and asked that it be revised to state the requirements more directly. Specifically, commenters proposed language to state more directly that a borrower is eligible for a total and permanent disability discharge if he or she meets the eligibility criteria for each of the underlying loans included in the consolidation loan. Another commenter supported the numbering and lettering format used, but believed that language currently in § 682.402(c) was clearer and suggested that this language be retained.

Discussion: The regulations must address the timing of the disability to the underlying loans, for the purpose of determining eligibility for the discharge of the consolidation loan, because the underlying loans no longer exist. Further, §§ 682.402(c)(1)(iii)(B) and 685.212(b)(3)(ii) provide criteria for the discharge of an underlying loan that was made under a federal education loan program other than the FFEL or Direct Loan Program. For example, the

proposed requirements at §§ 682.402(c)(1)(iii)(B) and 685.212(b)(3)(ii) provide for the discharge of a consolidation loan that includes a Health Professions Student Loan (HPSL). Otherwise, to discharge a borrower's obligation to repay this consolidation loan, a separate determination would need to be made under regulations specific to the HPSL.

In light of the complexity of the issues, the Secretary believes that the regulations provide the best statement of the rules, but the Secretary will continue to review the language to determine if simpler wording can be developed.

Changes: Minor revisions are made to §§ 682.402(c)(1)(iii) and 685.212(b)(3) to simplify guidance and improve clarity.

Comments: Many commenters noted that changes proposed for §§ 682.402(c)(1)(iii)(A) and 685.212(b)(3)(i) require that *all* of a consolidation loan's underlying loans be individually dischargeable in order for a borrower to have an obligation to repay a consolidation loan discharged due to a total and permanent disability. These commenters strongly opposed this provision.

The commenters presented two options. The first, and the preferred option of most commenters, was to provide that a borrower's obligation to repay a consolidation loan be completely discharged if any one of the underlying loans meets the criteria for this type of discharge. Most commenters reasoned that this option would not result in a significant loss of funds to the government, given the limited number of borrowers who would meet these discharge criteria. One commenter reasoned that to do otherwise would punish a borrower for consolidating loans, would provide a disincentive for consolidating loans, would create significant servicing problems, and would be neither cost-efficient nor sensitive to the circumstances of a borrower.

The second option presented by commenters was to discharge a portion of a borrower's obligation to repay a consolidation loan that is consistent with the amount of the eligible underlying loan(s). The commenters noted that discharging a portion of a consolidation loan in this case would be consistent with rules providing a partial discharge of a consolidation loan based on a school's closure or a false certification. One commenter reasoned that the HEA does not preclude a partial discharge of a loan due to a total and permanent disability.

The commenters also noted that a borrower normally consolidates a loan as the result of financial difficulties, and in this case, consolidation would worsen rather than help a borrower's financial situation. Rather than becoming less likely to default, a borrower would become more likely to default.

Discussion: Under the proposed rule, (1) a borrower who receives a consolidation loan and then becomes totally and permanently disabled is eligible for a discharge of the obligation to repay the consolidation loan; and (2) a borrower who receives a number of loans and then becomes totally and permanently disabled, but consolidates those loans rather than applying for their discharge, is eligible for a discharge of the obligation to repay the consolidation loan.

In both cases noted above, a borrower is also considered totally and permanently disabled based on a condition that existed at the time the borrower applied for the loan if the borrower's condition substantially deteriorated after the loan was made so as to render the borrower totally and permanently disabled. In order to determine whether each loan included in a borrower's consolidation loan is eligible for a discharge, the borrower's circumstances related to each loan must be examined individually.

Conversely, a borrower *would not* be eligible for the discharge of the consolidation loan obligation if the borrower is not considered totally and permanently disabled for one or more of the underlying loans or if the borrower's condition did not substantially deteriorate after each underlying loan was made or after the consolidation loan itself was made. For example, a borrower who receives a number of loans, becomes totally and permanently disabled, but then becomes able to go back to school and receives another loan, and finally consolidates all of these loans is not eligible to receive a discharge of the obligation to repay the consolidation loan unless, for each underlying loan, (1) a condition existing at the time the borrower applied for the underlying loan substantially deteriorated so as to render the borrower totally and permanently disabled, or (2) the borrower had become disabled based on a condition that did not exist at the time the borrower applied for the underlying loan or the consolidation loan itself.

This proposed rule is not a change to current FFEL Program requirements. The requirements proposed in the NPRM, which specify that all of a borrower's underlying loans must qualify for a discharge in order for the consolidation loan to be discharged, are consistent with current § 682.402(c)(1), which provides that ''the borrower must certify that the condition did not exist prior to the time the borrower applied for each of the underlying loans.''

The commenters' proposal, that a borrower's obligation to repay a consolidation loan be completely discharged if one or more of its underlying loans meet the criteria, would enable a borrower to use the consolidation process to discharge an obligation to repay a loan that was not dischargeable prior to consolidation. For example, a borrower having one loan that is dischargeable and two subsequent loans that are not dischargeable, would be able to circumvent regulations and discharge all three loans by consolidating. The Secretary does not believe that borrowers who take out loans and do not qualify for a discharge of those loans should get a discharge merely by consolidating.

As to the commenters' second proposal for a partial discharge of a consolidation loan, the Secretary notes that partial discharge of a consolidation loan obligation is authorized due to a school closure or false certification because, in these cases, either the loan should not have been made or the borrower did not receive the benefit of the education or training for which the loan was intended. Thus, the basis for these types of discharge is the result of the school's action and beyond the control of the borrower, rather than related to the borrower's individual condition or actions.

Also, the Secretary notes that the school closure and false certification discharges were specifically designed to address past problems in the loan programs. They were enacted in 1992, but applied to loans made on or after January 1, 1986. The regulations provided for partial discharges of loans in these cases in recognition of the fact that borrowers whose loans were now subject to discharge may have taken out consolidation loans that also repaid other nondischargeable loans prior to 1992. The same type of situation does not exist in connection with the disability discharge. Thus, the Secretary declines to change the longstanding policy against partial discharges in these circumstances.

The commenter is correct that the proposed revision might provide a slight disincentive for consolidating loans. However, this disincentive would only affect borrowers who have loans which are eligible for discharge. It is in the borrower's best interest to have these loans discharged, rather than take out a new loan. Given the availability of

discharge information to borrowers, the Secretary estimates that the number of borrowers who will be affected by the proposed provision should be extremely small. That is, most borrowers will be aware of and will exercise their right to have the loan discharged due to a disability rather than consolidate the loan. However, the Secretary will continue to work to ensure that all borrowers are knowledgeable about their rights to both discharges and deferments. The Secretary intends to modify the language in the consolidation application materials to encourage applicants to review their discharge and deferment options prior to consolidating.

Changes: None.

Comments: Two commenters recommend removing the proposed requirements at §§ 682.402(c)(1)(iii)(C) and 685.212(b)(3)(iii), stating that they are unnecessarily burdensome. These provisions would require a borrower to supply the disbursement dates of the underlying loans at the request of the lender or the Secretary in order to receive a discharge of his or her obligation to repay the consolidation loan. One commenter notes that in some cases, this requirement may impose a record retention period upon a borrower that is greater than the retention period required for a school, a lender, or a guaranty agency, and asks that, if the information is necessary, it be stored in the borrower's loan record at the time the consolidation loan is disbursed. The other commenter proposes that a borrower be allowed to certify that eligibility requirements have been met rather than requiring the borrower to document that each underlying loan in the consolidation loan is eligible for discharge.

Discussion: In order for the Secretary or a lender to determine whether a borrower's obligation to repay a loan may be discharged due to a total and permanent disability under § 682.402(c)(1)(ii) or § 685.212(b)(2), the Secretary or lender must consider the relationship between the date that the loan was disbursed and the date that the borrower became totally and permanently disabled. Without that information, no determination may be made, and the borrower's obligation may not be discharged.

The Secretary believes that the required information will likely be available through the National Student Loan Data System (NSLDS), and that the borrower will not need to supply information about the underlying loans unless the borrower disputes the NSLDS record. However, if the Secretary or lender cannot make a determination, it is in the borrower's best interest to have the opportunity to supply the information, to assure that his or her request for a discharge may be processed as quickly as possible. Moreover, it is unclear how a borrower's burden for providing the disbursement dates differs significantly from a borrower's burden in certifying that he or she qualifies for this type of discharge: the borrower must be aware of the disbursement dates in order to sign the certification.

Changes: None.

Comments: Many commenters noted that language in FFEL regulations requiring a borrower to provide information about underlying loans ''if the lender does not possess that information'' is not included in regulations for Direct Loans. Most commenters proposed that the language be added to Direct Loan regulations, for consistency. However, one commenter proposed that the language be removed from FFEL regulations, for both consistency and to ensure that lenders may make determinations based on the most accurate information.

Discussion: The proposed § 682.402(c)(1)(iii)(C) prevents a lender from requesting information that it already possesses and also clarifies that it is the responsibility of the borrower to provide the necessary documentation if the lender does not have the information needed to determine eligibility for the discharge. This is not a change from current FFEL requirements.

A similar provision is not included at § 685.212(b)(3)(iii) because it is not necessary for the Secretary to regulate internal agency processes. However, the Secretary does not intend to request this documentation from the borrower unless the information is not contained in the Secretary's records.

Changes: None.

Exit Counseling (§§ 682.604(g)(2) and 685.304(b)(2))

Comments: Fourteen commenters supported the flexibility that would be provided by the revisions proposed to the exit counseling requirements. Most noted that supplying individualized information to a borrower would allow the borrower to make a more informed choice of a repayment plan, but felt that the flexibility and simplification of the exit counseling rules better served the needs of schools and borrowers. These commenters noted that adequate individualized information was available to a borrower from the Direct Loan Servicer or from the FFEL Program lender.

Three commenters argued that allowing a Direct Loan school to base information that a school provides to a borrower during exit counseling upon an average indebtedness would not provide timely or adequate information for a Direct Loan borrower to select a repayment plan or to request a deferment or forbearance. One of these commenters noted that the average indebtedness for students at a school or in a program may bear little relation to an individual borrower's loan balance. Two of these commenters recommended that the current requirement for individualized information be maintained in the Direct Loan Program and that the FFEL Program regulations be amended to require the use of individualized information for exit counseling.

One of these two commenters also recommended that this individualized information be provided to a borrower on an on-going basis. For example, the commenter reasoned that individualized information about a borrower's debt should be available each time a borrower considers applying for a loan, so that the borrower could make an informed decision. The third commenter recommended that the Secretary work to provide easy access to the individualized information to schools, and when that has been accomplished, to require a school to provide counseling based on this individualized information.

Discussion: The Secretary agrees with the commenters that it is important for borrowers to receive individualized information regarding their debt. However, the Secretary notes that the HEA only requires the dissemination of average information during exit counseling, and that individualized information is readily available to borrowers from a number of sources. Therefore, the exit counseling session may not be the most efficient method of providing this information.

In the Direct Loan Program, the Direct Loan Servicing Center provides specific repayment information to borrowers during the grace period. This information is mailed to borrowers along with documents they need to select a repayment plan. A borrower may also call the Direct Loan Servicer's toll-free telephone number and request information regarding the repayment amounts for that borrower under each of the Direct Loan repayment plans. If a borrower later decides that a different repayment plan better suits the borrower's needs, the borrower can generally change to another plan at any time.

Also, § 685.304(b)(2) (ii) and (iii) require schools to review available repayment options with a borrower and to provide the borrower with options concerning debt-management strategies. As was noted in the NPRM, to comply with § 685.304(b)(2) (ii) and (iii), a school that chooses not to provide the individualized repayment information to a student is expected to advise the student of the availability of the individualized repayment information at the student's Direct Loan servicer and of its usefulness in selecting the most appropriate repayment plan.

Further, the Department expects to begin to allow Direct Loan borrowers electronic access to their individual account information (last payment, account balance, etc.) via the Direct Loan Web site very soon. Initially, individual repayment option calculations will not be available, but borrowers may use their specific account information at the Department's new Direct Loan repayment calculator Web site. The repayment calculator enables borrowers to estimate repayment amounts under each repayment plan for any loan amount. Borrowers may use this information to decide whether to switch plans or even to estimate the amount they would repay based on how much they may plan to borrow during the course of their postsecondary education.

In the FFEL Program, most borrowers may receive this same type of individualized information from their lenders. Most lenders or loan servicers have developed processes like those in Direct Lending to provide FFEL borrowers with individualized loan repayment information by telephone, electronically, and by other means.

Given the current availability of borrower-specific repayment information through a number of resources, it would be unnecessarily burdensome to require a school participating in the Direct Loan Program or in the FFEL Program to provide individualized information during exit counseling. Rather, the Secretary believes that it is appropriate to allow a school the flexibility to choose the repayment counseling option that best meets its capabilities and the needs of its students.

Changes: None.

Comments: Several commenters noted that they assumed that a school would disclose to a student whether the repayment information provided was based on the student's actual indebtedness or upon an average.

Discussion: To ''inform'' a student, and thus to comply with the regulations, a school must provide the information to a student in a format that is understandable. If a school does not disclose whether the repayment information that it provides is based on the student's actual indebtedness or upon an average, then a student cannot understand or use the information properly, and the school has not complied with the provision.

Changes: None.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order, the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary as necessary for administering these programs effectively and efficiently. Burdens specifically associated with information collection requirements, if any, were identified and explained in the preamble to the NPRM.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, the Secretary has determined that the benefits of the regulations justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

The potential costs and benefits of these final regulations were discussed in the preamble to the NPRM (62 FR 50462).

Assessment of Educational Impact

In the NPRM, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the NPRM and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

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Note: The official version of this document is the document published in the **Federal Register**.

List of Subjects in 34 CFR Parts 682 and 685

Administrative practice and procedure, Colleges and universities, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: November 21, 1997.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.032 Federal Stafford Loan Program; 84.032 Federal PLUS Program; 84.032 Federal Supplemental Loans for Students Programs; 84.033 and 84.268 Federal Direct Student Loan Program)

The Secretary amends Parts 682 and 685 of Title 34 of the Code of Federal Regulations as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

1. The authority citation for Part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

2. Section 682.201 is amended by removing the words ''receive an SLS loan'' in the introductory language of paragraph (a) and adding, in their place, ''receive an unsubsidized Stafford loan''; by removing the acronym ''SLS'' in paragraph (a)(1) and adding, in its place, ''unsubsidized Stafford''; by revising paragraph (a)(2); and by removing the words ''SLS loan'' in paragraph (a)(3) and adding, in their place, ''additional unsubsidized Stafford loan amount, as described at § 682.204(d)'' to read as follows:

§ 682.201 Eligible borrowers.

* * * * *

(a) * * *

(2) In the case of any student who seeks an unsubsidized Stafford loan for the cost of attendance at a school that

participates in the Stafford Loan Program, the student must have received a determination of need for a subsidized Stafford loan, and if determined to have need in excess of $200, have filed an application with a lender for a subsidized Stafford loan;

* * * * *

3. Section 682.202 is amended by revising paragraph (c)(5) to read as follows:

§ 682.202 Permissible charges by lenders to borrowers.

* * * * *

(c) * * *

(5) Shall refund by a credit against the borrower's loan balance the portion of the origination fee previously deducted from the loan that is attributable to any portion of the loan—

(i) That is returned by a school to a lender in order to comply with the Act or with applicable regulations;

(ii) That is repaid or returned within 120 days of disbursement, unless—

(A) The borrower has no FFEL Program loans in repayment status and has requested, in writing, that the repaid or returned funds be used for a different purpose; or

(B) The borrower has a FFEL Program loan in repayment status, in which case the payment is applied in accordance with § 682.209(b) unless the borrower has requested, in writing, that the repaid or returned funds be applied as a cancellation of all or part of the loan;

(iii) For which a loan check has not been negotiated within 120 days of disbursement; or

(iv) For which loan proceeds disbursed by electronic funds transfer or master check in accordance with § 682.207(b)(1)(ii) (B) and (C) have not been released from the restricted account maintained by the school within 120 days of disbursement.

* * * * *

4. Section 682.209 is amended by revising paragraph (i)(1) to read as follows:

§ 682.209 Repayment of a loan.

* * * * *

(i) * * *

(1) A lender shall treat a payment of a borrower's refund of tuition or other institutional charges received by the lender from a school as a credit against the borrower's loan balance consistent with the requirements of §§ 682.202 and 682.401.

* * * * *

5. Section 682.401 is amended by removing the word ''account'' in the introductory language of paragraph (b)(10)(vi)(B) and adding, in its place, ''loan balance'', and by revising paragraphs (b)(10)(vi)(B)(*1*) and (b)(10)(vi)(B)(*2*) to read as follows:

§ 682.401 Basic program agreement.

* * * * *

(b) * * *

(10) * * *

(vi) * * *

(B) * * *

(*1*) The loan or a portion of the loan is returned by the school to the lender in order to comply with the Act or with applicable regulations;

(*2*) Within 120 days of disbursement, the loan or a portion of the loan is repaid or returned, unless—

(*i*) the borrower has no FFEL Program loans in repayment status and has requested, in writing, that the repaid or returned funds be used for a different purpose; or

(*ii*) the borrower has a FFEL Program loan in repayment status, in which case the payment is applied in accordance with § 682.209(b) unless the borrower has requested, in writing, that the repaid or returned funds be applied as a cancellation of all or part of the loan;

* * * * *

6. Section 682.402 is amended by revising paragraph (c)(1) and by removing the words ''become totally and permanently disabled since applying for the Consolidation loan'' in paragraph (k)(2)(iii) and adding, in their place, ''is determined to be totally and permanently disabled under Sec. 682.402(c)'', to read as follows:

§ 682.402 Death, disability, closed school, false certification, and bankruptcy payments.

* * * * *

(c) *Total and permanent disability.* (1) (i) If a lender determines that an individual borrower has become totally and permanently disabled, the obligation of the borrower and any endorser to make any further payments on the loan is discharged.

(ii) Except as provided in paragraph (c)(1)(iii)(A) of this section, a borrower is not considered totally and permanently disabled based on a condition that existed at the time the borrower applied for the loan unless the borrower's condition substantially deteriorated after the loan was made so as to render the borrower totally and permanently disabled.

(iii)(A) For a Consolidation Loan, a borrower is considered totally and permanently disabled if he or she would be considered totally and permanently disabled under paragraphs (c)(1) (i) and (ii) of this section for all of the loans that were included in the Consolidation Loan if those loans had not been consolidated.

(B) For the purposes of discharging a loan under paragraph (c)(1)(iii)(A) of this section, provisions in paragraphs (c)(1) (i) and (ii) of this section apply to each loan included in the Consolidation Loan, even if the loan is not a FFEL Program loan.

(C) If requested, a borrower seeking to discharge a loan obligation under paragraph (c)(1)(iii)(A) of this section must provide the lender with the disbursement dates of the underlying loans if the lender does not possess that information.

* * * * *

7. Section 682.604 is amended by revising paragraph (g)(2)(i) to read as follows:

§ 682.604 Processing the borrower's loan proceeds and counseling borrowers.

* * * * *

(g) * * *

(2) * * *

(i) Inform the student of the average anticipated monthly repayment amount based on the student's indebtedness or on the average indebtedness of students who have obtained Stafford or SLS loans for attendance at that school or in the borrower's program of study.

* * * * *

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

8. The authority citation for Part 685 continues to read as follows:

Authority: 20 U.S.C. 1087a *et seq.*, unless otherwise noted.

9. Section 685.202 is amended by revising paragraph (c)(4) to read as follows:

§ 685.202 Charges for which Direct Loan Program borrowers are responsible.

* * * * *

(c) * * *

(4) Applies to a borrower's loan balance the portion of the loan fee previously deducted from the loan that is attributable to any portion of the loan that is—

(i) Repaid or returned within 120 days of disbursement, unless—

(A) The borrower has no Direct Loans in repayment status and has requested, in writing, that the repaid or returned funds be used for a different purpose; or

(B) The borrower has a Direct Loan in repayment status, in which case the payment is applied in accordance with § 685.211(a) unless the borrower has requested, in writing, that the repaid or returned funds be applied as a cancellation of all or part of the loan; or

(ii) Returned by a school in order to comply with the Act or with applicable regulations.

10. Section 685.212 is amended by revising paragraph (b) to read as follows:

§ 685.212 Discharge of a loan obligation.

* * * * *

(b) *Total and permanent disability.* (1) If the Secretary receives acceptable documentation that a borrower has become totally and permanently disabled, the Secretary discharges the obligation of the borrower and any endorser to make any further payments on the loan.

(2) Except as provided in paragraph (b)(3)(i) of this section, a borrower is not considered totally and permanently disabled based on a condition that existed at the time the borrower applied for the loan unless the borrower's condition substantially deteriorated after the loan was made so as to render the borrower totally and permanently disabled.

(3)(i) For a Direct Consolidation Loan, a borrower is considered totally and permanently disabled if he or she would be considered totally and permanently disabled under paragraphs (b) (1) and (2) of this section for all of the loans that were included in the Direct Consolidation Loan if those loans had not been consolidated.

(ii) For the purposes of discharging a loan under paragraph (b)(3)(i) of this section, provisions in paragraphs (b) (1) and (2) of this section apply to each loan included in the Direct Consolidation Loan, even if the loan is not a Direct Loan Program loan.

(iii) If requested, a borrower seeking to discharge a loan obligation under paragraph (b)(3)(i) of this section must provide the Secretary with the disbursement dates of the underlying loans.

* * * * *

11. Section 685.301 is amended by redesignating paragraphs (a)(6) and (a)(7) as paragraphs (a)(7) and (a)(8), respectively, and by adding a new paragraph (a)(6) to read as follows:

§ 685.301 Origination of a loan by a Direct Loan Program school.

* * * * *

(a) * * *

(6) If a student has received a determination of need for a Direct Subsidized Loan that is $200 or less, a school may choose not to originate a Direct Subsidized Loan for that student and to include the amount as part of a Direct Unsubsidized Loan.

* * * * *

12. Section 685.304 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 685.304 Counseling borrowers.

* * * * *

(b) * * *

(2) * * *

(i) Inform the student of the average anticipated monthly repayment amount based on the student's indebtedness or on the average indebtedness of students who have obtained Direct Subsidized or Direct Unsubsidized Loans for attendance at that school or in the borrower's program of study.

* * * * *

[FR Doc. 97–31212 Filed 11–26–97; 8:45 am]

BILLING CODE 4000–01–P

Friday
November 28, 1997

Part IV

Department of Education

34 CFR Part 675
Federal Work-Study Programs; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 675

RIN 1840–AC50

Federal Work-Study Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Federal Work-Study (FWS) Program authorized under title IV of the Higher Education Act of 1965, as amended (title IV, HEA programs). The Secretary makes these changes in response to the President's ''America Reads Challenge'' by providing for an additional waiver of the FWS institutional-share requirement for tutors in a family literacy program that provides services to families with preschool age children or children who are in elementary school.

EFFECTIVE DATE: These regulations take effect on July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy Adams, U.S. Department of Education, 600 Independence Avenue SW., Regional Office Building 3, Room 3045, Washington, DC 20202–5447. Telephone: (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

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SUPPLEMENTARY INFORMATION:

Part 675—Federal Work-Study Programs

The Secretary is providing for an additional waiver of the FWS institutional-share requirement in § 675.26. The Secretary will authorize a Federal share of up to 100 percent of the compensation earned by a student during an award year if all of the following criteria are met—

1. The work performed by the student is for the institution itself, for a Federal, State, or local public agency, or for a private nonprofit organization; and

2. The student is employed as a tutor in a family literacy program that provides services to families with preschool age children or children who are in elementary school. ''Preschool age children'' means children from infancy to the time at which the State provides elementary education.

This regulatory change will provide an institution with additional flexibility needed to respond to the President's ''America Reads Challenge,'' which is mobilizing resources to ensure that all children can read independently and well by the end of the third grade. The ''America Reads Challenge'' seeks to reinforce the importance of skill-building activities for children starting at infancy and of programs that encourage and support parent or caregiver involvement in these activities.

The Secretary previously added a waiver of the FWS institutional-share requirement for reading tutors of children that is effective for the 1997–98 award year. That previous change was made to provide institutions with the flexibility necessary to respond to the ''America Reads Challenge.'' The new FWS waiver will provide a greater ability for institutions to help children achieve the reading goal by waiving the FWS institutional-share requirement for tutors, working in family literacy programs, who are providing literacy services to children from infancy through elementary school, or to their parents or caregivers. These literacy services may include helping parents or caregivers who need assistance with their own literacy skills.

This new waiver for tutors working in family literacy programs is based on research that shows that children whose parents work with them on literacy skills during early childhood have a significantly better chance of meeting the reading goal for children. Unfortunately, not all parents or caregivers have the literacy skills necessary to work with their children to ensure that each child has the proper foundation for reading skills.

The Secretary is pleased with the positive feedback received from many institutions indicating that they intend to use the FWS Program to respond to the ''America Reads Challenge.'' This investment in our youth is an investment in this country's future. The Secretary has also received comments from organizations that focus on family literacy indicating that the expansion of the waiver of the FWS institutional-share requirement to tutors involved in family literacy programs is very important in meeting the goal of children reading independently and well by the end of the third grade. This regulatory change responds to these requests.

The Secretary strongly encourages all institutions to employ FWS students as reading tutors for children and as tutors in family literacy programs that provide services to families with preschool age children or children who are in elementary school. The placement of students in these jobs is, in many instances, an important way for institutions to meet the community service expenditure requirement under the FWS Program, serve the needs of the community, and give the FWS students a rewarding and enriching experience. The new waiver of the FWS institutional-share requirement in § 675.26 for tutors in family literacy programs that provide services to families with preschool age children or children who are in elementary school does not require the institution to make a request for a waiver. Also, the institution has the option of still providing an institutional share and determining the amount of that share.

It is important to note that the Secretary continues the current exceptions that authorize a Federal share of 100 percent of the compensation earned by students employed as reading tutors of preschool age children or children who are in elementary school as well as students enrolled at eligible institutions under the Strengthening Institutions Program, the Strengthening Historically Black Colleges and Universities Program, or the Strengthening Historically Black Graduate Institutions Program.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These regulations address the National Education Goals that call for increasing the rate at which students graduate from high school and pursue high quality postsecondary education and for supporting life-long learning. These regulations further address the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, the Secretary has determined that the benefits of the final regulations justify the costs.

Potential costs and benefits of the final regulations are discussed elsewhere in this preamble under the following headings: Supplementary Information and Goals 2000: Educate America Act.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the Secretary is specifically authorized under section 443(b)(5) of the Higher Education Act of 1965, as amended (42 U.S.C. 2753(b)(5)) to determine, through the promulgation of regulations, that the Federal share of compensation for FWS students may exceed 75 percent if required in furtherance of the purposes of the program. The Secretary has made such a determination in this case. Revising § 675.26(d) will increase institutional flexibility and help to meet an important educational need for tutors in family literacy programs without imposing any burden on the affected parties. For these reasons, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment on the amendment to § 675.26(d) is unnecessary and contrary to the public interest.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of postsecondary education.

The provisions of these regulations provide added flexibility to institutions. Thus, no significant adverse economic impacts on small entities are expected to occur.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Intergovernmental Review

The Federal Work-Study Program is not subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

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List of Subjects in 34 CFR Part 675

Loan programs—education, Student aid.

Dated: November 20, 1997.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84.033 Federal Work-Study Program)

The Secretary amends chapter VI of Title 34 of the Code of Federal Regulations as follows:

PART 675—FEDERAL WORK-STUDY PROGRAMS

1. The authority citation for part 675 continues to read as follows:

Authority: 42 U.S.C. 2751–2756b, unless otherwise noted.

2. Section 675.26 is amended by revising paragraph (d) to read as follows:

§ 675.26 FWS Federal share limitations.

* * * * *

(d) For each award year, the Secretary authorizes a Federal share of 100 percent of the compensation earned by a student under this part if—

(1) The work performed by the student is for the institution itself, for a Federal, State or local public agency, or for a private nonprofit organization; and

(2)(i) The institution in which the student is enrolled—

(A) Is designated as an eligible institution under the Strengthening Institutions Program (34 CFR part 607), the Strengthening Historically Black Colleges and Universities Program (34 CFR part 608), or the Strengthening Historically Black Graduate Institutions Program (34 CFR part 609); and

(B) Requests that increased Federal share as part of its regular FWS funding application for that year;

(ii) The student is employed as a reading tutor for preschool age children or children who are in elementary school; or

(iii) The student is employed as a tutor in a family literacy program that provides services to families with preschool age children or children who are in elementary school.

[FR Doc. 97–31169 Filed 11–26–97; 8:45 am]

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REMINDERS

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.

RULES GOING INTO EFFECT NOVEMBER 28, 1997

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
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AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
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Region recognition procedures, permission to export based on regions' disease status, etc.; published 10-28-97
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HEALTH AND HUMAN SERVICES DEPARTMENT
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Global package link (GPL) service—
Acceptance procedures; published 10-29-97
Practice in proceedings:
Administrative offsets initiated against former employees; conduct of hearings; published 11-28-97
TRANSPORTATION DEPARTMENT
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Safety fitness procedure—
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Acquisition regulations:
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Watches and watch movements:
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Air quality implementation plans; approval and promulgation; various States:
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Air quality planning purposes; designation of areas:
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Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

2-propene-1-sulfonic acid, sodium salt, polymer with ethenol and ethenyl acetate, etc.; comments due by 12-1-97; published 10-1-97

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Federal-State Joint Board; jurisdictional separations reform and referral; comments due by 12-5-97; published 11-5-97

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Minerals Management Service

Outer Continental Shelf; oil, gas, and sulphur operations:

Oil and gas pipelines; designated locations where operating responsibility is transferred from producing operator to transporting operator; comments due by 12-1-97; published 10-2-97

JUSTICE DEPARTMENT

Drug Enforcement Administration

Records, reports, and exports of listed chemicals:

Iodine and hydrochloric gas (hydrogen chloride gas); comments due by 12-1-97; published 9-30-97

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Immigration and Naturalization Service

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Visa waiver pilot program—

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Prohibited drug use and alcohol misuse prevention in transit operations:

Post-accident drug and alcohol test results taken by State and local law enforcement personnel; use by employers; comments due by 12-1-97; published 9-30-97

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Electronic operations; banking services delivered electronically; comments due by 12-2-97; published 10-3-97

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**

In the List of Public Laws printed in the **Federal Register** on November 25, 1997, Public Laws 105–104 and 105–105 were incorrectly printed. They should read as follows:

H.J. Res. 91/P.L. 105–104

Granting the consent of Congress to the Apalachicola-

Chattahoochee-Flint River Basin Compact. (Nov. 20, 1997; 111 Stat. 2219)

H.J. Res. 92/P.L. 105–105

Granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact. (Nov. 20, 1997; 111 Stat. 2233)

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