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

Rules and Regulations

Federal Register
Vol. 62, No. 248
Monday, December 29, 1997

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 725

Central Liquidity Facility

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The National Credit Union Central Liquidity Facility (the Facility), a mixed-ownership government corporation within the NCUA, serves as a liquidity source for its member credit unions. The NCUA Board is issuing this rule to permit the Facility to take, in lieu of a blanket security interest, a first priority security interest in specific assets of the credit union with a net book value at least equal to 110% of the amounts owed on the Facility advance or Agent loan. The final rule will provide credit unions with greater flexibility in their normal operations while ensuring that the Facility is adequately protected for any loans that it makes.

DATES: Effective January 28, 1998.

FOR FURTHER INFORMATION CONTACT: Herbert S. Yolles, President, National Credit Union Central Liquidity Facility, 1775 Duke Street, Alexandria, VA 22314–3428. Telephone Number (703) 518–6391 or (703) 518–6363.

SUPPLEMENTARY INFORMATION:

A. Background

Public Law 96–630, Title XVIII, 12 U.S.C. 1795, *et seq.*, enacted in 1979, created the Facility. Its purpose is to improve general financial stability by meeting the liquidity needs of credit unions and thereby encourage savings, support consumer and mortgage lending, and provide basic financial resources to all segments of the economy.

Most credit unions are members of a corporate credit union. In addition, credit unions are now eligible for Federal Home Loan Bank membership. Both corporate credit unions and Federal Home Loan Banks require that a credit union provide collateral for borrowing. In addition, credit unions may also borrow from other financial institutions and are required to provide collateral for such borrowings. While multiple security agreements are not prohibited under the current regulation, the presence of competing security interests could result in the Facility being under-collateralized for any advances.

B. Comments

Twenty-six comment letters were received. Of these, eleven were received from corporate credit unions, eleven from natural person credit unions and four from credit union associations. All twenty-six concurred with the final rule change. One natural person credit union commented that the requirement to provide collateral with a net book value of at least 110 percent of the amount owed appeared to be excessive. They recommend that NCUA establish a loan-to-value ratio of 100 percent unless an assessment of risk, i.e., as indicated by the credit union's last examination, indicated the need for a lower loan-to-value. The Board continues to believe that collateral with a net book value of at least 110 percent of the amount owed is needed to adequately protect the Facility.

Collateral—Net Book Value

Currently, Section 725.19 requires that the Facility secure each loan with a blanket security interest in all of the assets of the member credit union. The final rule gives the Facility the option of taking either a blanket security interest or a first priority security interest in specific collateral of the credit union with a net book value at least equal to 110% of the amounts owed on the Facility advance or Agent loan. This requirement will permit a credit union to provide collateral to other lenders and still have the ability to borrow from the Facility, so long as it has other assets with sufficient net book value to support the Facility advance or Agent loan. It also will permit the Facility to accept a security interest in all assets of the credit union as collateral for a Facility advance to a Regular member. However, the net book value of the assets will still have to be at least equal to 110% of the amounts owed on the Facility advance or Agent loan.

Superior Perfected Interest

In calculating the value of the assets covered by the security interest, assets in which any third party has a superior perfected interest will be excluded.

Section 208 Assistance

The final rule also expressly authorizes the Facility to accept the guarantee of the National Credit Union Share Insurance Fund as collateral for borrowings by a credit union. This provision facilitates advances by the Facility to credit unions receiving assistance under Section 208 of the Federal Credit Union Act.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board certifies that this final rule will not have a significant impact on a substantial number of small credit unions (those under $1 million in assets). The final rule will make it easier for credit unions to obtain loans from both Facility and other sources. Accordingly, a regulatory flexibility analysis was not required.

Paperwork Reduction Act

The final rule has no information collection requirements; therefore, no Paperwork Reduction Act analysis was required.

Executive Order 12612

The NCUA Board has determined that the final rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government.

List of Subjects in 12 CFR Part 725

Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on December 18, 1997.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, NCUA amends 12 CFR part 725 as set forth below:

PART 725—NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

1. The authority citation for part 725 continues to read as follows:

Authority: Secs. 301–307 Federal Credit Union Act, 92 Stat. 3719–3722 (12 U.S.C. 1795–1795f).

2. Section 725.19 is revised to read as follows:

§ 725.19 Collateral requirements.

(a) Each Facility advance and each Agent loan shall be secured by a first priority security interest in collateral of the credit union with a net book value at least equal to 110% of all amounts due under the applicable Facility advance or Agent loan, or by guarantee of the National Credit Union Share Insurance Fund.

(b) The Facility may accept as collateral for each Facility advance to a Regular member, a security interest in all assets of the Regular member; provided however, that the value of any assets in which any third party has a perfected security interest that is superior to the security interest of the Facility shall be excluded for purposes of complying with the requirements of paragraph (a) of this section.

(c) The Facility may accept as collateral for each Facility advance to an Agent member, a security interest in the Agent loans for which the Facility advance was made; provided however, that the collateral for such Agent loan meets the requirements of paragraph (a) of this section.

[FR Doc. 97–33750 Filed 12–24–97; 8:45 am]
BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–294–AD; Amendment 39–10264; AD 97–26–21]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–200, 747–300, 747SR, and 747SP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–100, 747–200, 747–300, 747SR, and 747SP series airplanes. This action requires a one-time inspection to detect cracking of the longeron splice fittings at stringer 11, on the left and right sides at body station 2598, and replacement of any cracked fitting with a new fitting. This amendment is prompted by reports that fatigue cracking was found on longeron splice fittings. The actions specified in this AD are intended to detect and correct such fatigue cracking, which could result in reduced controllability of the horizontal stabilizer.

DATES: Effective January 13, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 13, 1998.

Comments for inclusion in the Rules Docket must be received on or before February 27, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–294–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bob Breneman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2776; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received three reports indicating that fatigue cracking was found on the longeron splice fittings at stringer 11 on Boeing Model 747SR and 747–200 series airplanes. The most recent cracking was detected on an airplane that had accumulated 62,783 total flight hours and 16,867 total flight cycles. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced controllability of the horizontal stabilizer.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2410, Revision 2, dated October 30, 1997, including Addendum, which describes procedures for repetitive detailed inspections to detect cracking of the longeron splice fittings at stringer 11, on the left and right sides at body station 2598, and replacement of any cracked fitting with a new fitting. The alert service bulletin specifies various compliance times for groups of airplanes having different flight hour and flight cycle thresholds.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 747–100, 747–200, 747–300, 747SR, and 747SP series airplanes of the same type design, this AD requires a one-time detailed inspection to detect cracking of the longeron splice fittings at stringer 11, on the left and right sides at body station 2598, and replacement of any cracked fitting with a new fitting. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

Differences Between the AD and the Alert Service Bulletin

The AD differs from the previously described alert service bulletin in that the AD requires a one-time inspection and shortened compliance time, rather than the repetitive inspections and multiple compliance times specified in the referenced alert service bulletin. The recent report of cracking detected on a Boeing Model 747–200 series airplane at a relatively low threshold has indicated the need for interim action requiring inspection at an early date, directed to those airplanes that have accumulated the highest number of flight hours or flight cycles (i.e., 78,000 total flight hours or 22,000 total flight cycles).

In addition, the AD differs from the alert service bulletin by providing a compliance period in terms of calendar time, rather than flight cycles/hours, for those airplanes that have exceeded the threshold. Due to the limited availability of replacement fittings, a 90-day compliance period is provided by this AD. This compliance period will allow the operators of affected airplanes an opportunity to schedule the inspection and have necessary replacement fittings available if cracks are found during the inspection.

Interim Action

This AD is considered to be interim action. The FAA is considering separate rulemaking action that would propose similar inspections at repetitive intervals for all airplanes affected by the previously described alert service bulletin.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–294–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–26–21 Boeing: Amendment 39–10264. Docket 97–NM–294–AD.

Applicability: Model 747–100, 747–200, 747–300, 747SR, and 747SP series airplanes having line positions 201 through 886 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 (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 detect and correct fatigue cracking of the longeron splice fittings at stringer 11, which could result in reduced controllability of the horizontal stabilizer, accomplish the following:

(a) Perform a one-time detailed visual inspection to detect cracking of the longeron fittings at stringer 11, on the left and right sides at body station 2598, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2410, Revision 2, dated October 30, 1997, including Addendum. If any crack is detected, prior to further flight, replace the cracked fitting with a new fitting, in accordance with the alert service bulletin.

(1) Inspect prior to the accumulation of 22,000 total flight cycles or 78,000 total flight hours, whichever occurs first; or

(2) Inspect within 90 days after the effective date of this AD.

Note 2: Where there are differences between the AD and the alert service bulletin, the AD prevails.

(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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

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

(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 Boeing Alert Service Bulletin 747–53A2410, Revision 2, dated October 30, 1997, including Addendum. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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.

(e) This amendment becomes effective on January 13, 1998.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–33668 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–299–AD; Amendment 39–10265; AD 97–26–22]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all EMBRAER Model EMB–120 series airplanes. This action requires a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, and corrective action, if necessary. This action also requires installation of a guide to maintain the movable backstop in its correct position. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent a sudden change in pitch attitude caused by autopilot disconnect, which could result in reduced controllability of the airplane.

DATES: Effective January 13, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 13, 1998.

Comments for inclusion in the Rules Docket must be received on or before January 28, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–299–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, 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; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rob Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The Departmento de Aviação Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB–120 series airplanes. The DAC advises that it has received reports of uncommanded reversion of the elevator trim tab during the descent phase with the autopilot descent mode engaged. In one case, the movable backstop of the elevator pitch trim command system was found to be out of its proper position, which caused the autopilot to disengage when it reached the pitch down stop position. In another instance, the movable backstop was found to be completely out of the cursor gearing. This condition, if not corrected, could result in a sudden change in pitch attitude and reduced controllability of the airplane.

Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin 120–27-A081, Change 01, dated October 9, 1997, which describes procedures for a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, and corrective action, if necessary. The alert service bulletin also describes procedures for installation of a guide to maintain the movable backstop in position in the spiral groove on the pitch trim right control wheel. The DAC classified this alert service bulletin as mandatory and issued Brazilian emergency airworthiness directive 97–09–08R1, dated October 23, 1997, 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 Rule

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

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to

Docket Number 97–NM–299–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–26–22 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–10265. Docket 97–NM–299–AD.

Applicability: All Model EMB–120 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 a sudden change in pitch attitude caused by autopilot disconnect, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 20 flight hours after the effective date of this AD, perform a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, in accordance with Part I of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997. If any discrepancy is found, prior to further flight, accomplish follow-on corrective actions, in accordance with the alert service bulletin.

(b) Within 75 flight hours after the effective date of this AD, install a guide for the movable backstop of the elevator pitch trim command system, in accordance with Part II of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997.

(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, 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.

(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 EMBRAER Alert Service Bulletin 120–27–A081, Change 01, dated October 9, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected 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; 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 Brazilian emergency airworthiness directive 97–09–08R1, dated October 23, 1997.

(f) This amendment becomes effective on January 13, 1998.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–33667 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–13]

RIN 2120–AA66

Realignment of VOR Federal Airway; Dallas/Fort Worth, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This rule realigns Federal Airway 369 (V–369) located in the Dallas/Fort Worth, TX, area. Specifically, V–369 will be realigned to include the newly activated Groesbeck, TX, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Navigational Aid (NAVAID) as part of its route structure. As a result, the minimum en route altitude (MEA) on V–369 between the Dallas/Fort Worth (DFW) Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC), TX, and the Navasota, TX, VORTAC will be lowered. Lowering the MEA increases the capacity of the airway because it increases the number of altitudes that are available for air traffic control assignment to airway users. Overall, this action increases the efficiency of operations in the Dallas/Fort Worth area.

DATES: Effective 0901 UTC, February 26, 1998.

Comment date: Comments for inclusion in the Rules Docket must be received on or before January 28, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW–500, Docket No. 97–ASW–13, Federal Aviation

Administration, 2601 Meacham Boulevard, Fort Worth, TX 76193–0500.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX 76193–0500.

FOR FURTHER INFORMATION CONTACT: Steve Brown, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. The addition of Groesbeck VOR/DME along the centerline of the current V–369 and realigning the airway to include Groesbeck will not alter the airway track significantly and will benefit users of the airway. Since previous rulemaking actions similar to this one have not been controversial, the FAA does not anticipate any adverse comments on this case. Therefore, unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–ASW–13.'' The postcard will be date stamped and returned to the commenter.

The Rule

This amendment to 14 CFR part 71 realigns V–369 located in the Dallas/Fort Worth area. Currently, V–369 consists of one leg spanning 162 nautical miles (NM) from the Navasota VORTAC to the DFW VORTAC. Activation of the Groesbeck VOR/DME near the centerline of V–369 and the realignment of the airway to include the Groesbeck VOR/DME will allow for a lower MEA to be flown between the two VORTAC's. Lowering the MEA increases the capacity of the airway because it increases the number of altitudes that are available for air traffic control assignment to airway users. Overall, this action increases the efficiency of operations between the DFW and the Navasota VORTAC's.

Domestic VOR Federal Airways are published in paragraph 6010(a) of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document will be published subsequently in the Order.

Agency Findings

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

The FAA has determined that this regulation is not controversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–369 [Revised]

From Navasota, TX; via Groesbeck, TX; to Dallas-Fort Worth, TX.

* * * * *

Issued in Washington, DC, on December 17, 1997.

Nancy B. Kalinowski,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97–33760 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 28870; Amendment No. 91–254]

RIN 2120–AE51

Reduced Vertical Separation Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments on final rule.

SUMMARY: On March 27, 1997, the FAA adopted requirements for Reduced Vertical Separation Minimum (RVSM) airspace. The rule provided requirements for operating in airspace between flight level (FL) 290 and FL 410, with assigned altitudes separated by a minimum of 1,000 feet, rather than the 2,000 foot minimum separation previously required above FL 290. The amendment made more tracks and altitudes available for air traffic control to assign to operators, thus increasing efficiency of operations and air traffic capacity. The action maintained a level of safety equal to or greater than that provided by the previous regulations by requiring improved altitude-keeping performance to participate in RVSM. This action is a summary and disposition of comments received on the final rule.

ADDRESSES: The complete docket for the final rule on RVSM may be examined at the Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–200), Room 915–G, Docket No. 28870, 800 Independence Ave., SW, Washington, DC 20591, weekdays (except federal holidays) between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Roy Grimes, AFS–400 Technical Programs, Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–3734.

SUPPLEMENTARY INFORMATION:

Background

With air traffic increasing annually worldwide, FAA airspace planners and their international counterparts continually study methods of enhancing the air traffic control (ATC) system's ability to accommodate this traffic in a safe and efficient manner. The traffic problem has become particularly acute in the North Atlantic (NAT) airspace, where the number of flight operations increased 30 percent from 1988 through 1992, according to the NAT Traffic Forecasting Group. The forecast indicated that traffic will rise 60 percent over the 1992 level of 228,200 operations by 2005. Currently, 27 percent of operations in the NAT airspace receive clearances on tracks and to altitudes other than those requested by the operators in their filed flight plans because of airspace limitations. These flights are conducted at less than optimum tracks and altitudes for the aircraft, resulting in time and fuel inefficiencies.

One limitation on air traffic management at high altitudes is the required vertical separation. At altitudes lower than FL 290, air traffic controllers can assign aircraft operating under Instrument Flight Rules (IFR) altitudes a minimum of 1,000 feet apart, however, above FL 290, the required vertical separation was a minimum of 2,000 feet prior to this final rule. (Note: Flight levels are stated in digits that represent hundreds of feet. The term flight level is used to describe a surface of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Rather than adjusting altimeters for changes in atmospheric pressure, pilots base altitude readings above the transition altitude (in the United States, 18,000 feet) on this standard reference. FL 290 represents 29,000 feet; FL 310 represents 31,000 feet, and so on.)

The 2,000 ft minimum vertical separation above FL 290 previously restricted the number of flight levels available, even though many more air carrier and general aviation aircraft are capable of high altitude operations now than when the 2000-foot separation standard was established. Flight levels 310, 330, 350, 370, and 390 are flight levels at which aircraft crossing between North America and Europe operate most economically, thus causing congestion at peak hours. Now, with the issuance of the RVSM final rule, air traffic can make available other flight levels, such as 320, 340, 360, and 380. Exhaustive technical studies showed that a 1,000 ft minimum vertical separation was both feasible and safe. The solution was based on marked improvement in altitude-keeping technology and provided relief from the fuel and time inefficiencies seen in the North Atlantic Minimum Navigation Performance Specifications (NAT MNPS) airspace prior to the issuance of the RVSM final rule.

Discussion of Comments

The FAA received three comments on the RVSM final rule.

The first commenter, the Air Line Pilots' Association (ALPA), states that some pilots have been receiving traffic advisories (TA's) from their Traffic Alert and Collision Avoidance Systems (TCAS). The TA's have been encountered between same direction aircraft separated by 1000 feet, that are in close longitudinal proximity to each other with similar cruising speeds. ALPA writes that pilots have reported TA's lasting as long as twenty minutes, requiring innovative actions to eliminate them. They point out a lack of defined procedures for handling annoying TA's. Although ALPA is not aware of an occurrence, they believe the current TCAS logic leaves open the possibility of a disruptive long duration resolution advisory (RA) in the RVSM environment. Their concern is the possibility that this type of event could cause a serious problem in RVSM airspace from the close proximity of traffic and pilot training that requires compliance with RA commands.

ALPA's second area of concern is wake vortex encounters. Pilots have reported numerous encounters with turbulence produced by B–747 and B–777 aircraft using RVSM separation. Although ALPA is not aware of any serious cases reported, these operational characteristics did not exist when the 2000 foot standard was in use. ALPA points out the absense of procedures to help pilots avoid or exit areas of descending vortex.

ALPA recommends the development of an operations plan by the North Atlantic Systems Planning Group (NATSPG) which would provide procedures that could resolve both the TCAS and wake vortex problems. Some suggestions included lateral offset, Mach number change so as to change longitudinal geometries, and planned offset of each odd or even flight level.

ALPA also suggests a centralized data collecting effort that ensures the reporting of TCAS and wake vortex events. They believe the two problems could best be evaluated through the collection of data for analysis and processing.

The FAA appreciates ALPA's comments regarding the effect of RVSM on TCAS operations. The FAA, in conjunction with the other North Atlantic air traffic service (ATS) providers has requested that the ARINC

Corporation conduct a study of TCAS in NAT RVSM airspace. (ARINC already provides contract support to the FAA TCAS Program Office as well as the NATSPG). The purpose of this study is to better understand the parameters that can lead to multiple traffic alerts and also to understand better the performance of TCAS change 7 in the RVSM environment. This study began in September 1997.

In regards to wake turbulence encounters, the FAA, in coordination with the NAT ATS providers, has published a contingency procedure that gives a pilot encountering wake turbulence the option of offsetting from the track to avoid the turbulence. This procedure has been coordinated with the International Federation of Air Line Pilots' Association (IFALPA) and was published by the NAT ATS providers in September, 1997.

The second commenter, National Air Transportation Association (NATA), states concern that future expansion of the RVSM operational altitudes would not address the hundreds of business aircraft currently operating over the North Atlantic. NATA's concern comes from the apparent lack of concern from ''aircraft manufacturers to provide support for upgrading a previously manufactured aircraft's systems to meet RVSM specifications.'' NATA also believes that a substantial financial investment is required to meet RVSM specifications, and that expenditure is beyond the ability of many aircraft operators.

The FAA will be working with the user community to develop a position on the expansion of RVSM flight levels in the NAT. A U.S. position on this issue will be needed for the December 1997 meeting of the NAT Implementation Managers' Group. To accomplish this, the FAA held a meeting of the RVSM Steering Group in September 1997. At this meeting, the user community, including NATA, was given the opportunity to express their views on RVSM expansion. There will also be a follow-up meeting in December, 1997. Also, the International Business Aviation Council has been given the opportunity to provide a representative to the December meeting. A major issue to be addressed is the readiness of the business aircraft fleet to operate within RVSM.

The third commenter, an individual pilot, believes the implementation of RVSM is too broad. The commenter asked why the program was not implemented in 'The Tracks' first. Then asked, why is there an absence of a 'Non RVSM' corridor similar to the VFR corridor in Los Angeles.

In response, the final rule provided for the phased implementation of RVSM over the North Atlantic between FL 330 and FL 370 initially. Other non-RVSM equipped aircraft are free to operate above or below the RVSM altitudes. The FAA has determined that the benefits of the increased efficiency within the RVSM airspace far outweigh the inconvenience this rule may impose on a small percentage of aircraft without the needed equipment.

Conclusion

After consideration of the comments submitted in response to the final rule, the FAA has determined that no further rulemaking action is necessary. Amendment 91–254 remains in effect as adopted.

Issued in Washington, DC on December 19, 1997.

Jane F. Garvey,

Administrator.

[FR Doc. 97–33753 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29074; Amdt. No. 1840]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for such SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAP's, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 14 CFR 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAP's, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form

documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable SIAP's will be altered to include ''or GPS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove ''or GPS'' from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as ''RNAV'' will be redesignated as ''VOR/DME RNAV'' without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 28, 1997.

Thomas E. Stuckey,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

** * * Effective Jan 1, 1998*

Foley, AL, Foley Muni, NDB or GPS RWY 18, Orig CANCELLED
Foley, AL, Foley Muni, NDB RWY 18, Orig
Audubon, IA, Audubon County, NDB or GPS RWY 32, Amdt 4 CANCELLED
Rensselaer, IN, Jasper County, NDB or GPS RWY 18, Amdt 3A CANCELLED
Rensselaer, IN, Jasper County, NDB RWY 18, Amdt 3A
Greenville, MS, Greenville Muni, VOR/DME or GPS RWY 18L, Amdt 12 CANCELLED
Greenville, MS Greenville Muni, VOR/DME RWY 18L, Amdt 12
Greenville, MS, Greenville Muni, VOR or GPS RWY 18R, Amdt 5A CANCELLED
Greenville, MS, Greenville Muni, VOR RWY 18R, Amdt 5A
Greenville, MS Greenville Muni, NDB or GPS RWY 36L, Amdt 5A CANCELLED
Greenville, MS, Greenville Muni, NDB RWY 36L, Amdt 5A
Greenville, MS, Greenville Muni, NDB or GPS RWY 36R, Amdt 8 CANCELLED
Greenville, MS, Greenville Muni, NDB RWY 36R, Amdt 8
Chapel Hill, NC, Horace Williams, VOR/DME RNAV or GPS RWY 9, Orig CANCELLED
Chapel Hill, NC, Horace Williams, VOR/DME RNAV RWY 9, Orig
Crete, NE, Crete Municipal, VOR/DME or GPS RWY 35, Amdt 2A CANCELLED
Crete, NE, Crete Municipal, VOR/DME RWY 35, Amdt 2A
Lovington, NM, Lea County-Zip Franklin Memorial, RNAV RWY 3, Orig CANCELLED
Lovington, NM, Lea Country-Zip Franklin Memorial, VOR/DME RNAV RWY 3, Orig
Syracuse, NY, Syracuse Hancock Intl, VOR/DME or TACAN or GPS RWY 32, Amdt 1 CANCELLED
Syracuse, NY, Syracuse Hancock Intl, VOR/DME or TACAN RWY 32, Amdt 1
Syracuse, NY, Syracuse Hancock Intl, VOR or GPS RWY 14, Amdt 21A CANCELLED
Syracuse, NY, Hancock Intl, VOR RWY 14, Amdt 21A
Syracuse, NY, Syracuse Hancock Intl, NDB or GPS RWY 28, Amdt 27 CANCELLED
Syracuse, NY, Syracuse Hancock Intl, NDB RWY 28, Amdt 27
Ashtabula, OH, Ashtabula County, VOR or GPS RWY 8, Orig CANCELLED
Ashtabula, OH, Ashtabula County, VOR RWY 8, Orig
East Liverpoll, OH, Columbiana County, VOR or GPS RWY 25, Amdt 3 CANCELLED
East Liverpoll, OH, Columbiana County, VOR RWY 25, Amdt 3
Philadelphia, PA, Philadelphia Intl, NDB or GPS RWY 27L, Amdt 5 CANCELLED
Philadelphia, PA, Philadelphia Intl, NDB RWY 27L, Amdt 5
Philadelphia, PA, Philadelphia Intl, VOR/DME RNAV or GPS RWY 35, Amdt 3A CANCELLED
Philadelphia, PA, Philadelphia Intl, VOR/DME RNAV RWY 35, Amdt 3A
York, PA, York, NDB or GPS RWY 16, Amdt 4 CANCELLED
York, PA, York, NDB RWY 17, Amdt 5
Tulsa, OK, Tulsa Intl, VOR or TACAN or GPS RWY 26, Amdt 22A CANCELLED
Tulsa, OK, Tulsa Intl, VOR or TACAN RWY 26, Amdt 22A
Osceola, WI, L O Simenstad Muni, NDB or GPS RWY 28, Amdt 9 CANCELLED
Osceola, WI, L O Simenstad Muni, NDB RWY 28, Amdt 9

[FR Doc. 97–33757 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29073; Amdt. No. 1839]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide

safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: Ths amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulation (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeranuatical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change consideration, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). The developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires makes them effective in less then 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluations as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 28, 1997.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standards Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29, ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
11/13/97	LA	New roads	False River Air Park	7/7436	Loc Rwy 36, Orig...
11/13/97	MO	Point Lookout	M. Graham Clark	7/7425	GPS Rwy 11 Orig...
11/16/97	MS	Greenwood	Greenwood-LeFlore	7/7443	VOR/DME RNAV Rwy 18, Amdt 6...
11/16/97	MS	Greenwood	Greenwood-LeFlore	7/7444	VOR/DME RNAV or GPS Rwy 36, Amdt 3...
11/17/97	CA	Bakersfield	Meadows Field	7/7540	ILS Rwy 30R Amdt 27...
11/17/97	CA	Bakersfield	Meadows Field	7/7541	NDB Rwy 30R Amdt 6...
11/17/97	KY	Louisville	Louisville Intl—Standiford Field	7/7531	ILS Rwy 35, ORIG–B...
11/17/97	KY	Louisville	Louisville Intl—Standiford Field	7/7535	ILS Rwy 17, ORIG–B...
11/18/97	MI	Grand Rapids	Kent County Intl	7/7557	ILS Rwy 8R, Amdt 5...
11/18/97	NJ	Atlantic City	Atlantic City Muni/Bader Field	7/7565	VOR or GPS–B Amdt 1...
11/20/97	AK	Klawock	Klawock	7/7621	NDB/DME Rwy 1, Orig...
11/21/97	NC	Edenton	Northeastern Regional	7/7654	GPS Rwy 1, Orig...
11/21/97	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/ Muni.	7/7655	VOR/DME or GPS Rwy 19, Amdt 10...
11/21/97	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/ Muni.	7/7656	NDB Rwy 10, Orig...
11/21/97	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/ Muni.	7/7657	VOR/DME or GPS Rwy 10, Orig...
11/21/97	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/ Muni.	7/7658	VOR/DME or GPS Rwy 28, Orig...
11/21/97	NC	Elizabeth City	Elizabeth City Coast Guard Air Station/ Muni.	7/7659	VOR/DME or GPS Rwy 1, Amdt 11...
11/21/97	TX	Amarillo	Amarillo Intl	7/7650	ILS Rwy 4, Amdt 21A...
11/24/97	NE	Holdrege	Brewster Field	7/7697	NDB or GPS Rwy 18, Amdt 6...
11/24/97	NE	Holdrege	Brewster Field	7/7699	VOR/DME or GPS–A, Amdt 2...
11/24/97	WV	Parkersburg	Wood County Airport—Gill Robb Wilson Field.	7/7698	ILS Rwy 3 Amdt 11...
11/25/97	CA	Sacramento	Sacramento Mather	7/7744	VOR/DME or GPS Rwy 22L Orig...
11/25/97	VA	Charlottesville	Charlottesville—Albemarle	7/7729	ILS Rwy 3 Amdt 12...
11/25/97	VA	Charlottesville	Charlottesville—Albemarle	7/7740	NDB Rwy 3 Amdt 15...

[FR Doc. 97–33756 Filed 12–24–97; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29072; Amdt. No. 1838]

RIN 2120–AA65

Standard Instruction Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a

special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 28, 1997.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SLAPs; and § 97.35 COPTER SLAPs, identified as follows:

** * * Effective January 1, 1998*

Columbia, CA, Columbia, NDB OR GPS–A, Orig, CANCELLED
St. Louis, MO, Lambert-St Louis Intl, VOR/DME RWY 17, Orig
St. Louis, MO, Lambert-St Louis Intl, LDA/DME RWY 12L, Amdt 5
St. Louis, MO, Lambert-St Louis Intl, LDA/DME RWY 30L, Amdt 2
St. Louis, MO, Lambert-St Louis Intl, ILS RWY 12L, Amdt 4
St. Louis, MO, Lambert-St Louis Intl, ILS RWY 12R, Amdt 21
St. Louis, MO, Lambert-St Louis Intl, ILS RWY 24R, Amdt 45
St. Louis, MO, Lambert-St Louis Intl, ILS RWY 30L, Amdt 11
St. Louis, MO, Lambert-St Louis Intl, ILS RWY 30R, Amdt 7
Omaha, NE, Eppley Airfield, ILS RWY 18, Amdt 6

** * * Effective January 29, 1998*

Camden, AR, Harrell Field, VOR/DME RWY 36, Amdt 8
Camden, AR, Harrell Field, NDB RWY 18, Amdt 10
Mason City, IA, Mason City Muni, ILS RWY 35, Amdt 6
Columbus, OH, Port Columbus Intl, NDB OR GPS RWY 10L, Amdt 8
Columbus, OH, Port Columbus Intl, ILS RWY 10L, Amdt 17
Columbus, OH, Port Columbus Intl, RADAR–1, Amdt 17, CANCELLED

** * * Effective February 26, 1998*

Guntersville, AL, Guntersville Muni, GPS–A, Orig
Klawock, AK, Klawock, GPS RWY 1, Orig
Phoenix, AZ, Phoenix Sky Harbor Intl, VOR/DME or GPS RWY 8R, Amdt 1, CANCELLED
Phoenix, AZ, Phoenix Sky Harbor Intl, VOR/DME–A, Orig
Phoenix, AZ, Phoenix Sky Harbor Intl, LOC BC RWY 26L, Amdt 9
Phoenix, AZ, Phoenix Sky Harbor Intl, ILS RWY 8R, Amdt 10
Phoenix, AZ, Phoenix Sky Harbor Intl, GPS RWY 8R, Orig
Phoenix, AZ, Phoenix Sky Harbor Intl, GPS RWY 26L, Orig
Fallbrook, CA, Fallbrook Community Airpark, GPS RWY 18, Orig
Brooksville, FL, Hernando County, ILS RWY 9, Amdt 1
Orlando, FL, Executive, VOR/DME RWY 25, Amdt 1
Orlando, FL, Executive, LOC BC RWY 25, Amdt 20
Richmond, KY, Madison, VOR/DME OR GPS RWY 18, Amdt 5
Duluth, MN, Sky Harbor, GPS RWY 32, Orig
Jackson, MN, Jackson Muni, NDB RWY 13, Amdt 8
Jackson, MN, Jackson Muni, GPS RWY 31, Orig
Hatteras, NC, Billy Mitchell, GPS RWY 25, Amdt 1
Somerset, PA, Somerset County, LOC RWY 24, Amdt 3
Somerset, PA, Somerset County, NDB RWY 24, Amdt 5
Somerset, PA, Somerset County, GPS RWY 6, Orig
Somerset, PA, Somerset County, GPS RWY 24, Orig
Fort Worth, TX, Bourland Field, GPS RWY 35, Orig

[FR Doc. 97–33755 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission (''Commission'') revises Table 1 in section 305.9 of the Commission's Appliance Labeling Rule (''the Rule''), to incorporate the latest

figures for average unit energy costs as published by the Department of Energy (''DOE'') in the **Federal Register** on December 8, 1997. Table I sets forth the representative average unit energy costs for five residential energy sources, which the Commission revises periodically on the basis of updated information provided by DOE.

DATES: This rule is effective December 29, 1997. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the **SUPPLEMENTARY INFORMATION** Section, below.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202–326–3035 Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act (''EPCA''), 42 U.S.C. 6201.[1] The Rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in 305.9(a) of the Rule sets forth the representative average unit energy costs to be used for all cost-related requirements of the Rule. As stated in 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE.

On December 8, 1997, DOE published the most recent figures for representative average unit energy costs.[2] Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

How and when industry members must use (or not use) revised Table 1 to calculate cost disclosures for labeling and catalog sales is explained in detail in the paragraphs below. In sum:

- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners are not permitted to use the DOE cost figures published today to calculate the secondary operating cost figures on labels for their products until the Commission publishes new ranges of comparability for those products.
- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters have no need for the DOE cost figures for making data submissions under 305.8. The energy use information they must submit and use as primary energy use descriptions on labels for these products is now in terms of energy consumption, not operating cost.
- Manufacturers of products covered by the Rule must use the 1998 DOE cost figures published today to calculate operating cost representations in catalogs, point of sale literature and other point of sale representations, and advertisements that are drafted and printed after March 30, 1998.
- Beginning March 30, 1998 manufacturers of clothes dryers, television sets, kitchen ranges and ovens, and space heaters must begin using the 1998 representative average unit costs for energy in all operating cost representations.

For Labeling of Products Covered by the Commission's Rule [3]

Manufacturers of covered products are not permitted to use the National Average Representative Unit Costs published today on labels for their products until the Commission publishes new ranges of comparability for those products.

Manufacturers of storage-type water heaters must continue to use the 1994 DOE cost figures (8.41 cents per kilowatt-hour for electricity, 60.4 cents per therm for natural gas, $1.054 per gallon for No. 2 heating oil, and 98.3 cents per gallon for propane) in determining the operating cost disclosures on the labels on their products. This is because the 1994 DOE cost figures were in effect when the 1994 ranges of comparability for storage-type water heaters were published, and those 1994 ranges are still in effect for those products.[4] Manufacturers of storage-type water heaters must continue to use the 1994 cost figures to calculate the estimated annual operating cost figures on their labels until the Commission publishes new ranges of comparability for storage-type water heaters.

Manufacturers of refrigerators, refrigerator-freezers, freezers, heat pump water heaters, and room air conditioners must continue to derive the operating cost disclosures on labels by using the 1995 National Average Representative Unit Costs (8.67 cents per kilowatt-hour for electricity, 63 cents per therm for natural gas, $1.008 per gallon for No. 2 heating oil, and 98.5 cents per gallon for propane) that were in effect when the current (1995) ranges of comparability for these products were published.[5] Manufacturers of refrigerators, refrigerator-freezers, freezers, heat pump water heaters, and room air conditioners must continue to use the 1995 DOE cost figures to calculate the operating cost disclosure disclosed on labels until the Commission publishes new ranges of comparability for refrigerators, refrigerator-freezers, freezers, heat pump water heaters, or room air conditioners based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figure for electricity in effect at that time.

Manufacturers of instantaneous water heaters must continue to base the required secondary operating cost disclosures on labels on the 1996 National Average Representative Unit

[1] 44 FR 66466. Since its promulgation, the rule has been amended five times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), certain lamp products (59 FR 25176, May 13, 1994), and pool heaters and certain residential water heater types (59 FR 49556, Sept. 28, 1994). Obligations under the rule concerning fluorescent lamp ballasts, lighting products, plumbing products and pool heaters are not affected by the cost figures in this notice.

[2] 62 FR 64574.

[3] Sections 305.11(a)(5)(i)(H)(2) and (3) of the Rule (16 CFR 305.11(a)(5)(i)(H)(2) and (3)) require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). The labels also must disclose, below this secondary estimated annual operating cost, the fact that the estimated annual operation cost is based on the appropriate DOE energy cost figure, and must identify the year in which the cost figure was published.

[4] The 1994 DOE cost figures were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699). The current (1994) ranges of comparability for storage-type water heaters were published on September 23, 1994 (59 FR 48796). On August 21, 1995 (60 FR 43367), on September 16, 1996 (61 FR 48620), and again on August 25, 1997 (62 FR 44890), the Commission announced that the 1994 ranges for storage-type water heaters will continue to remain in effect.

[5] The 1995 DOE cost figures were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9296). The current (1995) ranges of comparability for heat pump water heaters were published on August 21, 1995 (60 FR 43367). The current (1995) ranges for refrigerators, refrigerator-freezers, freezers, and room air conditioners were published on November 13, 1995 (60 FR 56945). On September 16, 1996 (61 FR 48620), and again on August 25, 1997 (62 FR 44890), the Commission announced that the 1995 ranges for heat pump water heaters and room air conditions would continue to remain in effect. On October 28, 1996 (61 FR 55563), the Commission announced that the 1995 rnages for refrigerators, refrigerator-freezes would continue to remain in effect.

Costs for electricity (8.6 centers per kilowatt-hour), natural gas (62.6 cents per therm), propane (90 cents per gallon), and/or heating oil (92 cents per gallon) that were published by DOE on January 19, 1996,[6] and by the Commission on February 14, 1996,[7] and that were in effect when the 1996 ranges of comparability for these products were published.[8]

Manufacturers of clothes washers and dishwashers must continue to base the required secondary operating cost disclosures on labels on the 1997 National Average Representative Unit Costs for electricity (8.31 cents per kilowatt-hour), natural gas (61.2 cents per therm), propane (98 cents per gallon), and/or heating oil (99 cents per gallon) that were published by DOE on November 18, 1996,[9] and by the Commission on February 5, 1997,[10] and that were in effect when the 1997 ranges of comparability for these products were published.[11]

For 1997 Submissions of Data Under Section 305.8 of the Commission's Rule

Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of 305.8 of the Rule. Pursuant to amendments to the Rule published on July 1, 1994 [12] (with extended compliance dates published on December 8, 1994 [13]), the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilowatt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil). Thus, the 1998 (and all subsequent) data submissions under 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, not cost. The energy efficiency descriptors for the other products covered by the Rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency.

For convenience, the annual dates for data submission are repeated here:

Clothes washers: March 1
Water heaters: May 1
Furnaces: May 1
Room air conditioners: May 1
Pool Heaters: May 1
Dishwashers: June 1
Central air conditioners: July 1
Heat pumps: July 1
Refrigerator: August 1
Refrigerators-freezers: August 1
Freezers: August 1

For Energy Cost Representations Respecting Covered Products in Catalogs

Energy cost representations in catalogs that are drafted and printed while the 1998 cost figures are in effect must be derived using the 1998 energy costs beginning March 30, 1998.

For Energy Cost Representations Respecting Products Covered by EPCA But Not by the Commission's Rule

Manufacturers of products covered by section 323(c) of EPCA, 42 U.S.C. 6293(c), but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 1998 DOE energy costs in all operating cost representations beginning March 30, 1998.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities'' (5 U.S.C. 605). The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

PART 305—[AMENDED]

Accordingly, 16 CFR Part 305 is amended as follows:

1. The authority citation for Part 305 continues to read:

Authority: 42 U.S.C. 6294.

2. Section 305.9(a) is revised to read as follows:

§ 305.9 Representative average unit energy costs.

(a) Table 1 contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1998)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu [1]
Electricity	8.42¢/kWh [2 3]	$0.0842/kWh	$24.68
Natural Gas	61.9¢/therm [4] or $6.36/MCF [5 6]	$0.00000619/Btu	6.19
No. 2 heating oil	$.95/gallon [7]	$0.00000685/Btu	6.85
Propane	$0.95/gallon [8]	$0.00001039/Btu	10.39
Kerosene	$1.01/gallon [9]	$0.00000748/Btu	7.48

[1] Btu stands for British thermal unit.
[2] kWh stands for kilowatt hour.
[3] 1 kWh=3,412 Btu.
[4] 1 therm=100,000 Btu. Natural gas prices include taxes.
[5] MCF stands for 1,000 cubic feet.

[6] 61 FR 1366.

[7] 61 FR 5679.

[8] The current ranges for instantaneous water heaters were published on September 16, 1996 (61 FR 48620). On August 25, 1997 (62 FR 44890), the Commission announced that the 1996 ranges for instantaneous water heaters would continue to remain in effect.

[9] 61 FR 58679.

[10] 62 FR 5316.

[11] The current (corrected) ranges for clothes washers were published on August 6, 1997 (62 FR 42209); the current ranges for dishwashers were published on August 25, 1997 (62 FR 44890).

[12] 59 FR 34014.

[13] 59 FR 63688.

[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,027 Btu.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.
[9] For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

* * * * *

Donald S. Clark,

Secretary.

[FR Doc. 97–33686 Filed 12–24–97; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 40

[Public Notice 2674]

VISAS: Public Charge

AGENCY: Department of State, Bureau of Consular Affairs.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends Department of State regulations by establishing uniform procedures for the acceptance of affidavits of support by consular posts abroad as required by the Immigration and Nationality Act (INA). This rule is necessary to ensure proper adjudication of immigrant visas under the INA.

DATES: Effective Date: This interim rule is effective on December 19, 1997. Comment Date: Submit comments on or before February 27, 1998.

ADDRESSES: Please submit written comments to the Chief, Legislation and Regulations Division, Visa Office, Room L603-C, SA–1, Washington, D.C. 20520–0106. Comments will be made available for public inspection at the Department of State's Public Reading Room, 2201 C Street, NW, Washington, DC, 20520.

FOR FURTHER INFORMATION CONTACT: Ron Acker, Visa Regulations Coordinator, Legislation and Regulations Division, Visa Office, Room L603-C, SA–1, Washington, DC, 20520–0106 (ackerrl@SA1WPOA.us-state.gov).

SUPPLEMENTARY INFORMATION: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104 208, which, among numerous other changes, amended section 212(a)(4) of the Immigration and Nationality Act (INA) to provide that an alien is excludable or inadmissible to the United States based upon the likelihood of becoming a public charge if the alien is seeking an immigrant visa, admission as an immigrant, or adjustment of status as: (a) An immediate relative, (b) a family-based immigrant, or (c) an employment-based immigrant (if a sponsoring relative is the petitioning employer or owns a significant ownership interest in the entity that is the petitioning employer) unless the alien is the beneficiary of an affidavit of support filed under INA section 213A. INA 213A specifies the conditions that must be met in order for an affidavit of support to be acceptable for use by a visa applicant to establish eligibility under INA 212(a)(4)(C).

Under the provisions of IIRIRA (Title V, Subtitle C, Section 551(c)), the Attorney General is responsible for promulgating the standard forms to be used in connection with the filing of affidavits of support and in establishing the effective date upon which such forms are required. The Immigration and Naturalization Service (INS) published an interim rule on October 20, 1997 (**Federal Register**, Vol. 62, No. 202, pp. 54346–54356) describing the new ''Affidavit of Support'' (Form I–864), and two ancillary forms, the ''Contract Between Sponsor and Household Member'' (Form I–864A), and the ''Sponsor's Notice of Change of Address'' (Form I–865). INS's rule included procedural instructions for filling out the forms, and established December 19, 1997 as the effective date on which these forms would be required for submission to immigration and consular officers.

The net effect of the new affidavit of support is that it is must be fully executed in compliance with the provisions of INA 213A in order for an alien (as described above) to meet the requirements of INA 212(a)(4)(C). An affidavit of support that has been appropriately executed and submitted does not, however, necessarily establish that an alien is not within the purview of the public charge provisions of 212(a)(4)(A). That decision remains vested with the reviewing immigration or consular officer, who must be satisfied that the alien is otherwise not likely to become a public charge upon entering the United States.

Accordingly, the Department is (1) adding new regulations at 22 CFR 40.41(b) and (c), (2) amending regulations at 22 CFR 40.41(a), (b), and (d) to reflect the new affidavit of support requirements, and (3), redesignating 22 CFR 40.41(b), (c), and (d) as 40.41(d), (e), and (f), respectively. In addition, the current description of the poverty line contained in new 40.41(f), formerly (d), is being eliminated and replaced with a reference to new section, INA 213A(h), which contains the definition of the poverty line to be used for 213A purposes. Since both the old and the new description refer to the same poverty line established by the Department of Health and Human Services, this change will simply make uniform all references to the poverty line for purposes of 212(a)(4) in accordance with the latest description. The new (f) is also retitled to reflect the revised language.

Interim Rule

This rule modifies 22 CFR, Subchapter E, Subpart E to reflect changes made by IIRIRA. Title V, Subtitle C, of IIRIRA, which is implemented by this rule became effective December 19, 1997. The issuance of this rule as an interim rule, with provisions for post-promulgation public comments, is based upon the ''good cause'' exception found at 5 U.S.C. 553(b)(B) and 553(d)(3) because it implements statutory provisions and an effective date set under statutory authority.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule and it has been determined, and the Assistant Secretary for Consular Affairs hereby certifies, that it will not have a significant economic impact on a substantial number of small entities. The rule has no economic effect beyond that of the statutory requirements already in effect which it implements.

As required by 5 U.S.C. chapter 8, the Department has screened this rule and determined that it is not a major rule, as defined in 5 U.S.C. 80412.

This rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act.

This rule has been reviewed as required by E.O. 12988 and determined to meet the applicable regulatory standards it describes. Although exempted from E.O. 12866, this rule has been reviewed to ensure consistency with it.

List of Subjects in 22 CFR Part 40

Aliens, Immigrants, Immigration, Nonimmigrants, Passports and visas.

In view of the foregoing, 22 CFR is amended as follows:

PART 40—[AMENDED]

1. The authority citation for Part 40 is revised to read:

Authority: 8 U.S.C. 1104; Pub.L. 104–208, 110 Stat. 3009; 22 U.S.C. 2651a.

2. Section 40.41 is revised as follows:

§ 40.41 Public charge.

(a) Basis for Determination of Ineligibility. Any determination that an alien is ineligible under INA 212(a)(4) must be predicated upon circumstances indicating that, notwithstanding any affidavit of support that may have been filed on the alien's behalf, the alien is likely to become a public charge after admission, or, if applicable, that the alien has failed to fulfill the affidavit of support requirement of INA 212(a)(4)(C).

(b) Affidavit of Support. Any alien seeking an immigrant visa under INA 201(b)(2), 203(a), or 203(b), based upon a petition filed by a relative of the alien (or in the case of a petition filed under INA 203(b) by an entity in which a relative has a significant ownership interest), shall be required to present to the consular officer an affidavit of support on a form that complies with terms and conditions established by the Attorney General.

(c) Joint Sponsors. Submission of one or more additional affidavits of support by a joint sponsor/sponsors is required whenever the relative sponsor's household income and significant assets, and the immigrant's assets, do not meet the Federal poverty line requirements of INA 213A.

(d) Posting of Bond. A consular officer may issue a visa to an alien who is within the purview of INA 212(a)(4) (subject to the affidavit of support requirement and attribution of sponsor's income and resources under section 213A), upon receipt of a notice from INS of the giving of a bond or undertaking in accordance with INA 213 and INA 221(g), and provided further that the officer is satisfied that the giving of such bond or undertaking removes the likelihood that the alien will become a public charge within the meaning of this section of the law and that the alien is otherwise eligible in all respects.

(e) Prearranged Employment. An immigrant visa applicant relying on an offer of prearranged employment to establish eligibility under INA 212(a)(4), other than an offer of employment certified by the Department of Labor pursuant to INA 212(a)(5)(A), must provide written confirmation of the relevant information sworn and subscribed to before a notary public by the employer or an authorized employee or agent of the employer. The signer's printed name and position or other relationship with the employer must accompany the signature.

(f) Use of Federal Poverty Line Where INA 213A Not Applicable. An immigrant visa applicant, not subject to the requirements of INA 213A, and relying solely on personal income to establish eligibility under INA 212(a)(4), who does not demonstrate an annual income above the Federal poverty line, as defined in INA 213A (h), and who is without other adequate financial resources, shall be presumed ineligible under INA 212(a)(4).

Dated: December 19, 1997.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 97–33691 Filed 12–24–97; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 40

[Public Notice 2666]

Visas: Grounds of Ineligibility

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Interim rule with request for comments.

SUMMARY: This rule implements the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The act adds new grounds of inadmissibility to the United States for: certain aliens who have not been inoculated against infectious diseases designated by statute or by the Advisory Committee for Immunization Practices (ACIP); aliens who have been subject to certain civil penalties; alien student visa abusers; aliens present in the United States without admission or parole; aliens who fail to attend removal proceedings; unlawful alien voters; and former citizens who renounced United States citizenship in order to avoid paying taxes. Some of the sections cited above also provide for waivers of a number of grounds of inadmissibility. The rule also incorporates into the Department's regulations a delegation of authority from the Immigration and Naturalization Service pertaining to waivers of inadmissibility under § 212(a)(1)(A)(ii) of the Immigration and Nationality Act (INA), as amended. Finally, this rule makes a few miscellaneous technical corrections.

DATES: *Effective Dates:*

§ 40.11	September 30, 1996
§ 40.22	September 30, 1997.
§ 40.52	September 30, 1996
§ 40.61	April 1, 1997
§ 40.62	April 1, 1997
§ 40.66	September 30, 1996
§ 40.67	November 30, 1996
§ 40.91	April 1, 1997
§ 40.92	April 1, 1997
§ 40.93	April 1, 1997
§ 40.104	September 30, 1996
§ 40.105	September 30, 1996

Comment Date: Written comments must be submitted on or before February 27, 1998.

ADDRESSES: Written comments may be addressed to the Chief, Legislation and Regulations Division, Visa Office, Room L603–C, SA–1, Washington, D.C. 20520–0106.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, (202) 663–1204.

SUPPLEMENTARY INFORMATION: Some of the provisions of IIRIRA implemented by this rule became effective on the date of enactment, September 30, 1996. Others became effective on November 30, 1996. Still others became effective on April 1, 1997. Therefore, in order to coincide with the effective dates mandated by Congress, the effective dates are listed in the **DATES** section of this document. Division ''C'' of the Omnibus Consolidated Appropriations Act, 1997 (the Illegal Immigration Reform and Alien Responsibility Act of 1996 (IIRIRA)), made substantial changes and additions to the INA affecting numerous regulations at 22 CFR, Subchapter E. On November 21, 1996, the Department published a final rule [61 FR 59182] to restructure the numbering of 22 CFR Part 40 in light of these additions. This rule incorporates changes to those sections of Part 40 shown in the table below.

22 CFR Part Affected	Heading	IIRIRA Section No.
§ 40.11	Medical Grounds of Ineligibility	§ 341
§ 40.22(b)	Suspended Sentences	§ 322
§ 40.52	Unqualified Physicians	N/A (typographic correction)
§ 40.61	Aliens Present Without Admission or Parole	§ 301

22 CFR Part Affected	Heading	IIRIRA Section No.
§ 40.62	Failure to Attend Removal Proceedings	§ 301
§ 40.66	Aliens Subject of Civil Penalty	§ 345
§ 40.67	Student Visa Abusers	§ 346
§ 40.91	Certain Aliens Previously Removed	§ 301
§ 40.92	Aliens Unlawfully Present	§ 301
§ 40.93	Aliens Unlawfully Present After Previous Immigration Violations	§ 301
§ 40.104	Unlawful Voters	§ 347
§ 40.105	Former Citizens Who Renounced Citizenship to Avoid Taxation	§ 352

22 CFR 40.11—Medical Grounds of Ineligibility

Section 341 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 amended the medical grounds of visa ineligibility under INA 212(a)(1)(A) to render inadmissible under INA 212(a)(1)(A)(ii) all applicants for immigrant visas and adjustment of status who fail to present documentation showing that they have been vaccinated against a broad range of vaccine-preventable diseases. The amendments to INA 212(a)(1)(A) by section 341 of IIRIRA became effective on the date of enactment, September 30, 1996. The diseases, as specifically identified in the statute are: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B ''and any other diseases which are designated by the Advisory Committee for Immunization Practices (ACIP).'' Section 341 of IIRIRA also prescribed new waiver provisions at INA 212(g)(2) for aliens: (1) who were initially missing required vaccinations but who subsequently obtained them; or (2) for whom one or more of the required vaccinations would be medically inappropriate as certified by the reviewing civil surgeon or panel physician in accordance with regulations established by the Department of Health and Human Services; or (3) who establish to the satisfaction of the Attorney General that compliance with the vaccination requirements under INA 212(a)(1)(A)(ii) would be contrary to the alien's religious beliefs or moral convictions. In its conference report, Congress indicated that the waiver authority of INA 212(g)(2) should be exercised in appropriate cases to permit admission where, for example: (1) the alien is unable to receive a safe dosage of a particular vaccine; (2) it is certified that the vaccine is unavailable in the alien's country of nationality; (3) an alien child undergoing a vaccination series over a given course of time has not had a reasonable opportunity to complete the required series; or (4) the alien is an active member of a religious faith that has notified the Attorney General that such vaccination(s) would contradict the fundamental tenets of the alien's religion.

The Department of State and the Immigration and Naturalization Service (INS) anticipate that large numbers of immigrant visa applicants will be rendered ineligible for visa issuance under the provisions of INA 212(a)(1)(A)(ii) but will routinely be eligible for waivers either because they initially did not have a required vaccination, but subsequently obtained it, or because the panel physician certified, in compliance with the HHS regulations, that a particular vaccination ''would not be medically appropriate.'' To minimize the administrative burden on INS and State, section 40.11(c) of this rule incorporates into the Department's regulations INS's delegation to consular officers of the authority to grant waivers of inadmissibility under INA 212(g)(2)(A) and (B). Under this delegation by INS, no waiver application (currently INS Form I–601) or fee is required, and consular officers may grant waivers under INA 212(g)(2)(A) and (B) without consulting with INS beforehand. INS has not delegated the authority to grant waivers under 212(g)(2)(C) for religious/moral reasons, however. Consistent with the statute, these waiver requests will be processed by INS on a case-by-case basis pursuant to regulations published by the Attorney General.

22 CFR 40.22—Suspended Sentences

Section 322 of IIRIRA amended section 101(a) of the INA by adding new paragraph 101(a)(48) which defines ''conviction'' and ''term of imprisonment.'' The new language of INA 101(a)(48)(B) is applicable to convictions and sentences at any time and directs that ''any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or part.'' Under United States criminal law, courts may either impose a sentence or suspend imposition of the sentence. In *Matter of Castro*, 19 I&N Dec. 692 (BIA 1988), the Board of Immigration Appeals held that, when the imposition of a sentence is suspended no sentence has actually been imposed. This decision was codified at 22 CFR 40.22(b), but has now been effectively reversed by new INA paragraph 101(a)(48). Accordingly, the regulation at 22 CFR 40.22(b) is being removed, and 22 CFR 40.22(c), (d), (e), and (f) are being redesignated (b), (c), (d), and (e), respectively.

22 CFR 40.52—Unqualified Physicians

A technical correction is made to 22 CFR 40.52 changing the incorrect reference cite ''INA 203(a)(2) and (3)'' to read ''INA 203(b)(2) and (3).''

22 CFR 40.61—Aliens Present Without Admission or Parole

Section 301(a), (b), and (d) of IIRIRA replaced the terms ''entry'' and ''excludable'' with ''admission'' and ''inadmissibility'' (see INA 101(a)(13) and 212(a)(6)(A) and (B)), and replaced the term ''deportation'' with ''removal'' (see INA 212(a)(9)).

Section 301(c) of IIRIRA essentially moved the former provisions of INA 212(a)(6)(A) and (B) to a new subparagraph (9)(A), and modified them by substituting new provisions relating to admissions at INA subparagraphs 212(a)(6)(A) and (B). The first of these, INA 212(a)(6)(A), makes inadmissible an alien who is in the United States without having been admitted or paroled or who has come into this country at a place other than a designated port of entry. This provision is written in the present tense and is designed to make the aliens described therein subject to grounds of inadmissibility rather than grounds of deportation. INA 212(a)(6)(A) applies only to aliens who are present in the United States. Thus, in the absence of an order of removal, it has no direct effect on the eligibility for a visa of an alien at a consular post and the regulation being added at 22 CFR 40.61 so states.

22 CFR 40.62—Failure To Attend Removal Proceedings

New INA 212(a)(6)(B) provides that an alien who, without reasonable cause, fails or refuses to attend or remain in attendance at removal proceedings shall be inadmissible for five years following departure or removal. Such an alien is thus also ineligible for a visa for that period of time. This ground of inadmissibility is being applied only to those aliens placed in removal proceedings on or after April 1, 1997, as set forth in INA 240, which was added by section 304(a) of IIRIRA.

Regulations pertaining to revised INA 212(a)(6) are being added to 22 CFR 40.61 and 40.62.

22 CFR 40.66—Subject of Civil Penalty

The Immigration Act of 1990, Pub. L. 101–649, added as a new ground of visa ineligibility, INA 212(a)(6)(F) rendering inadmissible any alien who is the subject of a final removal order for violating INA 274C relating to civil penalties for document fraud. INA 274C provides civil penalties for persons determined by an administrative law judge to have been involved in virtually any activity involving forged, altered or stolen documents used to meet a requirement or obtain a benefit under the INA. Section 345 of IIRIRA amended INA 212(a)(6)(F) by designating this ground of inadmissibility as subsection (F)(i) and creating a new subsection (F)(ii) providing for waivers of (F)(i) inadmissibilities under new INA 212(d)(12). (Waivers of the INA 212(a)(6)(F) (now (F)(i)) ground of inadmissibility were not available prior to the enactment of IIRIRA). Under INA 212(d)(12), the Attorney General may waive this ineligibility for certain permanent residents who have temporarily proceeded abroad voluntarily and not under an order of deportation or removal and are otherwise admissible to the United States as returning residents, and for aliens seeking admission or adjustment as immediate relatives or family-based beneficiaries, if the offense was committed solely to assist the alien's spouse or child and no previous civil money penalty was imposed against the alien under INA section 274C. The Department is, therefore, adding new regulations at 22 CFR 40.66 with respect to this new ground of inadmissibility and to provide for the above waiver.

22 CFR 40.67—Student Visa Abusers

Section 346 of IIRIRA added a new ground of inadmissibility for foreign student visa abusers. Under this ground, an alien having F–1 status as a student under INA 101(a)(15)(F)(i) who violates the provisions of INA 214(l) is inadmissible until he or she has been outside the United States for five continuous years after the date of violation. INA 214(l) became effective November 30, 1996, and applies only to aliens who initially obtain F–1 status on or after that date, or whose F–1 status is extended on or after that date. Under the provisions of INA 214(l), alien students may not be granted F–1 student status to attend a public elementary school or a publicly funded adult education program. Alien students may attend a public secondary school for no more than one year in F–1 classification and must reimburse the school system for the full, unsubsidized per capita cost of their education. Alien students may transfer from a private school to a public secondary school only if they meet the above payment requirements and can demonstrate that they will not exceed the one-year time limitation established for public secondary school attendance. However, INA 214(l) prohibits foreign students in F–1 status who are attending private schools from transferring into public elementary schools or publicly funded adult education programs (including language programs). The Department is, therefore, adding a new regulation at 22 CFR 40.67 to provide for the new ground of inadmissibility.

22 CFR 40.91—Certain Aliens Previously Removed

The provisions of INA 212(a)(9) were redesignated INA 212(a)(10) under IIRIRA 301(b). These regulations, formerly found at 22 CFR 40.91, 40.92 and 40.93, were redesignated as 40.101, 40.102 and 40.103 in the Department publication of November 21, 1996 [61 FR 59182]. The new provisions of INA 212(a)(9) (similar to the former INA 212(a)(6)(A) and (B)) were inserted as subparagraphs 212(a)(9)(A)(i) and (ii). The only substantive difference between the new INA 212(a)(9)(A) and the former INA 212(a)(6)(A) and (B) lies in the varying lengths of inadmissibility. The prior INA 212(a)(6)(A) provided for a one-year visa ineligibility period for an alien who had previously been excluded and deported. INA 212(a)(9)(A)(i) makes ineligible and inadmissible for 5 years an alien who has been found inadmissible and ordered removed, whether summarily at the port of entry or after removal proceedings under INA 240. The period of inadmissibility is 20 years after a second (or subsequent) removal and is permanent if the alien has been convicted of an aggravated felony. Similarly, the prior INA 212(a)(6)(B) rendered an alien who had previously been deported ineligible for a visa for 5 years (or 20 if the alien had been convicted of an aggravated felony), whereas in the new INA 212(a)(9)(A)(ii), the inadmissibility periods are 10 years following the first removal, 20 years after a second (or subsequent) removal, and permanently if the alien has been convicted of an aggravated felony. Either clause becomes inapplicable if prior to the alien's embarkation at a place outside the United States the Attorney General (in advance) grants the alien permission to reapply for admission. Regulations pertaining to the prior provisions of INA 212(a)(6), with appropriate amendments, have been moved to 22 CFR 40.91. The redesignated 22 CFR 40.91 contains the revised regulations implementing these changes.

22 CFR 40.92—Aliens Unlawfully Present

New INA 212(a)(9)(B)(i)(I) bars for three years after departure an alien who was ''unlawfully present'' in the United States (as defined in (B)(ii)) for a period of more than 180 days but less than one year, provided the alien departed voluntarily before the commencement of removal proceedings. Subparagraph (9)(B)(iv) provides for the ''tolling'' (suspension) of up to 120 days in the calculation of an alien's ''unlawful presence'' if: (1) the alien had been lawfully admitted or paroled and subsequently filed a nonfrivolous application for a change or extension of status before the end of the authorized period of stay (but became an overstay while the application was being adjudicated) and, (2) had not worked without authorization.

If the alien was in the United States unlawfully for one year or more as described at INA 212(a)(9)(B)(i)(II), the inadmissibility period is ten years. The new regulation at 22 CFR 40.92 provides for visa ineligibility under (9)(B)(i) for three years or ten years, as appropriate, and notes the possibility for a waiver under (9)(B)(v) for an immigrant applicant if the Attorney General finds that the refusal of admission would result in extreme hardship to the United States citizen (or lawful permanent resident) spouse or parent of such alien.

INA 212(a)(9)(B) does not contain a provision comparable to that in INA 212(a)(9)(A) for the Attorney General to consent to the alien's reapplying prior to the expiration of the time frames described therein. There are, however, exceptions to the provisions of INA 212(a)(9)(B)(i) for minors, asylees, the beneficiaries of family unity protection, and battered spouses and children who can establish there was a substantial

connection between their status violation and the abuse.

The definition of ''unlawfully present'' under INA 212(a)(9)(B)(ii) includes both remaining in the United States beyond the period of authorized stay and having entered the United States without being admitted or paroled.

22 CFR 40.93—Aliens Unlawfully Present After Previous Immigration Violation

INA subparagraph 212(a)(9)(C)(i)(I) renders inadmissible any alien who has been in the United States unlawfully for an aggregate period of more than 1 year and who subsequently enters or attempts to enter without being admitted (i.e., without lawfully entering after inspection and authorization [see INA 101(a)(13)]). INA 212(a)(9)(C)(i)(II) renders inadmissible any alien who has been ordered removed under INA 235(b)(1), 240, or any other provision of law, and who enters or attempts to enter the United States without being admitted. INA 212(a)(9)(C)(ii) grants an exception to the (otherwise) permanent inadmissibility for an alien who, at least ten years after departure and prior to embarking for the United States, obtains the Attorney General's consent to reapply for admission. A new regulation is established at 22 CFR 40.93 pertaining to aliens removed as a result of unlawful entry (or attempted entry) following such prior immigration violation or removal order.

The amendments to INA 212(a)(6)(A) and (B) and 212(a)(9) described above went into effect on April 1, 1997.

22 CFR 40.104—Unlawful Voters

Section 347 of IIRIRA created a new ground of visa ineligibility (INA 212(a)(10)(D)) for any alien who has voted in violation of any Federal, State or local constitutional provision, statute, ordinance, or regulation. It applies to aliens voting before, on, or after September 30, 1996. The Department is providing new regulations at 22 CFR 40.104 to comport with this addition.

22 CFR 40.105—Former Citizens Who Renounced Citizenship To Avoid Taxation

Section 352(a) of IIRIRA amended the INA to add a new ground of ineligibility at INA 212(a)(10)(E), which renders ineligible for a visa any alien who has been determined by the Attorney General to have renounced United States citizenship to avoid taxation by the United States. This is effective for renunciations on or after September 30, 1996, the effective date of IIRIRA. New regulations are added at 22 CFR 40.105.

Interim rule

This rule modifies 22 CFR, Subchapter E, Subparts B, C, F, G and J, to reflect changes made by Division ''C'' of Pub. L. 104–208, the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based upon the ''good cause'' exception found at 5 U.S.C. 553(b)(B) and 553(d)(3) because it implements statutory provisions already in effect. Some of the provisions of IIRIRA implemented by this rule became effective on the date of enactment, September 30, 1996. Another became effective on November 30, 1996. Still others became effective on April 1, 1997. Therefore, the provisions of this interim rule were effective on September 30, 1996, except that § 40.67 became effective November 30, 1996 and §§ 40.61, 40.62, 40.91, 40.92, and 40.93 were effective on April 1, 1997, to coincide with the dates mandated by Congress.

Pursuant to § 605(b) of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities because it merely implements statutory requirements already in effect. This rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule has been reviewed as required by E.O. 12988 and is certified to meet the applicable regulatory standards it describes. Although exempted from E.O. 12866, this rule has been reviewed to ensure consistency with it.

List of Subjects in 22 CFR Part 40

Aliens, Immigrants, Immigration, Nonimmigrants, Passports and visas.

In view of the foregoing, 22 CFR is amended as follows:

PART 40—[AMENDED]

1. The authority citation for Part 40 is amended to read as follows:

Authority: 8 U.S.C. 1104; Pub. L. 104–208, 110 Stat. 3009; 22 U.S.C. 26512.

2. Section 40.11 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 40.11 Medical grounds of ineligibility.

* * * * *

(b) *Waiver of ineligibility—INA 212(g).* If an immigrant visa applicant is inadmissible under INA 212(a)(1)(A)(i), (ii), or (iii) but is qualified to seek the benefits of INA 212(g)(1)(A) or (B), 212(g)(2)(C), or 212(g)(3), the consular officer shall inform the alien of the procedure for applying to INS for relief under the applicable provision of law. A visa may not be issued to the alien until the consular officer has received notification from INS of the approval of the alien's application under INA 212(g), unless the consular officer has been delegated authority by the Attorney General to grant the particular waiver under INA 212(g).

(c) *Waiver authority—INA 212(g)(2)(A) and (B).* The consular officer may waive section 212(a)(1)(A)(ii) visa ineligibility if the alien qualifies for such waiver under the provisions of INA 212(g)(2)(A) or (B).

§ 40.22 Multiple criminal convictions.

3. Section 40.22 is revised by removing paragraph (b) and redesignating paragraphs (c), (d), (e) and (f) as (b), (c), (d) and (e), respectively.

§ 40.52 Unqualified physicians.

4. Section 40.52 is amended by revising ''203(a)(2) or (3)'' to read ''203(b)(2) or (3).''

5. Section 40.61 is revised to read as follows:

§ 40.61 Aliens present without admission or parole.

INA 212(a)(6)(A)(i) does not apply at the time of visa issuance.

6. Section 40.62 is revised to read as follows:

§ 40.62 Failure to attend removal proceedings.

An alien who without reasonable cause failed to attend, or to remain in attendance at, a hearing initiated on or after April 1, 1997, under INA 240 to determine inadmissibility or deportability shall be ineligible for a visa under INA 212(a)(6)(B) for five years following the alien's subsequent departure or removal from the United States.

7. Section 40.66 is revised to read as follows:

§ 40.66 Subject of civil penalty.

(a) *General.* An alien who is the subject of a final order imposing a civil penalty for a violation under INA 274C shall be ineligible for a visa under INA 212(a)(6)(F).

(b) *Waiver of ineligibility.* If an applicant is ineligible under paragraph (a) of this section but appears to the consular officer to meet the prerequisites for seeking the benefits of INA 212(d)(12), the consular officer shall inform the alien of the procedure for applying to INS for relief under that provision of law. A visa may not be issued to the alien until the consular officer has received notification from

INS of the approval of the alien's application under INA 212(d)(12).

8. Section 40.67 is added to read as follows:

§ 40.67 Student visa abusers.

An alien ineligible under the provisions of INA 212(a)(6)(G) shall not be issued a visa unless the alien has complied with the time limitation set forth therein.

9. Section 40.91 is revised to read as follows:

§ 40.91 Certain aliens previously removed.

(a) *5-year bar.* An alien who has been found inadmissible, whether as a result of a summary determination of inadmissibility at the port of entry under INA 235(b)(1) or of a finding of inadmissibility resulting from proceedings under INA 240 initiated upon the alien's arrival in the United States, shall be ineligible for a visa under INA 212(a)(9)(A)(i) for 5 years following removal from the United States if prior to the alien's reembarkation at a place outside the United States that is the alien's first such removal.

(b) *10-year bar.* An alien who has otherwise been removed from the United States under any provision of law, or who departed while an order of removal was in effect, is ineligible for a visa under INA 212(a)(9)(A)(ii) for 10 years following such removal or departure from the United States.

(c) *20-year bar.* An alien who has been removed from the United States two or more times shall be ineligible for a visa under INA 212(a)(9)(A)(i) or INA 212(a)(9)(A)(ii), as appropriate, for 20 years following the most recent such removal or departure.

(d) *Permanent bar.* If an alien who has been removed has also been convicted of an aggravated felony, the alien is permanently ineligible for a visa under INA 212(a)(9)(A)(i) or 212(a)(9)(A)(ii), as appropriate.

(e) *Exceptions.* An alien shall not be ineligible for a visa under INA 212(a)(9)(A)(i) or (ii) if the Attorney General has consented to the alien's application for admission.

10. Section 40.92 is revised to read as follows:

§ 40.92 Aliens unlawfully present.

(a) *3-year bar.* An alien described in INA 212(a)(9)(B)(i)(I) shall be ineligible for a visa for 3 years following departure from the United States.

(b) *10-year bar.* An alien described in INA 212(a)(9)(B)(i)(II) shall be ineligible for a visa for 10 years following departure from the United States.

(c) *Waiver.* If a visa applicant is inadmissible under paragraph (a) or (b) of this section but appears to the consular officer to meet the prerequisites for seeking the benefits of INA 212(a)(9)(B)(v), the alien shall be informed of the procedure for applying to INS for relief under that provision of law.

11. Section 40.93 is revised to read as follows:

§ 40.93 Aliens unlawfully present after previous immigration violation.

An alien described in INA 212(a)(9)(C)(i) is permanently ineligible for a visa unless the Attorney General consents to the alien's application for readmission not less than 10 years following the alien's last departure from the United States. Such application for readmission shall be made prior to the alien's reembarkation at a place outside the United States.

12. Section 40.104 is revised to read as follows:

§ 40.104 Unlawful voters.

An alien who at any time has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance or regulation is ineligible for a visa under INA 212(a)(10)(D).

13. Section 40.105 is revised to read as follows:

§ 40.105 Former citizens who renounced citizenship to avoid taxation.

An alien who is a former citizen of the United States, who on or after September 30, 1996, has officially renounced United States citizenship and who has been determined by the Attorney General to have renounced citizenship to avoid United States taxation, is ineligible for a visa under INA 212(a)(10)(E).

December 10, 1997.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 97–33257 Filed 12–24–97; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 40

[TD 8740]

RIN 1545–AV03

Deposits of Excise Taxes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the availability of the safe harbor deposit rule based on look-back quarter liability and affects persons required to make deposits of excise taxes. This document also contains temporary regulations relating to floor stocks taxes and affects persons liable for those taxes. The regulations implement certain changes made by the Small Business Job Protection Act of 1996 (the 1996 Act) and the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 (the 1997 Act). The text of these regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES: These regulations are effective December 29, 1997. For dates of applicability, see §§ 40.6302(c)–1T and 40.6302(c)–2T.

FOR FURTHER INFORMATION CONTACT: Ruth Hoffman (202) 622–3130 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Excise Tax Procedural Regulations (26 CFR part 40) that implement certain changes made by the 1996 Act and the 1997 Act.

The aviation excise taxes that expired on December 31, 1995, were reinstated by the 1996 Act for the period from August 27 through December 31, 1996, by the 1997 Act for the period from March 7 through September 30, 1997, and were extended, with modifications, for the period from October 1, 1997, through September 30, 2007.

Deposit Safe Harbor Rules

Sections 40.6302(c)–1(c)(2) and 40.6302(c)–2(b)(2) (relating to deposit safe harbors) currently provide, generally, that a person can satisfy excise tax deposit obligations for a calendar quarter by depositing an amount equal to the person's excise tax liability reported on the return for the second preceding quarter (the look-back quarter). For this purpose, the tax liability for the look-back quarter must be modified to take into account any increase in rates in the current quarter, but the safe harbor does not specifically address the effect of the enactment of a new tax or the reinstatement of an expired tax. Notice 97–15, 1997–8 I.R.B. 23, and section 2(f) of the 1997 Act provide that the look-back safe harbor shall not apply with respect to any tax unless the tax was imposed throughout the look-back period.

The temporary regulations modify the look-back safe harbor rules to reflect this

change. Under the temporary regulations, the general look-back safe harbor of § 40.6302(c)–1(c)(2) is modified for a class of tax that includes a tax that was not in effect at all times during the look-back quarter (or, in the case of an alternative method tax, that was not in effect at all times during the look-back quarter and the month preceding the look-back quarter). The safe harbor does not apply to that class of tax unless, for each semimonthly period, the deposit is not less than the greater of (1) ⅙ of the net tax liability reported for the class of tax for the look-back quarter, or (2) the sum of (i) 95 percent of the net tax liability incurred with respect to new or reinstated taxes during the semimonthly period, and (ii) ⅙ of the net tax liability reported for all other taxes in the class for the look-back quarter. Also, the section 4681 tax (ozone-depleting chemicals) look-back safe harbor provided under § 40.6302(c)–2(b)(2) is modified in a similar manner if the tax liability for the quarter includes liability for any chemical that was not subject to tax at all times during the look-back quarter.

The new rules apply to liabilities for new or reinstated taxes incurred after February 28, 1997.

Fuel Floor Stocks Taxes

Section 1609(h) of the 1996 Act imposes a floor stocks tax on aviation fuel (other than gasoline) on which tax was imposed by section 4091 before August 27, 1996, and that is held on the first moment of that date by any person. Section 2(d) of the 1997 Act imposes a floor stocks tax on aviation gasoline and aviation fuel (other than gasoline) on which tax was imposed by section 4081 or 4091 before March 7, 1997, and that is held on the first moment of that date by any person.

The temporary regulations provide that the rules set forth in 26 CFR part 40 (relating to administrative provisions for certain excise taxes, including the excise taxes on aviation fuels) also apply to related floor stocks taxes. Thus, persons liable for floor stocks taxes on aviation fuels must file returns reporting those taxes in accordance with the provisions of 26 CFR part 40.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Ruth Hoffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 40

Excise taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 40 is amended as follows:

PART 40—EXCISE TAX PROCEDURAL REGULATIONS

Paragraph 1. The authority citation for part 40 continues to read in part as follows:

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

Par. 2. Section 40.0–1T is added to read as follows:

§ 40.0–1T Introduction (temporary).

(a) through (f). [Reserved]

(g) *Applicability to floor stocks taxes.* The regulations in this part 40 also apply with respect to floor stocks taxes imposed on articles subject to a tax described in § 40.0–1(a), beginning April 1, 1991.

Par. 3. Section 40.6011(a)–1T is added to read as follows:

§ 40.6011(a)–1T Returns (temporary).

(a)(1) through (a)(2)(ii). [Reserved]

(a)(2)(iii) *Floor stocks tax return.* A return reporting liability for a floor stocks tax described in § 40.0–1T(g) is a return for the calendar quarter in which the tax payment is due and not for the calendar quarter in which the liability for tax is incurred, beginning April 1, 1991.

Par. 4. Section 40.6302(c)–1T is added to read as follows:

§ 40.6302(c)–1T Use of Government depositaries (temporary).

(a) through (c)(2)(iii). [Reserved]

(c)(2)(iv) *Modification for new or reinstated taxes*—(A) *Applicability.* The safe harbor rule of § 40.6302(c)–1(c)(2)(i) is modified for any calendar quarter in which a person's liability for a class of tax includes liability for any new or reinstated tax. For this purpose, a new or reinstated tax is—

(*1*) Any tax (including an alternative method tax) that was not in effect at all times during the look-back quarter; and

(*2*) Any alternative method tax that was not in effect at all times during the month preceding the look-back quarter.

(B) *Modification.* The safe harbor rule of § 40.6302(c)–1(c)(2)(i) does not apply to a class of tax unless the deposit of taxes in that class for each semimonthly period in the calendar quarter is not less than the greater of—

(*1*) ⅙ of the net tax liability reported for the class of tax for the look-back quarter; or

(*2*) The sum of—

(*i*) 95 percent of the net tax liability incurred with respect to new or reinstated taxes during the semimonthly period; and

(*ii*) ⅙ of the net tax liability reported for all other taxes in the class for the look-back quarter.

(C) *Effective date.* This paragraph (c)(2)(iv) applies to tax liabilities for new or reinstated taxes incurred after February 28, 1997, except that paragraph (c)(2)(iv)(A)(*2*) of this section applies only for calendar quarters beginning after December 31, 1997.

(c)(3) through (f)(4). [Reserved]

(f)(5) *Taxes excluded; floor stocks taxes.* No deposit is required in the case of any floor stocks tax described in § 40.0–1T(g), beginning April 1, 1991.

Par. 5. Section 40.6302(c)–2T is added to read as follows:

§ 40.6302(c)–2T Special rule for use of Government depositaries under section 4681 (temporary).

(a) through (b)(2)(ii). [Reserved]

(b)(2)(iii) *Modification for new chemicals*—(A) *Applicability.* The safe harbor rule of § 40.6302(c)–2(b)(2)(i) is modified for any calendar quarter in which a person's liability for section 4681 tax includes liability with respect to any new chemical. For this purpose, a new chemical is any chemical that was not subject to tax at all times during the look-back quarter.

(B) *Modification.* The safe harbor rule of § 40.6302(c)–2(b)(2)(i) does not apply unless the deposit of section 4681 taxes for each semimonthly period in the calendar quarter is not less than the greater of—

(*1*) ⅙ of the net tax liability reported under section 4681 for the look-back quarter; or

(*2*) The sum of—

(*i*) 95 percent of the net tax liability incurred under section 4681 with

respect to the new chemical during the semimonthly period; and

(*ii*) 1/6 of the net tax liability reported under section 4681 with respect to all other chemicals for the look-back quarter.

(C) *Effective date.* This paragraph (b)(2)(iii) applies to tax liabilities for new chemicals incurred after February 28, 1997.

Michael P. Dolan,

Acting Commissioner of Internal Revenue.

Approved: November 6, 1997.

Donald C. Lubick,

Acting Assistant Secretary of the Treasury.

[FR Doc. 97–33248 Filed 12–24–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 95–054]

RIN 2115–AF17

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; delay of effective date.

SUMMARY: The Coast Guard is delaying the effective date of the interim rule on regatta and marine parades published in the **Federal Register** on June 26, 1996. The interim rule more precisely identifies those marine events which require a permit, those which require only written notice to the Coast Guard, and those which require neither. A change in the effective date from January 1, 1998, to January 1, 1999, is necessary to allow additional time to further assess the potential impact, if any, of the interim rule on the environment.

EFFECTIVE DATE: The interim rule published on June 26, 1996 (61 FR 33027) and delayed by a document published on November 26, 1996 (61 FR 60027) is effective on January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, Project Manager, Office of Boating Safety, Program Management Division, 202–267–0979. You may obtain a copy of the interim rule and subsequent notices by calling the U.S. Coast Guard Infoline at 1–800–368–5647 or read it on the Internet at the Web Site for the Office of Boating Safety at URL address www.uscgboating.org.

SUPPLEMENTARY INFORMATION: On June 26, 1996, the Coast Guard published an interim rule and notice of availability of environmental assessment (CGD 95–054) entitled ''Regattas and Marine Parades'' in the **Federal Register** (61 FR 33027). The interim rule, which was to become effective on January 1, 1997, revised the Coast Guard's marine event regulations to eliminate unnecessary requirements while continuing to protect the safety of life. The rule more precisely identifies those events which require a permit, those which require only written notice to the Coast Guard, and those which require neither. The environmental assessment and proposed finding of no significant impact which support this rulemaking were made available to the public.

Approximately 85 comments were received in response to the interim rule and notice of availability of the environmental assessment and to the Coast Guard's previous requests for comments. Many of these comments raised concerns regarding the reporting requirements placed on the marine event sponsors and the potential environmental effects associated with changing the current regulations on regatta and marine parade permitting procedures. In addition, several comments received in response to a draft environmental impact statement (EIS) entitled ''U.S. Coast Guard Atlantic Protected Living Marine Resources Initiative'' reiterated concerns raised by the comments on the interim rule. Based on these comments and on the concerns raised during the ongoing consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), the Coast Guard delayed the effective date of the interim rule to January 1, 1998 (61 FR 60027; November 26, 1996) to reconsider whether to proceed with a revision of the regulations on regatta and marine parade permitting procedures, as published, and to complete its consultation with FWS and NMFS. Because the Coast Guard has not yet completed its reconsideration and consultation with the FWS and NMFS or the required environmental documentation, the Coast Guard is delaying the effective date to January 1, 1999.

Accordingly, in FR Doc. 96–16319 published in the **Federal Register** on June 26, 1996, at 61 FR 33027, as amended by the notice of delay effective date published on November 26, 1996, at 61 FR 60027, the effective date for the referenced interim rule is changed from January 1, 1998, to January 1, 1999.

Dated: December 18, 1997.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 97–33682 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IL159–1a; FRL–5938–4]

Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves the section 111(d)/129 State Plan submitted by Illinois on June 23, 1997, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Waste Combustors (MWCs) with capacity to combust more than 250 tons/day of municipal solid waste (MSW). Specifically, the State Plan imposes certain emission limits and control requirements for the existing such MWC in Illinois, the Robbins Resource Recovery Center (RRRC) in Robbins, Illinois.

DATES: This action is effective on February 27, 1998 unless significant adverse written comments (which have not already been responded to) are received by January 28, 1998. If such adverse written comments are received by the above date, this direct final rule will be withdrawn, and timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of this SIP revision request is available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo, Environmental Protection Specialist at (312) 886–6082 before visiting the Region 5 Office.)

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

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

On December 19, 1995, pursuant to sections 111 and 129 of the Clean Air Act (Act), the EPA promulgated New Source Performance Standards (NSPS) applicable to new MWCs, and EG applicable to existing MWCs. *See* 60 FR 65387. The NSPS and EG are codified at 40 CFR part 60, subparts Cb and Eb, respectively. Subparts Cb and Eb regulate the following air pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, dioxins and dibenzofurans, and visible emissions of fugitive ash.

On April 8, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated subparts Cb and Eb as they apply to MWC units with capacity to combust less than or equal to 250 tons/day of MSW (small MWCs), consistent with their opinion in *Davis County Solid Waste Management and Recovery District* v. *EPA,* 101 F.3d 1395 (D.C. Cir. 1996), *as amended,* 108 F.3d 1454 (D.C. Cir. 1997). As a result, subparts Eb and Cb are being applied only to MWC units with individual capacity to combust more than 250 tons/day of MSW (large MWC units).

Subpart Eb of the NSPS provides federally enforceable control requirements for large MWC units for which construction is commenced after September 20, 1994, or for which modification or reconstruction is commenced after June 19, 1996. Large MWC units built before September 20, 1994, are affected by the NSPS subpart Cb EG. Under section 129 of the Act, EG are not directly federally enforceable. Section 129(b)(2) of the Act requires States to submit to the EPA for approval State Plans that implement and enforce the EG for existing large MWC units. State Plans must be at least as protective as the EG, and become federally enforceable upon approval by EPA. The procedures for adoption and submittal of State Plans are codified in 40 CFR part 60, subpart B. EPA originally promulgated the subpart B provisions on November 17, 1975. EPA amended subpart B on December 19, 1995, to allow the subparts developed under Section 129 to include specifications that supersede the general provisions in subpart B regarding the schedule for submittal of State Plans, the stringency of the emission limitations, and the compliance schedules. *See* 60 FR 65414.

On June 23, 1997, the Illinois Environmental Protection Agency (IEPA) submitted to EPA a section 111(d)/129 plan to implement the subpart Cb EG for existing large MWC units. The only large MWC plant operating in the State is Robbins Resource Recovery Center (RRRC), located in Robbins, Illinois. The State Plan establishes EG control requirements for this facility through a Federally Enforceable State Operating Permit (FESOP) condition (special condition 18(c)) in RRRC's state operating permit (permit number 88120055), issued June 2, 1997. On April 26, 1997, a public hearing was held in Robbins, Illinois on the proposed operating permit and the plan for using the permit to apply the EG requirements. Illinois responded to a public comment regarding the EG requirements in the permit by revising and clarifying the permit.

II. EPA Review of State Plan

EPA reviewed Illinois' State Plan for consistency with section 111(d)/129 State Plan requirements under 40 CFR part 60, subpart B and Cb. According to the source inventory in Illinois' State Plan, RRRC is the only existing large MWC source in the State. RRRC is already subject to NSPS requirements for MWC sources under 40 CFR part 60, subpart Ea. Subpart Ea requires emission limitations for certain air pollutants which are equivalent or more stringent than the EG. These pollutants are opacity, carbon monoxide, dioxin/furans, hydrogen chloride, and nitrogen oxide. Therefore, Illinois did not have to adopt EG emission limits for these pollutants in the State Plan.

The State Plan's enforceable mechanism for implementing the remainder of the EG emission limits is through the application and enforcement of special condition 18(c) of operating permit number 88120055, issued to RRRC on June 2, 1997. This is a FESOP condition which requires RRRC to comply with EG limits for cadmium, lead, mercury, particulate matter, sulfur dioxide, and visible emissions of fugitive ash, as set forth under subpart Cb. Condition 18(c) also requires RRRC to comply with good combustor operating practices (including combustor load and particulate matter emission control device inlet temperature), requirements for compliance and performance testing, requirements for operator training and certification (including maintenance and periodic review of a site-specific facility operating manual), and requirements for reporting and recordkeeping, as set forth under subpart Cb. RRRC was required to comply with condition 18(c) beginning June 2, 1997, the date RRRC's operating permit was issued. This date is well within the December 19, 2000, deadline required by section 129 for existing large MWC units to come into compliance with the EG.

The FESOP condition also requires RRRC to comply with amendments made to the EG on August 25, 1997 (62 FR 45124). On that date, in response to the April 8, 1997 court opinion cited above, EPA amended EG emission limitations for lead, sulfur dioxide, hydrogen chloride and nitrogen oxides, to address changes in the Maximum Achievable Control Technology (MACT) floor for existing large MWC units (62 FR 45116). The EG amendments for hydrogen chloride and nitrogen oxides are still not as stringent as subpart Ea. However, the amendments slightly tighten the EG emission limits for sulfur dioxide and lead from the 1995 subpart Cb promulgation. Also on August 25, 1997, EPA promulgated certain amendments to clarify and make technical corrections to subpart Cb (62 FR 45124); these amendments are also enforceable under the RRRC FESOP condition. Since the August 1997 subpart Cb amendments are enforceable under Illinois' State Plan, Illinois will not need to revise the State Plan to include these amendments.

The Illinois State Plan adequately addresses all the essential elements of an approvable section 111(d)/129 State plan. On October 23, 1997, IEPA submitted to EPA a letter from IEPA's General Counsel demonstrating the State's legal authority to carry out the State Plan through the RRRC FESOP condition. To meet emission inventory requirements, the State Plan submittal includes test data collected during initial testing of RRRC's combustors conducted January 6 through January 11, 1997, at maximum combustor load. The State Plan includes emissions limits that are at least as protective as those in the subpart Ea EG. The RRRC FESOP condition provides for emission limitation and testing, monitoring, recordkeeping, and reporting requirements consistent with those specified in the EG. A transcript of the April 26, 1997 public hearing, and subsequent June 2, 1997 IEPA responsiveness summary were included in the State Plan submittal. Finally, the State Plan submittal provides for annual State progress reports to EPA on implementation of the State Plan.

In conclusion, the EPA finds the June 23, 1997 Illinois State Plan for large MWCs to meet the criteria for approval contained in subpart B and Cb. For a more detailed discussion of EPA's analysis, please refer to the Technical Support Document for this rulemaking

action, which can be obtained from the EPA Region 5 office listed above.

III. EPA Rulemaking Action

The EPA is approving, through direct final rulemaking action, Illinois' section 111(d)/129 plan for large MWCs. The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should specified written adverse or critical comments be filed. This action will be effective on February 27, 1998 unless, by January 28, 1998, such adverse or critical comments are received on the approval.

If the EPA receives such adverse comments, the approval will be withdrawn before the effective date by publishing a subsequent rulemaking that withdraws the final action. Comments will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on February 27, 1998.

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

IV. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

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

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

C. Unfunded Mandates

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

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 27, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Municipal waste combustors, Reporting and recordkeeping requirements.

Dated: December 11, 1997.

Gail A. Ginsberg,

Acting Regional Administrator, Region V.

40 CFR Part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart O—Illinois

2. Part 62 is amended by adding § 62.3350 and an undesignated heading to subpart O to read as follows:

Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions From Existing Municipal Waste Conbustors with the Capacity to Combust Greater Than 250 Tons Per Day of Municipal Solid Waste

§ 62.3350 Identification of plan.

Illinois submitted ''State Plan to Implement Emission Guidelines for Large Municipal Waste Combustors'' on June 23, 1997. The plan applies specifically to Robbins Resource Recovery Center (RRRC), located in Robbins, Illinois. The enforceable mechanism for this source is special condition 18(c) of operating permit number 88120055, issued to RRRC by Illinois on June 2, 1997.

[FR Doc. 97–33765 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5937–2]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for authorization to revise its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Louisiana's revisions consist of regulations which specifically govern hazardous waste combustion at Boilers and Industrial Furnaces (BIF's). Louisiana requirements are listed on the chart included in this document. Upon approval, Louisiana will be authorized to regulate air emissions from the BIFs.

Currently, such waste is regulated by EPA. Louisiana will be authorized to issue BIF permits and to ensure that all permits issued to hazardous waste combustion facilities are protective of human health and the environment. Louisiana agrees to ensure compliance with all terms of the trial burn plans and schedules that are approved by EPA prior to authorization. The EPA has reviewed Louisiana's application and determined that its hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Unless adverse written comments are received on this action during the review and comment period provided in a companion document in the ''Proposed Rules'' section of today's **Federal Register**, EPA's decision to approve Louisiana's hazardous waste program revision will take effect as provided below. Louisiana's application for the program revision is available for public review and comment.

DATES: This authorization for Louisiana shall be effective March 16, 1998 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. Any comments on Louisiana's program revision application must be filed as provided in the companion document on this action, appearing in the Proposed Rules section of today's **Federal Register**.

ADDRESSES: Copies of the Louisiana program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, phone (504) 765–0617 and EPA, Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone (214) 665–6444. Written comments, referring to Docket Number LA–97–1, should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

SUPPLEMENTARY INFORMATION:

A. Background

States authorized under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State Hazardous Waste Programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260–266, 268, 270, and 279.

B. Louisiana

The State of Louisiana initially received final authorization on February 7, 1985 (50 FR 3348), to implement its base hazardous waste management program. Louisiana received authorization for revisions to its program on January 29, 1990 (54 FR 48889), October 25, 1991 (56 FR 41958), and Corrections at (56 FR 51762), effective January 23, 1995 (59 FR 55368–55371), and Corrections at (60 FR 18360), March 8, 1995 (59 FR 66200), January 2, 1996 (60 FR 53707) and June 11, 1996 (61 FR 13777–13782). On December 4, 1996, Louisiana submitted a final complete program revision application for additional program approvals. Today, Louisiana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In 1983, the Louisiana legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 *et seq.*, the Environmental Affairs Act. This Act created the Louisiana Department of Environmental Quality (LDEQ), which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State.

C. BIF Revisions

The State of Louisiana has applied for authorization to revise its RCRA hazardous waste program to include regulations which specifically govern hazardous waste combustion at Boilers and Industrial Furnaces (BIFs). Hazardous waste combustion is a form of hazardous waste treatment under RCRA regulations. The regulatory form for combustion is defined as ''the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste.'' 40 Code of Federal Regulations (CFR) section 260.10. Hazardous waste combustion occurs at a variety of facilities including incinerators, boilers, and industrial furnaces. Louisiana requirements are listed on the chart included in this document. Upon approval, Louisiana will be authorized to regulate air emissions from the BIFs. Currently, such waste is regulated by EPA. Louisiana will be authorized to issue BIF permits and to ensure that all permits issued to hazardous waste combustion facilities are protective of human health and the environment. Louisiana has also agreed to ensure compliance with all terms of the trial burn plans and schedules that are approved by EPA prior to authorization.

The EPA reviewed Louisiana's application and is today making an immediate final decision, subject to review and comment, that Louisiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, the EPA intends to grant authorization for the additional program modifications to Louisiana. As provided in the Proposed Rules section of today's **Federal Register**, the public may submit written comments on EPA's proposed final decision until January 28, 1998. Copies of LDEQ's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of LDEQ's program revision shall become effective 75 days from the date this document is published, unless an adverse written comment pertaining to the State's revision discussed in this document is received by the end of the comment period. If a adverse written comment is received, EPA will publish either a withdrawal of the immediate final decision or a document containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Louisiana's program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260–266, 268, and 270 that were published in the FR from July 1, 1993, through June 30, 1994. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Federal citation	State analog
1. Burning of Hazardous Waste in Boilers and Industrial Furnaces, [56 FR 7134] February 1991. (Checklist 85).	Louisiana Revised Statutes (LRS) 30: § 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §§ 105.D.13, 17, & 18, as amended September 20, 1994, effective September 20, 1994; 4105.B.13, as amended September 20, 1996, effective September 1996; 109, as amended September 20, 1995, effective September 20, 1995; 109.Solid Wst.b–4.b.iii & 5.d, as amended September 20, 1994, effective September 20, 1994; 1501.C.2, 3001.A, 3001.F.1.c, as amended March 20, 1995, effective March 29, 1995; 3001.C.1–C.1.b, 3001.C.2.a–C.3.b.iii, as amended September 20, 1996, effective September 20, 1996; 4307, as amended March 20, 1996, effective March 20, 1996; 321.C.a.iv, as amended September 20, 1995, effective September 20, 1995; 321.C.7–C.a.v, 321.C.a.i–iv, 322, 535.A–F, 537.A–C, as amended March 30, 1995, effective March 20, 1995; 3115.B.12–B.12.a, as amended September 20, 1996, effective September 20, 1996; 4303.A.6, & B.7, as amended December 20, 1992, effective December 20, 1992; 4305.C & D, as amended October 20, 1994, effective October 20, 1992; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001.A–E, 3001.F, 3003.A–C.2, 3005.A–I, as amended September 20, 1995, effective September 20, 1995; 3007.A–L, 3007B.b.2ii.c 3009.A–, 3013.A–I, 3015.A–H, 3017.A–E, 3019.A–B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F, 1–3, 3023.A–E.6, 3025, 3025 A, A 1–3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a, 3025.C, 3025.C.1–2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A–L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2–D.2.b, 4383.A–B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.
2. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I, [56 FR 32688] July 17, 1991. (Checklist 94).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 321.C.7–C.a.v, 321.C.a.i–iv, 322, 535.A–F, 537.A–C, as amended March 30, 1995, effective March 20, 1995; 3115.B.12–B.12.a, as amended September 20, 1996, effective September 20, 1996; 4303.A.6, & B.7, as amended December 20, 1992, effective December 20, 1992; 4305.C & D, as amended October 20, 1994, effective October 20, 1992; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A–E, 3001.F, 3001.B.2–3, 3003.A–C.2, 3005.A–I, 3005.B.1, 3005.D.4.d, 3005.E.3.a.iii, 3005.E.6.b, 3005.E.6.b.ii(b), 3005.E.d.ii, as amended September 20, 1995, effective September 20, 1995; 3007.A–L, 3007.A.1.b, 3007.B.2.b.i–ii, iv, 3007.B.2.d, 3007.B.2.e.i(e), 3007.B.2.f, 3007.B.3.b–ii, 3007.B.5.b.ii(b), 3007.B.6, 3009.A–I, 3011.A–C, 3013.A–I, 3015.A–H, 3017.A–E, 3019.A–B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.3–4, 3021.F., 1–3, 3023.A–E.6, 3025, 3025 A, A 1–3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a, 3025.C, 3025.C.1–2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A–L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2–D.2.b, 4383.A–B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.

Federal citation	State analog
3. Burning of Hazardous Waste in Boilers and Industrial Furnaces, Technical Amendment II, [56 FR 42504–42517] August 27, 1991. (Checklist 96).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§109.Solid Wst.b–4.b.i–iii & 5.d, as amended September 20, 1994, effective September 20, 1994; 1501.C.2, 3001.A, 3001.F.1.c, as amended March 20, 1995, effective March 29, 1995; 3001.C.1–C.1.b, 3001.C.2.a–C.3.b.iii, as amended September 20, 1996, effective September 20, 1996; 4307, as amended March 20, 1996, effective March 20, 1996; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A–E, 3001.F, 3003.A–C.2, 3005.A–I, as amended September 20, 1995, effective September 20, 1995; 3007.A–L, 3009.A–I, 3011.A–C, 3013.A–I, 3015.A–H, 3017.A–E, 3019.A–B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F., 1–3, 3023.A–E.6, 3023.D.2, 3025, 3025 A, A 1–3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a,c, 3025.C, 3025.C.1–2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A–L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2 4381.D.2.a–2.b, 4383.A–B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments III, [57 FR 38558–38566] August 25, 1992. (Checklist 111).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§109.Solid Wst.b–4.b.i–iii & 5.d, as amended September 20, 1994, effective September 20, 1994; 1501.C.2, 3001.A, 3001.F.1.c, as amended March 20, 1995, effective March 29, 1995; 3001.C.1–C.1.b, 3001.C.2.a–C.3.b.iii, as amended September 20, 1996, effective September 20, 1996; 4307, as amended March 20, 1996, effective March 20, 1996; 105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A–E, 3001.F, 3003.C.1, 3003.A–C.2, 3005.A–I, as amended September 20, 1995, effective September 20, 1995; 3007.A–L, 3009.A–I, 3011.A–C, 3013.A–I, 3015.A–H, 3017.A–E, 3019.A–B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F., 1–3, 3023.A–E.6, 3023.D.2, 3025, 3025 A, A 1–3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a,c, 3025.C, 3025.C.1–2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A–L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2 4381.D.2.a–2.b, 4383.A–B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.
5. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV, [57 FR 44999–45001] September 30, 1992. (Checklist 114).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§105.D.33.b, as amended May 20, 1996, effective May 20, 1996; 105.H.1, 109 Infrared Incinerator, 109. Plasma arc Incinerator, as amended March 20, 1995, effective March 20, 1995; 110, as amended September 20, 1996, effective September 20, 1996; 3001. A–E, 3001.F, 3003.C.1, 3003.A–C.2, 3005.A–I, as amended September 20, 1995, effective September 20, 1995; 3007.A–L, 3009.A–I, 3011.A–C, 3013.A–I, 3015.A–H, 3017.A–E, 3019.A–B.2, 3019.B.1, 3021, 3021 A, B, C, D & E, 3021.F.4, 3021.F., 1–3, 3023.A–E.6, 3023.D.2, 3025, 3025 A, A 1–3, 3025.B, 3025.B.1, 3025.B.1.a, 3025.B.1.b, 3025.B.2.a,c, 3025.C, 3025.C.1–2, 3025.C.2.a, as amended March 20, 1995, effective March 20, 1995; Chap 30 Appendices A–L, as amended May 20, 1996, effective May 20, 1996; 3105.A.I, as amended September 20, 1994, effective September 20, 1994; 3511.D.1, as amended March 20, 1995, effective March 20, 1995; 4105.C & C.2, as amended September 20, 1994, effective September 20, 1994; 4381.D.1, 4381.D.2 4381.D.2.a–2.b, 4383.A–B, as amended March 20, 1995, effective March 20, 1995, 4513, as amended September 20, 1995, effective September 20, 1995; 4523, 1995; and 4523, as amended March 20, 1995, effective September 20, 1995.

Federal citation	State analog
6. Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations, [58 FR 3881–38884] July 20, 1993. (Checklist 125).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 110, as amended September 20, 1996, effective September 20, 1996; 3009.E.3, as amended May 20, 1996, effective May 20, 1996; 3013.H, as amended May 20, 1995, effective May 20, 1995; and Chapter 30.App J, as amended May 20, 1996, effective May 20, 1996.
7. Testing and Monitoring Activities, [58 FR 46040–46051] August 31, 1993. (Checklist 126).	LRS 30: § 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §§ 110, 105.M.3.a.i, 537.B.2.b.ii(a)–(b), 529.C.1.c–d, 1901.A, 2223, 2223.A, 2515.D, 4431.A.1, 4507.D, 4903.c.1–2, 4903.E.1, Ch.49.App.A, Ch.49.App.B, Ch. 49.App.C, Chap 49 App A.Tbl 8–10, as amended September 20, 1996; effective September 20, 1996; § 3115.B.1.c–d, as amended March 20, 1995; effective March 20, 1995.
8. Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues, [58 FR 59598–59603] November 9, 1993. (Checklist 127).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 3025.B.2.a, as amended September 20, 1996, effective September 20, 1996; Chap 30 App G, as amended May 20, 1996.
9. Hazardous Waste Management System; Identification and Listing of Hazardous Wastes from Wood Surface Protection, [59 FR 458–469] January 4, 1994. (Checklist 128)	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 110, and 3105.Tbl.1, as amended September, 20, 1996; effective September 20, 1996.
10. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion, [59 FR 8362–8366] February 18, 1994. (Checklist 129).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 105.D.37.b.i–ii, 105.D.37.c, 105.D.37.c.i–iii, 105.D.37.c.iii.(a)–(e), 105.D.38.c, 105.D.38.d, 105.D.38.e, as amended September 20, 1996; effective September 20, 1996.
11. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards; [59 FR 10550–10560] March 4, 1994. (Checklist 130).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 4001, 4003.B.1.b, 4003.B.2.c, 4003.G, 4003.G.1–6, 4009.B.2, 4009.B.2.a, 4009.B.b, 4009.B.2.c–e, 4027.C, 4033.C, 4037.A.5, 4037.B.5, 4047.C, 4067.C, as amended March 20, 1995; effective March 20, 1995, § 4003.G, 4003.G.1–6, 4009.B.2.c–e, as amended September 20, 1996; effective September 20, 1996.
12. Recordkeeping Instructions; Technical Amendment, [59 FR 13891–13893] March 24, 1994. (Checklist 131).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 1529.B.3.Tbl.1, 1529.B.4.Tbl.2, 4357.B.3.Tbl.1, and 4357.B.4.Tbl.2, as amended September 20, 1996; effective September 20, 1996.
13. Hazardous Waste Management System; Identification and Listing of Hazardous Wastes; Waste from Wood Surface Protection; Correction, [59 FR 28484] June 2, 1994. (Checklist 132).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR § 110, as amended September 20, 1996; effective September 20, 1996.
14. Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, and Underground Injection Control Systems; Financial Assurance; Letter of Credit, [59 FR 29958–29960] June 10, 1994. (Checklist 133).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR §§ 3719.D, and 3719.K, as amended September 20, 1996; effective September 20, 1996.
15. Hazardous Waste Management System; Correction of Listing of P015–Beryllium Powder, [59 FR 31551] June 20 1994. (Checklist 134).	LRS 30: 2180 *et seq,* as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.E.Tbl.3, as amended September 20, 1996; effective September 20, 1996, § Ch.22.Tbl.2, as amended January 20, 1996; effective January 20, 1996.

Louisiana is not authorized to operate the Federal program on Indian lands, this authority remains with EPA.

D. Decision

I conclude that Louisiana's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised, assuming no adverse comments are received as discussed above. Upon effective final approval Louisiana will be responsible for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Louisiana also will have primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

E. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize Louisiana's program and for incorporation by reference of those provisions of Louisiana's statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart T until a later date.

F. Compliance with Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

G. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA

to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. The EPA does not anticipate that the approval of Louisiana's hazardous waste program referenced in today's document will result in annual costs of $100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program, except in certain cases where a ''Federal intergovernmental mandate'' affects an annual federal entitlement program of $500 million or more that are not applicable here. Louisiana's request for approval of a hazardous waste program is voluntary; if a state chooses not to seek authorization for administration of a hazardous waste program under RCRA subtitle C, RCRA regulation is left to the EPA.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures $100 million or more for state, local, and tribal governments in the aggregate, or the private sector in any one year. The EPA does not anticipate that the approval of Louisiana's hazardous waste program referenced in today's document will result in annual costs of $100 million or more. The EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of the EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual federal and state compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs and underground storage tanks under the approved State program, in lieu of the Federal program.

H. Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. The EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265 and 270, this authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would result in an administrative change (i.e., whether the EPA or the state administers the RCRA subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Louisiana's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

I. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 271

Environmental protections, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This document is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 11, 1997.

Lynda F. Carroll,

Acting Regional Administrator, Region VI.

[FR Doc. 97–33764 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL–5935–7]

Louisiana: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Louisiana has revised its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed Louisiana's changes to its program and has made a decision, subject to public review and comment, that Louisiana's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA's decision to approve Louisiana's hazardous waste program revisions will take effect as provided below. Louisiana's program revisions are available for public review and comment.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference EPA's approval of those provisions of the State statutes and regulations that EPA will enforce under RCRA Sections 3008, 3013 and 7003. Thus, EPA intends to codify the Louisiana authorized State program in 40 CFR part 272. The purpose of this action is to incorporate by reference EPA's approval of Louisiana's base hazardous waste program and its revisions to that program.

DATES: Final authorization for Louisiana's program revisions shall be effective March 16, 1998 unless EPA publishes a prior FR action withdrawing this immediate final rule. All comments on Louisiana's program revisions must be received by the close of business February 12, 1998. The incorporation of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1998 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Copies of Louisiana's program revisions and materials EPA used in evaluating the revisions are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday, at the following addresses. Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, Phone number: (504) 765–0617; EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–6444. Written comments referring to Docket Number LA97–2 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

SUPPLEMENTARY INFORMATION:

I. Authorization of State Initiated Changes

A. Background

States with final authorization under Section 3006(b) of the RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter HSWA) allow States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260 through 266, 268, 270, 273, and 279.

B. Louisiana

Louisiana initially received final authorization to implement its base hazardous waste program on January 24, 1985, effective February 7, 1985 (50 FR 3348). In 1987, Louisiana renumbered the Louisiana Hazardous Waste Regulations (LHWR) and codified them in the Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials. Louisiana received final authorization for revisions to its program on November 28, 1989, effective January 29, 1990 (54 FR 48889), on August 26, 1991, effective October 25, 1991 (56 FR 41958) as corrected October 15, 1991 (56 FR 51762); November 7, 1994, effective January 23, 1995 (59 FR 55368) as corrected April 11, 1995 (60 FR 18360); December 23, 1994, effective March 8, 1995 (59 FR 66200); October 17, 1995, effective January 2, 1996 (60 FR 53704 and 60 FR 53707); and March 28, 1996, effective June 11, 1996 (61 FR 13777).

With respect to today's document, Louisiana has made conforming changes to make its regulations internally consistent relative to the revisions made for the above listed authorizations. Louisiana has also changed its regulations to make them more consistent with the Federal requirements. The EPA has reviewed these changes and has made an immediate final decision subject to public review and comment in accordance with 40 CFR 271.21(b)(3)), that Louisiana's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Louisiana's hazardous waste program. As explained in the Proposed Rule section of today's FR, the public may submit written comments on EPA's immediate final decision until February 12, 1998. Copies of Louisiana's program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Louisiana's program revision shall become effective in 75 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Louisiana will be authorized to carry out, in lieu of the Federal program, the following State-initiated changes to provisions of the State's program, which are analogous to the indicated RCRA provisions found at Title 40 of the Code of Federal Regulations, as of July, 1993, unless otherwise stated. The Louisiana provisions are from the Louisiana Administrative Code (LAC), Title 33, Part V, Hazardous Waste and Hazardous

Materials, as amended through June, 1995, unless otherwise stated.

State requirement	Federal requirement
105.A	RCRA § 3010(a).
105.D.43 introductory paragraph and D.43.a-.e	261.4(a)(1)-(5).
109 ''Designated facility'', as amended through March 1996	260.10 ''Designated facility''.
109 ''Existing facilities''	260.10 ''Existing facility''.
109 ''Partial Closure''	260.10 ''Partial closure''.
109 ''Solid Waste'', as amended through March, 1996	261.2.
111	260.3.
305.A, as amended through March, 1996	270.1(c).
305.D.1.a	264.1(c), 270.60(a).
305.E	270.1(c)(4).
309.L.3.b, as amended through March, 1996	270.30(l)(2)(ii)(A)&(B).
309.L.7	270.30(l)(6).
317.C	260.2(a).
319	270.12.
321.C.2.i, as amended through March, 1996	270.42(b)(iv)(6)(A)(*1*)&(*2*).
323.B, as amended through March, 1996	270.41, 124.5.
507.A	270.11(a)(1).
509	270.11(b).
517.T.2.b.vi	270.14(b)(11)(iv)(C)(2).
523, except 523.G	270.16.
532	270.26.
706, as amended through March, 1996	270.29.
903.A	Part 262, Appendix.
903.C	262.22.
905.A.4	264.71(a)(4).
907.B	264.72(b).
909.G	264.76(g).
911	262.20(a).
1101.B	262.10(c).
1105.A	262.12(b).
1105.C	262.12(c).
1107.A&B	Part 262, Appendix.
1107.C	262.22.
1109.E.5 & E.6	262.34(c)(2).
1111.B.2, as amended April 20, 1991	262.41(b).
1501.C.10	264.1(g)(3).
1529.B.1	264.73(b)(1)–(2).
1529.D.6	264.75(g).
1903.A	264.191(a).
1903.B	264.191(b)–(d).
1905.A–.G	264.192(a)–(g).
1907	264.193.
1909.A–.C	264.194(a)–(c).
1911	264.195(a)–(d).
1913	264.196.
1915.A–.C	264.197(a)–(c).
2117	264.178.
2309.A	264.254(a).
2315.A	264.258(a).
2603.F.1	264.553(f)(1).
2719	264.280.
2911.A	264.228(a)(1).
2911.D.2	264.228(c)(2).
3105.A., as amended November 21, 1988	264.340(a)(1)&(2).
3107	264.341.
3111.A	264.343 introductory paragraph and 264.343(a).
3121	264.351.
3301.B	264.90(a)(2).
3315.A introductory paragraph	264.97(a).
3501.C	264.110(b).
3525	264.119.
3707.A.3.b	264.143(a)(3)(ii).
3707.A.5	264.143(a)(5).
3707.B.3.b	264.143(b)(3)(ii).
3707.C.1	264.143(c)(1).
3707.F.1 introductory paragraph	264.143(f)(1) introductory paragraph.
3707.H	264.143(h).
3711 introductory paragraph	264.145 introductory paragraph.
3711.A.3.b	264.145(a)(3)(ii).
3711.A.5	264.145(a)(5).
3711.B.4(b)	264.145(b)(4)(ii).

State requirement	Federal requirement
3711.C.1	264.145(c)(1).
3711.C.5	264.145(c)(5).
3711.D.9	264.145(d)(9).
3711.F.1 introductory paragraph	264.145(f)(1) introductory paragraph.
3711.F.11 introductory paragraph	264.145(f)(11) introductory paragraph.
3711.H	264.145(h).
3715.A.&.B	264.147(a)&(b).
3715.F.1 introductory paragraph	264.147(f)(1) introductory paragraph.
3715.F.3.c	264.147(f)(3)(iii).
3715.F.6	264.147(f)(6).
3715.G introductory paragraph	264.147(g)(1).
3715.G.1	264.147(g)(1)(i)&(ii).
3715.H–.J	264.147(h)–(j).
3715.K	264.147(k).
3719.A	264.151(a).
3719.C–.E	264.151(c)–(e).
4101	261.6(a)(1).
4103	261.6(b)&(c).
4105.A	261.6(a)(1).
4105.B.8–.14	261.6(a)(3)(v)–(ix).
4111	261.6(a)(1).
4115.C, as amended through March,	261.6(d).
4137	261.6(a)(2).
4139.A.2, except 4139.A.2.b&c	266.20(b).
4139.B.1	266.21.
4139.B.2, as amended through March, 1996	266.22.
4139.B.3, as amended through March,	266.23(a).
4145	266, Subpart G.
4301.H	270.70(b).
4302	270.71.
4353	265.71.
4355	265.72.
4371.A.4 Comment	265.92(a)(4) Comment.
4375.A.1	265.94(a)(1).
4389.E	265.117(d).
4393	465.119.
4399.A.7	265.141(f).
4401.C	265.142(c).
4403.B.4.b	265.143(b)(4)(ii).
4403.D.5	265.143(d)(5).
4403.E.1, as amended March 20, 1990	265.143(e)(1).
4403.G	265.143(g).
4405	265.144.
4407.C.9	265.143(c)(9).
4407.G	265.145(g).
4411.F.1	265.147(f)(1).
4433	265.191.
4435	265.192.
4437	265.193.
4439.C	265.194(c).
4440	265.195.
4443	265.198.
4445	265.200.
4461	265.230.
4475.B	265.258(b).
4477	265.270.
4479.A	265.272(a).
4489.D	265.280(d).
4501.A	265.310(a).
4501.B.3	265.310(a)(1).
4501.B.4–.B.7	265.310(a)(2)–(5).
4501.D.1	265.310(b)(1).
4501.D.4–.5	265.310(b)(3) and (4).
4501.D.7	265.310(b)(5).
4503.A.1	265.312(a)(1).
4535	265.400.
4555 through 4557	265.1033 and 265.1034.
4561.A–.C	265.1050(a)–(c).
4561.D	265.1050(d).
4563	265.1051.
4565 through 4589	265.1052 through 265.1064.
4591 through 4601	265, Subpart W.
4901.D.3, as amended September 20, 1994	261.33(c).
4901.G, Table 6, as amended through March, 1996	261, Appendix VII.

State requirement	Federal requirement
4907	261, subpart B.
Chapter 49, introductory paragraph to Appendix A, as amended through March, 1996	Part 261, Appendix III introductory paragraph.
Chapter 49, Appendix D, as amended through March, 1996	Part 261, Appendix I—Representative Sampling Methods.

In addition to the above listed changes, EPA is authorizing changes to the following State provisions. These provisions do not have a direct analog in the Federal RCRA regulations. However, none of these provisions are considered broader in scope than the Federal program. This is so because these provisions were either previously authorized as part of Louisiana's base authorization or have been added to make the State's regulations internally consistent with changes made for the other authorizations listed in the first paragraph of this section. EPA has reviewed these provisions and has determined that they are consistent with and no less stringent than the Federal requirements. Additionally, this authorization does not affect the status of State permits and those permits issued by EPA because no new substantive requirements are a part of these revisions. The Louisiana provisions are from LAC, Title 33, part V, Hazardous Waste and Hazardous Materials, as amended through June 1995.

STATE REQUIREMENT

105.J.1	305.C.10	913.A–.D	919	923
1519.B.5	1521	2305	2309.B.4	2503.K.3
4029.C	4029.D	4109	4373.K.4	

Louisiana is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

C. Decision

I conclude that Louisiana's program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised assuming no adverse comments are received, as discussed above.

Louisiana now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Louisiana also will have primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013 and 7003 of RCRA.

II. Incorporation by Reference

A. Background

The EPA provides both, notice of its approval of State programs in 40 CFR part 272 and incorporates by reference therein the State statutes and regulations that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. This effort will provide clearer notice to the public of the scope of the authorized program in Louisiana. Such notice is particularly important in light of HSWA, (PL 98–616). Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized Louisiana program and by amending the CFR whenever a new or different set of requirements is authorized in Louisiana, the status of Federally approved requirements of the Louisiana program will be readily discernible.

The Agency will only enforce those provisions of the Louisiana hazardous waste management program for which authorization approval has been granted by EPA which, by that approval, now act in lieu of similar federal regulations under RCRA section 3006 (b). This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program. Concerning HSWA, some State requirements may be similar to HSWA requirements that are in effect under Federal statutory authority in that State. However, a State's HSWA-type requirements are not authorized and will not be codified into the CFR until the Regional Administrator publishes his final decision to authorize the State for specific HSWA requirements. Until such time, EPA will enforce the HSWA requirements and not the State analogues.

B. Louisiana Authorized Hazardous Waste Program

To incorporate by reference the Louisiana authorized hazardous waste program, EPA intends to add subpart T to 40 CFR part 272. The State statutes and regulations are incorporated by reference at 40 CFR 272.951(b)(1) and the Memorandum of Agreement, the Attorney General's Statement and the Program Description are referenced at 40 CFR 272.951(b)(5), (b)(6) and (b)(7), respectively.

The Agency retains the authority under sections 3007, 3008, 3013 and 7003 of RCRA to undertake enforcement actions in authorized States. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and the Federal Administrative Procedure Act rather than the authorized State analogues to these requirements. Therefore, the Agency does not intend to incorporate by reference for purposes of enforcement such particular, authorized Louisiana enforcement authorities. Section 272.951(b)(2) of 40 CFR lists those authorized Louisiana authorities that are part of the authorized program but are not incorporated by reference.

The public also needs to be aware that some provisions of the State's hazardous waste management program are not part of the Federally authorized State program. These nonauthorized provisions include: (1) Provisions that are not part of the RCRA Subtitle C program because they are ''broader in scope'' than RCRA Subtitle C (40 CFR 271.1(i)); (2) Unauthorized amendments to State provisions previously reviewed and approved by EPA.

State provisions which are ''broader in scope'' than the Federal program are not incorporated by reference for purposes of enforcement in 40 CFR part

272. Section 272.951(b)(3) of 40 CFR lists for reference and clarity the Louisiana statutory and regulatory provisions which are ''broader in scope'' than the Federal program and which are not, therefore, part of the authorized program being incorporated by reference. ''Broader in scope'' provisions will not be enforced by EPA; the State, however, will continue to enforce such provisions.

Louisiana's hazardous waste regulations include amendments which have not been approved by EPA. Since EPA cannot enforce a State's requirements which have not been reviewed and approved according to the Agency's authorization standards, it is important that EPA clarify any limitations on the scope of a State's approved hazardous waste program. Thus, in those instances where a State has made unauthorized amendments to previously authorized sections of State code, EPA will provide this clarification by: (1) Incorporating by reference the relevant State legal authorities according to the requirements of the Office of Federal Register; and (2) subsequently identifying in 272.951(b)(4) any requirements which while adopted and incorporated by reference, are not authorized by EPA, and therefore are not Federally enforceable. Thus, notwithstanding the language in the Louisiana hazardous waste regulations incorporated by reference at 272.951(b)(1), EPA would only enforce the State provisions that are actually authorized by EPA. For the convenience of the regulated community, the actual State regulatory text authorized by EPA for the citations listed at 272.951(b)(4) are compiled as a separate document, Addendum to the EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, June 1997. This document is available from U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533. With respect to HSWA requirements for which the State has not yet been authorized, EPA will continue to enforce the Federal HSWA standards until the State receives specific HSWA authorization from EPA.

C. HSWA Provisions

As noted above, the Agency is not amending 40 CFR part 272 to include HSWA requirements and prohibitions that are immediately effective in Louisiana and other States. Section 3006(g) of RCRA provides that any requirement or prohibition of HSWA (including implementing regulations) takes effect in authorized States at the same time that it takes effect in non-authorized States. Thus, EPA has immediate authority to implement a HSWA requirement or prohibition once it is effective. A HSWA requirement or prohibition supercedes any less stringent or inconsistent State provision which may have been previously authorized by EPA (50 FR 28702, July 15, 1985).

Because of the vast number of HSWA statutory and regulatory requirements taking effect over the next few years, EPA expects that many previously authorized and incorporated by reference State provisions will be affected. The States are required to revise their programs to adopt the HSWA requirements and prohibitions by the deadlines set forth in 40 CFR 271.21, and then to seek authorization for those revisions pursuant to 40 CFR part 271. EPA expects that the States will be modifying their programs substantially and repeatedly. Instead of amending the 40 CFR part 272 every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's 40 CFR part 272 incorporation by reference. In the interim, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. This will be particularly true as more State program revisions to adopt HSWA provisions are authorized.

III. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a ''Federal mandate'' and because it does not impose annual costs of $100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because it merely makes federally enforceable existing requirements with which regulated entities must already comply under State law. Second, the Act also generally excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program. The requirements being authorized and codified today are the result of Louisiana's voluntary participation in accordance with RCRA Subtitle C.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector because today's action merely codifies an existing State program that EPA previously authorized. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate Treatment, storage, and Disposal Facilities (TSDFs), this codification incorporates into the CFR Louisiana's requirements which have already been authorized by EPA under 40 CFR part 271 and, thus, small governments are not subject to any additional significant or unique requirements by virtue of this authorization and codification.

IV. Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization and codification will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the state requirements authorized by EPA under 40 CFR part 271. The EPA's authorization and

codification does not impose any additional burdens on these small entities. This is because EPA's codification would simply result in an administrative change, rather than a change in the substantive requirements imposed on small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates Louisiana's requirements which have been authorized by EPA under 40 CFR Part 271 into the CFR. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

V. Submission to Congress and the General Accounting Office

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

VI. Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

VII. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 272

Environmental Protection, Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority

This document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 10, 1997.

Lynda F. Carroll,

Acting Regional Administrator, Region, VI.

40 CFR part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

The authority citation for part 272 continues to read as follows:

Authority: Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

2. Subpart T is amended by adding § 272.951 to read as follows:

§ 272.951 Louisiana State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Louisiana has final authorization for the following elements as submitted to EPA in Louisiana's base program application for final authorizations which was approved by EPA effective on February 7, 1985. Subsequent program revision applications were approved effective on January 29, 1990, October 25, 1991, January 23, 1995, March 8, 1995, January 2, 1996, June 11, 1996 and March 16, 1998.

State Statutes and Regulations

(1) The Louisiana statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Louisiana Statutory Requirements Applicable to the Hazardous Waste Management Program, dated June, 1997.

(ii) EPA Approved Louisiana Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated June, 1997.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 2, Sections 2011.A(1)&(2), 2011.B, 2011.C (except 2011.C(1)(a)), 2011.D (introductory paragraph), 2011.D(1)–(3), 2011.D(5)–(9), 2011.D(13)–(15), 2011.D(17)&(18), 2011.D(21) (except 2011.D(21)(e)), 2011.D(22), 2011.E–.G, 2012 (except 2012.F(4) and 2012.G), 2013, 2014.A, 2019.A&.B, 2020 through 2021, 2023, 2024.B–.C, 2025.A–.D, 2025.E(2)–(5), 2025.F (introductory paragraph), 2025.F(1)–(4), 2025.G–.I, 2026, 2027.C, 2028, 2029, 2033, 2037; Chapter 3, Sections 2054.B(1), 2054.B(2)(a); Chapter 9, sections 2174, 2175, 2180.A (introductory paragraph), 2180.A(2)–(8), 2180.B–.C, 2181–2182, 2183.C, 2183.F, 2183.G (except 2183.G(3)), 2183.H, 2186, 2187, 2188.A, 2188.C, 2189, 2190.A–.D, 2191.A–.C, 2192.A, 2192.B (except 2192.B(4)), 2192.C, 2196, 2199 through 2200, 2203.B–.C, 2204.A(2), and 2204.B.

(ii) Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 2, section 2011.C(1)(a), 2011.D(21)(e), 2012.F(4), 2012.G, 2018, 2019.C, 2022 (except the first sentence of 2022.A), 2024.A&.D, 2025.E(1), 2025.J, 2027.A&.B; Chapter 9, sections 2180.A(1), 2183.G(3), 2192.B(4).

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: Chapter 1, sections 101, 107.A–.C; Chapter 3, Sections 301.A&.B, 311.A, 311.C, 315 (introductory paragraph), 323.B.3; Chapter 5, Section 503; Chapter 7, Sections 703, 705 and 707 through 721.

(iv) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments for July 1995—March 1996: Chapter 3, Section 323.B.4.d. & e.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 2, sections 2014.B.–D.

(ii) Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Sections 2178 and 2197.

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: 327, 1313, and Chapter 51.

(4) Unauthorized State Amendments. The following authorized provisions of

the Louisiana regulations include amendments published in the Louisiana Register that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Louisiana hazardous waste regulations incorporated by reference at § 272.951(b)(1), EPA will only enforce the authorized State provisions with the effective dates indicated in the table below. The actual State regulatory text authorized by EPA for the listed provisions are available as a separate document, Addendum to the EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, June, 1997. Copies of the document can be obtained from EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

State provision	Effective date of authorized provision	Unauthorized state amendments	
		State reference	Effective date
LAC § 109 ''Industrial furnace'' introductory paragraph	November 20, 1988	LR 18:1375	December 20, 1992.
LAC § 303.K.1 (previously LHWR § 3.2(k)(1))	July 20, 1984	LR 14:790	November 20, 1988.
LAC § 901 (LHWR § 6.1)	March 20, 1984	LR 20:1000	September 20, 1994.
LAC § 1111.B.1.c (previously LHWR § 7.6(b)(1))	March 20, 1984	LR 16:220	March 20, 1990.
LAC § 1113 (previously LHWR § 7.7)	March 20, 1984	LR 16:220	March 20, 1990.
		LR 20:1000	September 20, 1994.
		LR 20:1109	October 20, 1994.
LAC § 2511.B (previously LHWR § 14.6(b))	March 20, 1984	LR 16:1057	December 20, 1990.
LAC § 3105.A	November 21, 1988	LR 18:1256	November 20, 1992.
		LR 18:1375	December 20, 1992.
		LR 20:1000	September 20, 1994.
LAC § 3309 (previously LHWR § 18.5)	July 20, 1984	LR 16:614	July 20, 1990.
LAC § 3707.F.1 (previously LHWR 20.4(f)(1))	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 3707.F.2 (previously LHWR 20.4(f)(2))	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 3711.F.1	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 3711.F.2	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 3711.G (previously LHWR 20.4(g))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 3715.F.1 (previously LHWR § 20.8(f)(1))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4141	March 20, 1992	LR 18:1375	December 20, 1992.
LAC § 4307 (previously LHWR § 23.4)	March 20, 1984	LR 21:944	September 20, 1995.
LAC § 4397.B	August 20, 1987	LR 21:266	March 20, 1995.
LAC § 4403.E.1	March 20, 1990	LR 18:723	July 20, 1992.
LAC § 4403.E.2	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 4403.F (previously LHWR § 23.52(f))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4407.A.12 (previously LHWR § 23.54(a)(12))	March 20, 1984	LR 13:433	August 20, 1987.
		LR 18:723	July 20, 1992.
LAC § 4407.E.1&.2	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 4407.F (previously LHWR § 23.54(f))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4503.B introductory paragraph (previously LHWR § 23.102(b)).	March 20, 1984	LR 16:1057	December 20, 1990.
LAC § 4513.A	March 20, 1990	LR 18:1375	December 20, 1992.
		LR 20:1000	September 20, 1994.
LAC § 4901.D.3	September 20, 1994	LR 21:266	March 20, 1995.

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the Louisiana Department of Environmental Quality—Hazardous Waste Division, signed by the EPA Regional Administrator on December 18, 1995, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority. ''Attorney General's Statement for Final Authorization'', signed by the Attorney General of Louisiana on May 10, 1989 and revisions, supplements and addenda to that Statement dated May 13, 1991, May 3, 1994, December 2, 1994, May 31, 1995, July 24, 1995, and November 30, 1995, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) Program Description. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

3. Appendix A to Part 272 is amended by adding in alphabetical order, ''Louisiana'' and its listing to read as follows:

Appendix A to Part 272—State Requirements

Louisiana

The statutory provisions include:

Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 1, sections 2002, 2003, 2004 introductory paragraph, 2004(1)–(8), 2004(10), 2004(13), 2004(14) introductory paragraph, 2004(14)(a)&(e), 2004(15); Chapter 9, sections 2172, 2173 (except 2173(2), 2173(9) and 2173(11) introductory paragraph), 2183.A,B,D&E, 2183.I, 2188.B, 2201, 2202, 2203.A, 2204.A(1) and 2204.C.

Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 1, Section 2004(9); Chapter 2, Section 2022.A first sentence, Chapter 8, Section 2153(1); Chapter 9, Sections 2173(2) and 2173(11); Chapter 18, Section 2417.E(5).

Copies of the Louisiana statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164–0526.

The regulatory provisions include:

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: Chapter 1, Sections 103, 105 introductory paragraph, 105.A–C, 105.D.2–.12, 105.D.13 (except the phrase ''except as * * * process hazardous waste''), 105.D.14–.17, 105.D.18 (except the phrase ''except as * * * process hazardous waste''), 105.D.19–.32, 105.D.33 (except 105.D.33.c), 105.D.34, 105.D.35, 105.D.37–.42, 105.D.43 (except 105.D.43.f),

105.D.45–.47, 105.E through 105.I, 105.J.1, 105.K, 105.L; 109 Definitions (except for ''Carbon Regeneration Unit'', ''Commercial Boiler'', ''Commercial Industrial Furnace'', ''Consignee'', ''Containment Building'', ''Designated Facility'', ''EPA Acknowledgement of Consent'', Item 7 of ''Hazardous Waste'', Item 2 of ''Incinerator'', Item 12 of ''Industrial Furnace'', ''Infrared Incinerator'', the phrase ''containment building'' in ''Miscellaneous Unit'', ''Partial Closure'', the phrase ''and that is not a containment building'' in ''Pile'', ''Plasma Arc Incinerator'', ''Primary Exporter'', ''Receiving Country'', ''Sludge Dryer'', ''Solid Waste'', ''Transit Country'' and ''Waste Reduction''), 111; Chapter 3, Sections 303, 305.B–.E, 307, 309 (except 309.L.3.b), 311.B&.E, 313, 315.A–.D, 317, 319, 321 (except 321.C.2.i), 322, 323.A , 323.B introductory paragraph, 323.B.1, 323.B.2 (except 323.B.2.e), 323.B.4, 325 and 329; Chapter 5, Sections 501, 505, 507 through 513, 515 (except for 515.25), 516, 517 (except 517.V), 519, 520, 521 through 532, 533 (except 533.B), 534 and 536; Chapter 7, Section 701; Chapter 9, Sections 901 through 923; Chapter 11, Sections 1101 (except 1101.B&.F), 1103 introductory paragraph, 1103.B (except the phrase ''For the purposes of compliance with LAC 33:V.Chapter 22, or''), 1105, 1107 (except 1107.A.4 and 1107.D.5), 1108, 1109 (except 1109.E.1.d, E.8 and E.9), 1111.A, 1111.B.1 introductory paragraph (except the phrase ''to a treatment, storage, or disposal facility within the United States''), 1111.B.1.a–.c, 1111.B.1.d (except the phrase ''within the United States''), 1111.B.1.e (except the phrase ''within the United States''), 1111.B.1.f, 1111.B.2 (except the phrase ''for a period of at least three years from the date of the report'' and the third and fourth sentences), 1111.C–.D, 1113, 1115 through 1121; Chapter 13, Sections 1301 through 1305, 1307.A introductory paragraph (except last sentence), 1307.B, 1307.C (except last sentence), 1307.D, 1307.E (except the phrase ''and, for exports, an EPA Acknowledgement of Consent'' at 1307.E.2), 1307.F (except the phrase ''and, for exports, an EPA Acknowledgement of Consent'' at 1307.F.2), 1307.G (except 1307.G.4), 1307.H, 1309, 1311, 1315 through 1323; Chapter 15, Sections 1501 through 1517, 1519 (except 1519.B.8 and 1519.D), 1521 through 1527, 1529 (except 1529.B.12–.19), 1531; Chapter 17, Sections 1701 through 1745; Chapter 19, Sections 1901 (except 1901.C&.D), 1903, 1905.A–.G, 1907, 1909.A–.C, 1911, 1913, 1915.A–.C, 1917 and 1919; Chapter 21, Sections 2101 (except 2101.D), 2103 through 2117; Chapter 23, Sections 2301, 2303 (except 2303.K), 2304 through 2309, 2311 (except the phrase ''the waste and the pile satisfy all applicable requirements of LAC 33:V.Chapter 22, and'' at 2311.A), 2313, 2315 and 2317; Chapter 25, Sections 2501, 2503.A through 2503.J, 2503.K (except 2503.K.1.o), 2503.L–.N, 2504 through 2509, 2511.A introductory paragraph (except the phrase ''the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and''), 2511.A.2 (except the phrase ''or LAC 33:V.4321 for interim status facilities''), 2511.B, 2513 through 2517, 2519 (except 2519.F), 2521 (except 2521.B.2) and 2523; Chapter 26, Sections 2601, 2602 and 2603 (except 2603.F.1); Chapter 27, Sections 2701, 2703 (except for 2703.I&.J), 2705 through 2713, 2715 introductory paragraph (except the phrase ''the waste and the treatment zone meet all applicable requirements of LAC 33:V.Chapter 22, and''), 2715.A&.B, 2717 through 2723; Chapter 29, Sections 2901, 2903 (except 2903.I), 2904 through 2911, 2913 introductory paragraph (except the phrase ''the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22, and''), 2913.A.1, 2913.A.2 (except the phrase ''or for interim status facilities;''), 2915 and 2917; Chapter 31, Sections 3101, 3103 , 3105 (except 3105.D), 3107 through 3121; Chapter 32, sections 3201 through 3207; Chapter 33, Sections 3301, 3303 (except 3303.C&.D), 3305 through 3313, 3315 (except for 3315.K), 3317 through 3322, 3323 (except the phrase ''or its successor agency'' at 3323.D) and 3325; Chapter 35, Sections 3501 through 3505, 3507 (except the phrase ''1803, 1911'' at 3507.C), 3509 through 3527; Chapter 37, Sections 3701, 3703, 3705 (except the last sentence of 3705.D), 3707.A–.F, 3707.G (except the phrase ''and financial test and guarantee, except that the financial test and guarantee may not be combined'' in the second sentence), 3707.H, 3707.I (except the phrase '', and for facilities subject to LAC 33:V.3525 * * * LAC 33:V.3525.B.2'', and the two occurrences of the phrase ''or that the owner or operator has failed * * * LAC 33:V.3525''), 3709 through 3713, 3715 (except 3715.F.8), 3717 through 3719; Chapter 40, Sections 4001 through 4025, 4027 (except 4027.C), 4029 through 4093; Chapter 41, Sections 4101, 4103, 4105 introductory paragraph, 4105.A, 4105.B (introductory paragraph), 4105.B.1 introductory paragraph (except the phrase ''except that''), 4105.B.1 (except 4105.B.1.a&.b), 4105.B.2, 4105.B.4–.14, 4105.C, 4105.E, 4107 through 4113, 4115.A (except the reference ''22,''), 4115.B, 4137, 4139.A.1, 4139.A.2 (except 4139.A.2.b&.c), 4139.B.1, 4139.B.4, 4143, 4145; Chapter 43, Sections 4301 (except the last sentence of 4301.E), 4302, 4303 through 4305, 4307 through 4335, 4337 through 4349, 4351 through 4355, 4357 (except 4357.B.8–.14), 4359 through 4365, 4367 through 4375, 4377 (except 4377.B.4), 4379 (except the phrase ''and LAC 33:V.4705'' at 4379.C), 4381 through 4395, 4397, 4399 (except 4399.A.6.i), 4401, 4403 (except for the phrase ''and after receiving the certification required under LAC 33:V.4393.B.2 for facilities subject to LAC 33:V.4393'' and the two occurrences of the phrase ''or that the owner or operator has failed * * * LAC 33:4393'' in 4403.H), 4405 through 4411, 4413, 4417 through 4429, 4431 through 4445, 4447 through 4455, 4457.A, 4457.B (except the first occurrence of 4457.B.2), 4459 (except the phrase ''the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22.'' at 4459.A), 4461, 4462 (except 4462.H), 4463 through 4470, 4471 (except the phrase ''the waste and pile satisfy all applicable requirements of LAC 33:V.Chapter 22 and''), 4472 through 4476, 4477 through 4493, 4495 through 4499, 4501 (except 4501.D.3), 4502, 4503 (except the phrase ''and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and the waste'' at 4503.A introductory paragraph), 4505 through 4509, 4511 introductory paragraph, 4511.A–.D, 4511.E (except the two occurrences of the reference ''and F''), 4512, 4513 through 4522, 4523 (except the phrase ''and LAC 33:V.Chapter 30 * * * LAC 33:V.109'' at the end of the paragraph), 4525 through 4534, 4535 through 4547, 4549 through 4559, 4561 through 4589, 4591 through 4601; Chapter 49, Sections 4901.A through 4901.F, 4901.G (except the entries for EPA Hazardous Waste Numbers K042 and 151 in Table 6), 4903 through 4907, Appendices A through D.

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments for July 1995—March 1996: Chapter 1, Sections 109 ''Designated facility'', 109 ''Partial Closure'', 109 ''Solid Waste''; Chapter 3, Sections 305.A, 309.L.3.b, 321.C.2.i, 323.B.2.e, 323.B.4.c, Chapter 5, Section 533.B; Chapter 7, Section 706; Chapter 11, Section 1101.B; Chapter 25, Section 2521.B.2; Chapter 26, Section 2603.F.1; Chapter 28, Sections 2801 through 2809; Chapter 41, Sections 4115.C, 4139.B.2&.3; Chapter 49, Sections 4901.G Table 6 (entries for EPA Hazardous Waste Numbers K042 and 151 only), Appendix A (entry for 2,6–Toluenedine only) and Appendix B (paragraphs 8.2 and 8.2.5 through 8.2.5.4).

Copies of the Louisiana regulations that are incorporated by reference are available from Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804–9095.

[FR Doc. 97–33737 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

[Docket No. 971128280–7280–01; I.D. 090997C]

Inspection and Certification Fees and Charges

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of inspection fees.

SUMMARY: NMFS announces changes in its fees and charges for voluntary fishery products inspection, grading, and certification services. NMFS increased the basic fee for full-time in-plant inspection services by $1.95, making the hourly rate $44.40. This fee reflects increases in salary and includes a 3-percent base salary increase and varying locality pay increases effective January 1998. NMFS is continuing its separate fee structure for facilities with less than full-time contract services.

DATES: These fee changes are effective on December 29, 1997.

FOR FURTHER INFORMATION CONTACT: Richard V. Cano, Chief, Seafood Inspection Division, 301–713–2355.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) authorizes the voluntary fishery products inspection, grading, and certification program, as well as ''assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered.'' Reorganization Plan No. 4 of 1970 delegated these authorities to NMFS. Regulations at 50 CFR 260.70 authorize the Secretary of Commerce to review and revise annually the rates for voluntary fishery products inspection, grading, and certification services by publishing a notice of fee changes in the **Federal Register**. NMFS' annual review of the projected income and costs for its various services serves as the basis for determining the fees as set forth below.

Effective October 1, 1997, the National Seafood Inspection Program (Program) increased the basic fee for full-time in-plant inspection services by $1.95, making the hourly rate $44.40. This fee reflects increases in salary, general operating, and overhead costs that are charged by NMFS and NOAA.

The basic fee will continue to apply to establishments contracting for 40 hours of inspection service per week. However, to recover estimated additional costs associated with servicing contract establishments receiving less than full-time inspection services, the fee for establishments with Type 1 and Type 3 contracts from 25 to 39 hours per week will be 5 percent above the basic fee; and for establishments with contracts less than 25 hours per week, the fee will be 10 percent above the basic fee.

NMFS' annual analysis of the actual costs and projected revenue for Type 2 and Type 3 services indicates that these fees are determined by adding factors of 60 and 35 percent, respectively, to the Type 1 service fee. Similarly, to ensure cost recovery, the fee for the Hazard Analysis Critical Control Point (HACCP)-based service is calculated by adding a factor of 65 percent to the Type 1 service fee.

Users of in-plant (Type 1) services are advised that the Program will charge for certain label reviews. There is a mechanism to permit pre-approval on labels reviewed by facilities that have demonstrated an adequate understanding of basic labeling requirements and proper use of the Program's marks. Charges for label review will be assessed at the consultative rate to those facilities not given pre-approval authority.

The Program will continue to require that new users of inspection services, except label review services, that are not under contract prepay via certified check, money order, Master Card or VISA, or maintain a surety (bond or check) equivalent to 3 months of estimated inspection services. Current users not under contract that have a record of late or nonpayment as determined by each Regional Inspection Branch will also be required to prepay or submit a surety. Prepayment is recommended for all non-contract users.

Effective October 1, 1997, the fees and charges for Type 1, 2, and 3 fishery products inspection services (except Alaska) are as follows.

	Per hour
a. Type 1—In-Plant Inspection Services	
Non-HACCP 40 Hr/Wk Contracts:	
Regular time	$44.40
Overtime	66.60
Sunday and legal holidays	88.80
Non-HACCP 25–39 Hr/Wk Contracts:	
Regular time	46.62
Overtime	69.93
Sunday and legal holidays	93.24
Non-HACCP <25 Hr/Wk Contracts:	
Regular time	48.84
Overtime	73.26
Sunday and legal holidays	97.68
HACCP Contracts:	
Regular time	73.26
Overtime	109.89
Sunday and legal holidays	146.52
b. Type 2—Lot Inspection—Officially and Unofficially Drawn Samples	
Regular time	$71.04
Overtime	106.56
Sunday and legal holidays	142.08
c. Type 3—Miscellaneous Inspection and Consultative Services	
40 Hr/Wk Contracts:	
Regular time	$59.94
Overtime	89.91
Sunday and legal holidays	119.88
25–39 Hr/Wk Contracts:	
Regular time	62.94
Overtime	94.41
Sunday and legal holidays	125.87
Under 25 Hr/Wk Contracts and Non-contract Consultative Services:	
Regular time	65.93
Overtime	98.90
Sunday and legal holidays	131.87

The basis for determining the appropriate fee to be charged is as follows:

A. Type 1—In-Plant Inspection Services

1. Regular time—Services provided during any 8-hour shift.

2. Overtime—Services provided in excess of 8 hours per shift per day.

In addition to any hourly service charge, a night differential fee of $2.25 per hour will be charged for each hour of service provided after 6 p.m. and before 6 a.m. Similarly, a Sunday differential fee of $5.75 per hour will be charged for each hour of service provided between midnight Saturday and midnight Sunday. A cost of living allowance (COLA) fee of $2.25 per hour will be charged for services in Puerto Rico; $5.75 per hour will be charged for services in American Samoa and Alaska.

b. Type 2 and 3—Lot Inspection and Miscellaneous Services

1. Regular time—Services provided within the inspector's normal work schedule, Monday through Friday.

2. Overtime—Services provided outside the inspector's normal work schedule, Monday through Friday, and on Saturdays.

It is the intent of the authorizing legislation and the policy of the Program to charge fees to recover, as nearly as possible, the costs of providing inspection services. Therefore, the hourly rates charged to contract lot inspection users who provide complete and acceptable inspection facilities will be those delineated under Type 1. In all other cases, contract lot inspection users will be charged Type 3 rates.

Analytical Services

Applicants requesting specific analyses to be performed in a NMFS laboratory will be charged at the following rates. Shipping costs for samples will also be assessed. Analyses performed in a private laboratory will be charged at the current rate of that laboratory. Charges based on these fees will be in addition to any hourly rates charged for lot, miscellaneous, and consultative inspection service as well as to any hourly rates charged for inspection services provided under a contract.

	Per analysis
Microbiology	
Total aerobic plate count	$19.00.
Presumptive coliform	15.00.
Confirmed total/fecal coliforms	15.00 additional.
E. coli	15.00 additional.
Staph. aureus	54.00.
Salmonella BAM Method:	
Step 1	40.00.
Step 2	18.00 additional.
Step 3	26.00 additional.
Listeria:	
Presumptive	28.00.
Confirmed	42.00.
Chemistry:	
Histamine	120.00.
Indole	90.00.
Ammonia	66.00.
Sodium Bisulfite	108.00.
Isoelectric Focusing: (Species Identification)	108.00.
Methylmercury	225.00.
Chlorinated pesticides	300.00.
Polychlorinated biphenyls	300.00.
Domoic acid	90.00.
Bioassay	
Paralytic Shellfish Poison: (minimum of 3 samples)	150.00 per sample

Notes on Analytical Services

Sampling time and travel time where applicable will be assessed using the Type 2 rates. Mileage costs will be assessed at the current rate. For other analyses not shown or not frequently requested, the charge will be assessed at the Type 3 hourly rate of $65.93 (2-hour minimum) or separately established based on the particular issues of the case involved. All charges are per sample.

Charges for services provided in Alaska by NMFS Inspectors will be at the rates specified below, plus cost of living allowances.

The rates outlined below for the State of Alaska are for services provided by cross-licensed State of Alaska inspectors. The rates charged in the State of Alaska are subject to change based on information supplied by the Alaska Department of Environmental Conservation.

STATE OF ALASKA

	Aleutian Chain, Bristol Bay, Dillingham (per hour)	Southeast & South Central, Anchorage, Kenai, Juneau, Ketchikan (per hour)	Remainder of Alaska, including Kodiak (per hour)
TYPE 1:			
Non-HACCP:			
Regular Time	$55.88	$46.10	$49.38
Overtime	83.82	69.15	74.07
Sunday/Holiday	111.76	92.20	98.76
HACCP:			
Regular Time	83.82	69.15	74.07
Overtime	125.75	103.73	111.05
Sunday/Holiday	167.64	138.30	148.14
TYPE 2:			
Regular Time	95.00	78.37	83.95
Overtime	142.50	117.56	125.92
Sunday/Holiday	190.00	156.74	167.90
TYPE 3:			
Regular Time	83.82	69.15	74.07
Overtime	125.73	103.74	111.11
Sunday/Holiday	167.64	138.03	148.14

A. Classification Under Executive Order 12866

This action is taken under the authority of 50 CFR 260.70 and has been determined to be not significant for purposes of E.O. 12866.

B. Regulatory Flexibility Act Analysis

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and delayed effectiveness are inapplicable because this rule falls within the proprietary exception of subparagraph (a)(2) of section 553. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable.

C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements subject to the Paperwork Reduction Act of 1980.

D. E.O. 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 260

Food grades and standards, Food labeling, Seafood.

Authority: 16 U.S.C. 742e and 7 U.S.C. 1622, 1624.

Dated: December 17, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–33640 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 62, No. 248
Monday, December 29, 1997

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 40

[REG–102894–97]

RIN 1545–AV02

Deposits of Excise Taxes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations relating to deposits of excise taxes. The temporary regulations contain rules relating to the availability of the safe harbor deposit rule based on look-back quarter liability and to floor stocks taxes. The text of those temporary regulations also serves as the text of these proposed regulations.

DATES: Written comments and requests for a public hearing must be received by March 30, 1998.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–102894–97), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–102894–97), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax__regs/comments.html.

FOR FURTHER INFORMATION CONTACT: Concerning submissions, the Regulations Unit, (202) 622–7180; concerning the regulations, Ruth Hoffman, (202) 622–3130 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Excise Tax Procedural Regulations (26 CFR part 40). The temporary regulations contain rules relating to the availability of the safe harbor deposit rule based on look-back quarter liability and to floor stocks taxes.

The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Ruth Hoffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 40

Excise taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 40 is proposed to be amended as follows:

PART 40—EXCISE TAX PROCEDURAL REGULATIONS

Paragraph 1. The authority citation for part 40 continues to read in part as follows:

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

Par. 2. In § 40.0–1, paragraph (a) is amended by revising the second sentence to read as follows:

§ 40.0–1 Introduction.

(a) * * * The regulations set forth administrative provisions relating to the excise taxes imposed by chapters 31, 32, 33, 34, 36, 38, and 39 (except for the chapter 32 tax imposed by section 4181 (firearms tax) and the chapter 36 taxes imposed by sections 4461 (harbor maintenance tax) and 4481 (heavy vehicle use tax)), and to floor stocks taxes imposed on articles subject to any of these taxes. * * *

* * * * *

Par. 3. In § 40.6011(a)–1, add paragraph (a)(2)(iii) to read as follows:

§ 40.6011(a)–1 Returns.

(a) * * *

(2) * * *

(iii) *Floor stocks tax return.*

[The text of this proposed paragraph is the same as the text of § 40.6011(a)–1T(a)(2)(iii) published elsewhere in this issue of the **Federal Register**].

Par. 4. Section 40.6302(c)–1 is amended as follows:

1. Paragraph (c)(2)(iv) is added.

2. Paragraph (f)(1) is amended by adding a sentence to the end of the paragraph.

The additions read as follows:

§ 40.6302(c)–1 Use of Government depositaries.

* * * * *

(c) * * *

(2) * * *

(iv) *Modification for new or reinstated taxes.*

[The text of this proposed paragraph is the same as the text of § 40.6302(c)–1T(c)(2)(iv) published elsewhere in this issue of the **Federal Register**].

* * * * *

(f) * * * (1) * * * Also, no deposit is required in the case of any floor stocks tax described in § 40.0–1(a).

* * * * *

Par. 5. In § 40.6302(c)–2, add paragraph (b)(2)(iii) to read as follows:

§ 40.6302(c)–2 Special rules for use of Government depositaries under section 4681.

* * * * *

(b) * * *

(2) * * *

(iii) *Modification for new chemicals.*

[The text of this proposed paragraph is the same as the text of § 40.6302(c)–2T(b)(2)(iii) published elsewhere in this issue of the **Federal Register**].

* * * * *

Michael P. Dolan,

Acting Commissioner of Internal Revenue.

[FR Doc. 97–33249 Filed 12–24–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–121–FOR]

Pennsylvania Abandoned Mine Land Reclamation Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Pennsylvania Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter referred to as the Pennsylvania Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment adds a new section ''F'' entitled Government Financed Construction Contracts (GFCC) to authorize the incidental removal of coal at AML sites that would not otherwise be mined and reclaimed under the Title V program. The proposed amendment also includes the Program Requirements and Monitoring Requirements related to the use of GFCC for that purpose. The proposed amendment is intended to improve the efficiency of the Pennsylvania program by allowing the Government-financed construction exemption in Section 528 of SMCRA to be applied in cases involving less than 50% financing only in the limited situation where the construction constitutes a government approved and administered abandoned mine land reclamation project under Title IV of SMCRA.

DATES: Written comments must be received on or before 4:00 p.m. on January 28, 1998. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on January 23, 1998. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on January 13, 1998.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert J. Biggi, Director, Harrisburg Field Office at the first address listed below.

Copies of the Pennsylvania program, the proposed amendment, a listing of any scheduled public meetings or hearing, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center (Amtrack), 415 Market Street, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 400 Market Street, P.O. Box 8476, Harrisburg, Pennsylvania 17101, Telephone: (717) 783–2267.

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Harrisburg Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Biggi, Director Harrisburg Field Office, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

On July 30, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background on the Pennsylvania program, including the Secretary's findings and the disposition of comments can be found in the July 30, 1982 **Federal Register** (47 FR 33079). Subsequent actions concerning the AMLR program amendments are identified at 30 CFR 938.20 and 938.25.

II. Discussion of the Proposed Amendment

By letter dated November 21, 1997 (Administrative Record No. PA–855.00), the Pennsylvania Department of Environmental Protection (PADEP) submitted proposed Program Amendment No. 2 to the Pennsylvania Abandoned Mine Reclamation Plan. In addition, PADEP also submitted the following documents: Introduction; Basis of Authority for the Proposed Amendment; AML Amendment Conformance with 30 CFR Section 884.13; Assistant Counsel's Opinion of Authority for GFCC; PADEP Organization Chart and the Office of Mineral Resources Management Organization Chart. The proposed amendment in intended to improve the efficiency of the Pennsylvania program by allowing the Government-financed construction exemption in Section 528 of SMCRA to be applied to certain cases involving less than 50% financing.

The proposed amendment consists of new Part F, Program Requirements and Monitoring Program for GFCC's to be added as follows:

Part F: Government Financed Construction Contracts

(1) *Incidental Coal Removal*—PADEP proposes to authorize the incidental removal of coal at AML sites that would not otherwise be mined and reclaimed under the Title V program. Through its management of the permitting process and knowledge of the status of the AML lands in Pennsylvania, PADEP plans to enter into agreements with mining companies and adjacent permit holders to direct the reclamation of AML lands which involve some incidental removal of coal. Following are (3) examples of situations where PADEP proposes to utilize the GFCC to address AML liabilities.

(a) *Refuse Pile Reclamation*—As a result of an extensive history of mining in Pennsylvania, thousands of coal refuse piles are scattered throughout the state in both the bituminous and anthracite fields. In many cases these piles are unsightly, unsafe and are adding to the sedimentation and mine drainage pollution of Pennsylvania streams in areas that are economically deprived because of poor water quality and general aesthetics.

Dependng on the method used to clean the coal and the volume of material available, these piles have varying degrees of value. Those piles that are larger in volume and higher in quality have traditionally been permitted under the Title V program while the smaller, poorer quality have

remained virtually untouched and are not and will not be likely candidates for permitting. These are the types of piles that are generally suitable for use in fluidized-bed combustion processes employed at cogeneration plants and the types of piles that will be reclaimed under the proposed program.

(b) *Reclamation of Abandoned Deep Mines*—An example specific to this initiative would be represented by an abandoned deep mine that includes subsidence problems and acid mine drainage discharges. The reclamation of this type of site would involve the daylighting of the deep mined area, the incidental and necessary removal of any coal encountered, the placement of alkaline material over the area of deep mine affected, and the construction of some type of passive treatment system to insure the reduction of pollutional loading from the discharges. Because of the limited amount of coal available, and the potential water quality liability for the discharges, this sample site would not be a candidate for a surface mine permit under the Title V program. This type of site would particularly appeal to the watershed organizations that have been formed to deal with exactly these reclamation opportunities with the potential to significantly increase water quality in a given watershed.

(c) *Unreclaimed High Walls Adjacent to Active Mine Sites*—Nearly all permits issued under the Title V program include varying levels of remining or are located within close proximity to previously affected areas located outside of permit boundaries. In some cases coal along the crop barrier may have gone unmined because of poor quality or high moisture content. In other cases an additional cut taken off the highwall may facilitate a reclamation plan that results in a more suitable post-mining land use or may facilitate an abatement project (alkaline addition—highwall drains, etc.) that will result in improved water quality. In those situations where a Title V permit is impractical due to limited coal recovery or poor coal quality, PADEP proposes to direct reclamation of these sites through a GFCC which allows for the incidental removal of coal to complete reclamation of the AML lands.

(2) *Placement of Excess Spoil on Adjacent AML Lands*—PADEP proposes to authorize the placement of excess spoil from active mining operations on AML sites that would not otherwise be mined and reclaimed under the Title V program. Through its management of the permitting process and the knowledge of the status of AML lands in Pennsylvania, PADEP plans to enter into agreements with mining companies and adjacent permit holders to direct the reclamation of AML lands adjacent to permitted operations. THe institution of this program will allow PADEP to maximize its reclamation efforts on AML lands at no expense to the funding sources for PADEP's AML program. Savings to the AML program would be used for reclamation at other sites throughout the Commonwealth.

The proposed program amendment would offer solutions to the following problems that exist throughout Pennsylvania's coal field:

(1) Conditions which create a risk of fire, landslide, subsidence, cave-in or other unsafe, dangerous or hazardous conditions, including but not limited to any unguarded or unfenced open pit area, highwall, water pool, spoil bank and culm bank, abandoned structure, equipment, machinery, tools, or other property used in or resulting from surface mining operations, or other serious hazards to public health or safety.

(2) AMD pollution and sedimentation into Pennsylvania's streams.

(3) Unsightly, and unproductive property that has been largely unreclaimed through either the AML or active mining programs.

(4) Inadequate funding to address the above three Pennsylvania reclamation liabilities.

Generally speaking, the above conditions exist in areas that are economically depressed and environmentally damaged. The necessary reclamation represents an AML liability well in excess of hundreds of millions of dollars. The proposed program offers an additional solution to Pennsylvania's obligation to provide clean water and a safe and health environment to its citizens.

Program Requirements

A. The Department will solicit and accept proposals to enter into a GFCC for the purpose of reclamation of abandoned mine lands some of which may involve the incidental and necessary removal of coal.

To be an ''eligible person'' the person must clear the Department's standard compliance with the Applicant Violator System (AVS) checks. In addition, the person must clear a check through the Commonwealth's contractor responsibility program.

A GFCC under the terms of this amendment, is limited to those situations where a contractor proposes to enter into an agreement to perform reclamation on abandoned mine lands with the incidental and necessary removal of coal or to use excess spoil from a permitted site to reclaim an abandoned mine land. Reclamation should also include, where feasible, the installation of passive treatment systems and/or other measures to mitigate pre-exiting discharges. No processing of coal will be conducted on-site.

Coal refuse ash may be returned to the site consistent with a general permit issued by the Department.

Sewage sludge may be utilized for site reclamation consistent with a beneficial use order or land reclamation permit.

PADEP will conduct an expeditious review of the proposal for adequacy of the monitoring plan, erosion and sedimentation control plan, operation plan, and reclamation plan. Particular attention will be given to the feasibility of installing passive treatment systems and/or other measures to mitigate pre-existing discharges. Any deficiencies are to be communicated to the contractor in writing.

Even though reclamation activities under a GFCC are not subject to the barrier prohibitions of 86.102, precautions will be designed in the operation and reclamation plans to minimize any potential adverse impacts on areas that would be considered prohibited areas under a coal mining permit.

A performance bond in an amount determined by the PADEP shall be submitted on forms provided by the PADEP for all GFCC sites where bond is required.

B. A proposal for a GFCC will consist of a face sheet and the following modules as applicable:

Module #1—Ownership and Right of Entry
Module #2—Ownership and Right of Entry
Module #3—Hydrology
Module #4—Operational Information
Module #5—Streams
Module #25—Flyash
Module #27—Sewage Sludge

(a) The ownership and control information is to be entered into LUMIS and a compliance check/AVS check run. If a ''bar'' is found, the proposal is to be returned. If ''no bar'' is found, the proposal will be accepted and given on ID number.

(b) All proposals will be subject to the consultation requirements with other state agencies as prescribed by PA's approved AML plan.

(c) The PADEP will advertise receipt of the proposal (see draft notice). This notice shall be run once a week for two weeks in a newspaper local to the project area.

(d) The municipality and the county in which the site is located will be

noticed, by certified letter, that the PADEP received a proposal for a GFCC to perform reclamation activities within the municipality.

(e) Upon final execution of the contract, PADEP will notify the host municipality and county by certified mail of the action (see draft notice); notify any agencies who submitted comments; notify appropriate state Legislators, in writing, of the action; and issue a press release of the action (Regional Community Relations Coordinator to assist in preparation of this release). If a Small Projects Permit is issued with the executed contract, notice must be made in the PA Bulletin.

Monitoring Program for GFCC's

The PADEP will conduct monthly inspections of all GFCC's until the site is determined to be stabilized by vegetation. At that time, the PADEP will continue to conduct regular inspections on a quarterly basis until the contract receives final approval and final bond release.

The inspections forms and related instructions to be utilized to monitor the GFCC program are part of the amendment.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15, OSM is now seeking comment on whether the amendment proposed by Pennsylvania satisfies the applicable requirements for the approval of State AMLR program amendments. If the amendment is deemed adequate, it will become part of the Pennsylvania program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administration Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on January 13, 1998. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons who desire to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of the meetings will be posted in advance at the locations listed above under **ADDRESSES.** A summary of meeting will be included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This proposal rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 18, 1997.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97–33663 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SPATS No. TX–039–FOR]

Texas Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Texas abandoned mine land (AML) reclamation plan (hereinafter referred to as the ''Texas plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to responsibilities, definitions, abandoned mine reclamation fund, eligible coal lands and water, reclamation objectives and priorities, utilities and other facilities, limited liability, contractor responsibility, eligible non-coal lands and water, reclamation priorities for non-coal program, exclusion of certain non-coal reclamation sites, land acquisition authority-non-coal, lien requirements, written consent for entry, entry and consent to reclaim, entry for emergency reclamation, land eligible for acquisition, procedures for acquisition, acceptance of gifts of land, management of acquire land, disposition of reclaimed lands, and liens. The amendment is intended to revise Texas' AML regulations to conform selected parts to amended Federal regulations. Texas also proposed to reorganize its AML regulations to align more clearly with Federal counterpart regulations.

DATES: Written comments must be received by 4:00 p.m., c.s.t., January 28, 1998. If requested, a public hearing on the proposed amendment will be held on January 23, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t., on January 13, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office at the address listed below.

Copies of the Texas plan, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolform, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Texas 74135–6547, Telephone: (918) 581–6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711–2967, Telephone: (512) 463–6900.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Plan

On June 23, 1980, the Secretary of the Interior approved the Texas Abandoned Mine Land Plan. General background information on the Texas plan, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 23, 1980, **Federal Register** (45 FR 41937). Subsequent actions concerning the Texas program can be found at 30 CFR 943.25.

II. Description of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record No. TAML–61), Texas submitted a proposed amendment to its plan pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. The provisions of the Texas plan proposed for review are:

1. AML Regulations Proposed for Repeal

a. Section 12.805 Reclamation Project Evaluation

Texas proposed to repeal this section and to add new § 12,805, Utilities and Other Facilities.

b. Section 12.806 Consent to Entry; § 12.807 Entry for Studies or Exploration; and § 12.808 Entry and Consent to Reclaim

Texas proposed to repeal §§ 12.806, 12.807, and 12,808 and to consolidate these sections and re-adopt them with revisions and additions as new § 12.813, Written Consent for Entry and § 12.814, Entry and Consent to Reclaim.

c. Section 12.809 Land Eligible for Acquisition

Texas proposed to repeal § 12.809 and to adopt with revised language as new § 12.816, Land Eligible for Acquisition, in conformance with Texas Natural Resources Code, § 134.145.

d. Section 12.810 Procedures for Acquisition

Texas proposed to repeal § 12.810 and to add new § 12.817, Procedures for Acquisition, with changes in conformance with amended Federal regulations at 30 CFR 879.12.

e. Section 12.811 Acceptance of Gifts of Land

Texas proposed to repeal § 12.811 and to add new § 12.818, Acceptance of Gifts of Land, in conformance with amended Federal regulations at 30 CFR 879.13.

f. Section 12.812 Management of Acquired Lands

Texas proposed to repeal § 12.812 and to add new § 12.819, Management of Acquired Lands, in conformance with amended Federal regulations at 30 CFR 879.14.

g. Section 12.813 Disposition of Reclaimed Land

Texas proposed to repeal § 12.813 and to add new § 12.820, Disposition of Reclaimed Land, in conformance with the Texas Surface Coal Mining and Reclamation Act of 1977.

h. Section 12.814 Operations on Private Land

Texas proposed to repeal § 12.814 and to add new § 12.814, Entry and Consent to Reclaim.

i. Section 12.815 Appraisals

Texas proposed to repeal § 12.815 and to add new § 12.815, Entry for Emergency Reclamation.

j. Section 12.816 Liens

Texas proposed to repeal § 12.816 and to add new § 12.820, Liens.

k. Section 12.817 Satisfaction of Liens

Texas proposed to repeal § 12.817 and to add new § 12.817, Procedures for Acquisition.

2. Section 12.800 Responsibilities

Texas proposed to add this new section regarding the responsibilities of the Commission.

3. Section 12.801 Definitions

Texas proposed to revise this section by adding definitions for ''abandoned mine reclamation fund or fund,'' ''eligible lands and water,'' ''emergency,'' ''extreme danger,'' ''left or abandoned in either an unreclaimed or inadequately reclaimed condition,'' ''mineral owner,'' ''OSM,'' ''permanent facility,'' ''project,'' ''reclamation activity,'' ''state reclamation program,'' and ''Texas abandoned mine reclamation fund or state fund.''

4. Section 12.802 Texas Abandoned Mine Reclamation Fund

Texas proposed to add a section pertaining to the type of revenue that shall be included in the State's abandoned mine land reclamation fund.

5. Section 12.803 Eligible Coal Lands and Water

Texas proposed to revise this section to conform to amended Federal regulations by making minor wording

changes, deleting paragraph (b) in its entirety, and by adding new paragraphs (4) through (8). paragraph (4) pertains to how coal lands and waters damaged by coal mining processes and abandoned after August 3, 1977, can become eligible for funding. Paragraph (5) pertains to when the Commission may expend funds for reclamation and abatement of any eligible site under paragraph (4). Paragraph (6) pertains to how monies obtained from sources outside the abandoned mine reclamation fund can be used. Paragraph (7) describes when permittees shall reimburse the abandoned mine land fund for reclamation costs. it also states that when performing reclamation under paragraph (4), Texas shall not be held liable for any violations of any performance standards or reclamation requirements. Paragraph (8) pertains to lands eligible for remining and the eligibility for funds for reclamation activities on these lands.

6. Section 12.804 Reclamation Objectives and Priorities

Texas proposed to repeal the existing language in this section and to replace it with new language to conform with amended Federal regulations at 30 CFR 874.13.

7. Section 12.805 Utilities and Other Facilities

Texas proposed to add new § 12.805, Utilities and Other Facilities, to conform with amended Federal regulations at 30 CFR 874.14. This new section pertains to the adverse effect of mining processes on water supplies occurring both before and after August 3, 1977, and the enhancement of facilities or utilities under this section.

8. Section 12.806 Limited Liability

Texas proposed to add new § 12.806, Limited Liability, to conform with amended Federal regulations at 30 CFR 874.15. This new section pertains to the limited liability the State has when performing reclamation activities according to approved abandoned mine reclamation plans.

9. Section 12.807 Contractor Responsibility

Texas proposed to add new § 12.807, Contractor Responsibility, to conform with amended Federal regulations at 30 CFR 874.16. This new section pertains to requirements necessary for a contractor to be a successful bidder for an AML contract.

10. Section 12.808 Eligible Non-coal Lands and Water

Texas proposed to add new § 12.808, Eligible Non-coal Lands and Water, to clearly define non-coal eligibility in conformance with amended Federal regulations at 30 CFR 875.14. This new section pertains to the criteria that non-coal lands, waters, and facilities should meet in order to be eligible for AML reclamation funds.

11. Section 12.809 Reclamation Priorities for Non-coal Program

Texas proposed to add new § 12.809, Reclamation Priorities for Non-coal Program, to clearly define non-coal reclamation priorities in conformance with amended Federal regulations at 30 CFR 875.15. This new section pertains to reclamation projects involving the restoration of lands and water adversely affected by past mineral mining; projects involving the protection, repair, replacement, construction, or enhancement of utilities; and the construction of public facilities in communities impacted by coal or other mineral mining and processing practices.

12. Section 12.810 Exclusion of Certain Non-coal Reclamation Sites

Texas proposed to add new § 12.810, Exclusion of Certain Non-coal Reclamation Sites, to clearly define the ineligibility of certain non-coal sites that are eligible for remediation under other Federal programs in conformance with amended Federal regulations at 30 CFR 875.16. This new section pertains to the sites and areas that monies from the Texas abandoned mine reclamation fund cannot be used for.

13. Section 12.811 Land Acquisition Authority—Non-coal

Texas proposed to add new § 12.811, Land Acquisition Authority—Non-coal, to conform with amended Federal regulations at 30 CFR 875.17. This new section states that the requirements specified in §§ 12.814 through 12.820 shall apply to the Commission's non-coal program except that, for purposes of this section, the references to coal shall not apply. In lieu of the term coal, the word non-coal should be used.

14. Section 12.812 Lien Requirements

Texas proposed to add new § 12.812, Lien Requirements, to comply with amended Federal regulations at 30 CFR 875.18. This new section states that the requirements found in § 12.821 shall apply to the Commission's non-coal reclamation program under § 12.808 except that for purposes of this section, the references to coal shall not apply. In lieu of the term coal, the word non-coal should be used.

15. Section 12.813 Written Consent for Entry

Texas proposes to add new § 12.813, Written Consent for Entry, to conform with amended Federal Regulations at 30 CFR 877.11. This new section reads as follows:

> Written consent from the owner of record and lessee, or their authorized agents, is the preferred means for obtaining agreements to enter lands in order to carry out reclamation activities. Nonconsensual entry by exercise of the police power will be undertaken only after reasonable efforts have been made to obtain written consent.

16. Section 12.814 Entry and Consent To Reclaim

Texas proposed to add new § 12.814(a) to conform with amended Federal regulations at 30 CFR 877.13 and new § 12.814(b) to conform with Texas Natural Resources Code § 134.143. This new section pertains to who may enter upon land, with the owner's consent, to perform reclamation activities or to conduct studies or exploratory work in order to determine the existence of the adverse effects of past coal mining.

17. Section 12.815 Entry for Emergency Reclamation

Texas proposed to add new § 12.815, Entry for Emergency Reclamation, to conform with Texas Natural Resources Code § 134.152 (b) and (c). This new section gives the commission authority to enter land where an emergency exists and other land necessary to have access to that land.

18. Section 12.816 Land Eligible for Acquisition

Texas proposed to add new § 12.816, Land Eligible for Acquisition, to conform with Texas Natural Resources Code § 134.145. This new section allows the state to acquire land that is adversely affected by past coal mining practices by purchase, donation or condemnation if certain conditions exist.

19. Section 12.817 Procedures for Acquisition

Texas proposed to add new § 12.817, Procedures for Acquisition, to conform with amended Federal regulations at 30 CFR 879.12. This new section sets forth the procedures that the State must follow when acquiring land.

20. Section 12.818 Acceptance of Gifts of Land

Texas proposed to add this new section regarding the Commission's

acceptance of gifts of land. The proposed change would require that the deed of conveyance state that it is made as a gift under the Texas Surface Coal Mining and Reclamation Act.

21. Section 12.819 Management of Acquired Land

Texas proposed to add this new section to conform with amended Federal regulations at 30 CFR 879.14. The new section reads as follows:

Land acquired under this title may be used for any lawful purpose that is consistent with the necessary reclamation activities. Procedures for collection of user charges or the waiver of such charges by the Commission shall provide that all user fees collected shall be deposited in the Texas Abandoned Mine Reclamation Fund.

22. Section 21.820 Disposition of Reclaimed Lands

Texas proposed to add this new section to conform with Texas Natural Resources Code, §§ 134.148 and 134.149 (Sale of Acquired Land and Hearing on Sale, respectively). This section pertains to the conditions under which the State may sell land that it has acquired under § 12.816 and the disposition of the monies received from these sells.

23. Section 12.821 Liens

Texas proposed to add new § 12.821 (a) through (c) to conform with Texas Natural Resources Code, § 134.150 (Liens). This addition pertains to when liens may or may not be placed on lands the State reclaims and the procedures to follow when placing liens.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Texas plan.

Written Comments

Written comments should be specific, pertain only to the issue proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under ''DATES'' or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMAITON CONTACT** by 4:00 P.M., c.s.t. on January 13, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 943

Abandoned mine land reclamation, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 18, 1997.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–33662 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SPATS No. TX–036–FOR]

Texas Regulatory Program and Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Texas regulatory program and abandoned mine land reclamation plan (hereinafter the ''Texas program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Texas' statutes pertaining to small operator assistance, definitions, exemptions, applicability to governmental units, coal exploration operations, prohibition on surface and coal mining, notices of violation, improvidently issued permits, performance standards, eligibility of land and water, and cessation orders. The amendment is intended to revise the Texas program to be consistent with SMCRA.

This document sets forth the times and locations that the Texas program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.s.t., January 28, 1998. If requested, a public hearing on the proposed amendment will be held on January 28, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on January 13, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

Copies of Texas program the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the address listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711–2967, Telephone: (512) 463–6900.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas regulatory program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in February 27, 1980, **Federal Register** (45 FR 12998). Subsequent actions concerning the Texas program can be found at 30 CFR 943.10, 943.15, and 943.16.

On June 23, 1980, the Secretary of the Interior approved the Texas abandoned mine land reclamation plan. Background information on the Texas plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the June 23, 1980, **Federal Register** (45 FR 41937). Subsequent actions concerning the Texas plan and amendments to the plan can be found at 30 CFR 943.25.

II. Description of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record No. TX–643), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposes to amend the Texas Surface Coal Mining and Reclamation Act (TSCMRA) to reflect changes resulting from the passage of Senate Bills (SB) 636 and 898 by the 75th Texas Legislature. The full text of the proposed program amendment submitted by Texas is available for public inspection at the locations listed above under **ADDRESSES**. A discussion of the proposed amendment is presented below.

1. TSCMR § 134.004 Definitions (SB 898)

Texas added the following definition for the term ''applicant'' at section 134.004(3) and renumbered the existing definitions to reflect this addition:

> Applicant means a person or other legal entity seeking a permit from the commission to conduct surface coal mining activities or underground mining activities under this chapter.

2. TSCMRA § 134.005 Exemptions (SB 898)

Section 134.005(a) was amended by removing the exemption for extraction of coal for commercial purposes if the surface mining operation affects two acres or less at paragraph (2). Paragraph (3) was renumbered (2) to reflect this deletion.

3. TSCMRA § 134.008 Applicability to Governmental Units (SB 898)

The following provision was added at section 134.008 to authorize regulation of governmental units who engage in surface coal mining operations:

> An agency, unit, or instrumentality of federal, state, or local government, including a publicly owned utility or publicly owned corporation of federal, state, or local government, that proposes to engage in surface coal mining operations that are subject to this chapter shall comply with this chapter.

4. TSCMRA § 134.014 Coal Exploration Operations (SB 898)

Section 134.014 was amended by adding the following new provision at subsection (b) and changing existing subsection (b) to (c).

> A person who conducts coal exploration operations that substantially disturb the natural land surface in violation of this section or rule adopted under this section is subject to Sections 134.174 through 134.181.

5. TSCMRA § 134.022 Prohibitions on Surface Coal Mining in Certain Areas (SB 898)

Section 134.022(c) was amended by changing the date relating to valid existing rights from May 9, 1979, to August 3, 1977.

6. TSCMRA § 134.056 Small Mine Exemption (SB 636)

At section 134.056(2), Texas increased the amount of probable total annual production allowed for surface coal mining operators under its small

operator assistance program from 100,000 to 300,000 tons.

7. TSCMRA § 134.068 Schedule of Notices of Violations (SB 898)

Texas revised section 134.068(a) by requiring the applicant to file with the application a schedule listing any notices of violations of this chapter, the Federal Act, a Federal regulation or Federal or State program adopted under the Federal Act, or another law, rule, or regulation of the United States, this State, or a department or agency in the United States pertaining to air or water environmental protection. Texas also deleted the language ''in this state'' from the phrase ''in connection with a surface coal mining operation in this state.'' At section 134.068(b), the language ''applicant shall include in the schedule'' was removed and the language ''schedule must indicate'' was added.

8. TSCMRA § 134.069 Effect or Past or Present Violation (SB 898)

Texas amended section 134.069(a) by removing paragraph (2), which allowed the commission to issue a permit to an applicant who had an unabated violation if the applicant was contesting the notice of violation. Texas amended section 134.069(b) by adding language that referenced this chapter and other laws in Section 134.068 in relation to a demonstrated pattern of willful violations.

9. TSCMRA § 134.084 Suspension or Rescission of Improvidently Issued Permit (SB 898)

Texas added the following new provision at section 134.084:

(a) The commission may suspend or rescind an improvidently issued permit under rules adopted by the commission.

(b) A rule adopted by the commission under this section must be consistent with and not less effective than a regulation adopted under the federal Act.

(c) Except as provided by Subsection (d), Chapter 2001, Government Code, does not apply to an action by the commission under this section to suspend or rescind an improvidently issued permit.

A permit holder who is given notice of suspension or rescission of an improvidently issued permit under this section may file an appeal for administrative review of the notice as provided by commission rules. The review is governed by Chapter 2001, Government Code.

10. TSCMRA § 134.092 Performance Standards (SB 898)

Texas amended section 134.092(a)(3) by adding the language ''all highwalls, spoil piles, and'' after the word ''with'' in the phrase ''to restore the approximate original contour of the land with depressions eliminated.''

11. TSCMRA § 134.142 Eligibility of Land and Water (SB 636)

Texas amended section 134.142 by removing its existing criteria at paragraphs (1) through (3) for determining if land and water are eligible for reclamation or abatement under its abandoned mine land reclamation program and adding the following new criteria:

Land and water are eligible for reclamation or abatement expenditures under this subchapter if the land and water are eligible for reclamation or abatement expenditures under the federal Act.

12. TSCMRA § 134.163 Terms of Cessation Order (SB 898)

At section 134.163(1), Texas added the language ''condition, practice, or'' after the word ''the'' in the phrase ''determines the violation has been abated.''

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Texas program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on January 13, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section

702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 17, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–33661 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SPATS No. TX–035–FOR]

Texas Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Texas regulatory program (hereinafter the ''Texas program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Texas' regulations pertaining to definitions, prime farmland, small operator assistance, release of performance bond, and backfilling and grading. The amendment is intended to revise the Texas program to be consistent with the corresponding Federal regulations.

This document sets forth the times and locations that the Texas program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m. c.s.t., January 28, 1998. If requested, a public hearing on the proposed amendment will be held on January 23, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on January 13, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

Copies of the Texas program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa Oklahoma 74135–6547, Telephone: (918) 581–6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711–2967, Telephone: (512) 463–6900.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 27, 1980, **Federal Register** (45 FR 12998). Subsequent actions concerning the Texas program can be found at 30 CFR 943.10, 943.15, and 943.16.

II. Description of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record No. TX–644), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment in response to a June 17, 1997, letter (Administrative Record No. 640) that OSM sent to Texas in accordance with 30 CFR 732.17(c). Texas proposes to amend Chapter 12 of the Texas Administrative Code (TAC).

1. TAC § 12.3 Definitions.

Texas added or revised the following definitions at § 12.3:

Previously mined area—Land affected by surface coal mining operations prior to August 3, 1977, that has not been reclaimed to the standards of this Chapter (relating to Coal Mining Regulations).

Qualified laboratory—A designated public agency, private firm, institution, or analytical laboratory that can provide the required determination of probable hydrologic consequences or statement of results of test borings or core samplings or other services as specified at §§ 12.236 and 12.240 of this title (relating to Program Services, and to Data Requirements), and that meet the standards of § 12.241 of this title (relating to Qualified Laboratories).

Thick overburden—more than sufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. More than sufficient spoil and other waste materials occur where the overburden thickness times the swell factor exceeds the combined thickness of the overburden and coal bed prior to removing the coal, so that

after backfilling and grading the surface configuration of the reclaimed area would not: (1) Closely resemble the surface configuration of the land prior to mining; or (2) Blend into and complement the drainage pattern of the surrounding terrain.

Thin overburden—Insufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. Insufficient spoil and other waste materials occur where the overburden thickness times the swell factor, plus the thickness of other available waste materials, is less than the combined thickness of the overburden and coal bed prior to removing the coal, so that after backfilling and grading the surface configuration of the reclaimed area would not: (1) Closely resemble the surface configuration of the land prior to mining; or (2) Blend into and complement the drainage pattern of the surrounding terrain.

2. TAC § 12.201 Prime Farmland

Texas proposed to add the following requirement at § 12.201(d)(5):

The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Water bodies, if any, to be constructed during mining and reclamation operations, must be located within the post-reclamation non-prime farmland portions of the permit area. The creation of any such water bodies must be approved by the Commission and the consent of all affected property owners within the permit area must be obtained.

3. TAC § 12.237 Eligibility for Assistance

At § 12.237(2), Texas proposed to amend the eligibility requirements for participation in its small operator assistance program (SOAP) by increasing the amount of the probable total actual and attributed production allowed for SOAP applicants from 100,000 to 300,000 tons. At § 12.237(2)(B) and (C), Texas increased the baseline percentage above which ownership will play a role in determining attributed coal production from 5 to 10 percent.

4. TAC § 12.243 Applicant Liability

Texas revised § 12.243(a) to require that a coal operator who has received assistance pursuant to §§ 12.236 and 12.240 reimburse the Commission for the cost of the services rendered. Texas revised § 12.243(a)(4) to specify that reimbursement will be required if the Commission finds that the operators actual and attributed annual production of coal for all locations exceeds 300,000 tons during the 12 months immediately following the date on which the operator is issued the surface coal mining and reclamation permit. Texas revised § 12.243(a)(5) to specify that reimbursement will be required if the permit is sold, transferred, or assigned to another person and the transferee's total actual and attributed production exceeds the 300,000-ton production limit during the 12 months immediately following the date on which the permit was originally issued.

5. TAC § 12.312 Procedure for Seeking Release of Performance Bond

Texas entitled § 12.312(a) as ''Bond release application'' and revised it by adding the existing first sentence to § 12.312(a)(1) and adding the following new requirement:

Applications may be filed only at times or during seasons authorized by the Commission in order to properly evaluate the completed reclamation operations. The times or seasons appropriate for the evaluation of certain types of reclamation shall be established in the regulatory program or identified in the mining and reclamation plan required in Subchapter G of this Chapter and approved by the Commission.

Texas added the balance of the existing language to § 12.312(a)(2) and added a requirement that the advertisement for bond release also contain the name and address of the Commission office to which written comments, objections, or requests for public hearings and informal conference may be submitted.

Texas added the following new requirement at § 12.312(a)(3):

The permittee shall include in the application for bond release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the act, the regulatory program, and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release.

Texas entitled § 12.312(b) as ''Inspection by Commission,'' added the existing language to § 12.312(b)(1), and changed the language ''notification and request'' to ''bond release application.'' Texas removed § 12.312(c) and added its substantive requirements to § 12.312(b)(2) with the following revised language:

Within 60 days from the filing of the bond release application, if no public hearing is held pursuant to § 12.313(c) of the title (relating to Criteria and Schedule for Release of Performance Bond, or, within 30 days after a public hearing has been held pursuant to § 12.313(c), the Commission shall notify in writing the permittee, the surety, or other persons with an interest in bond collateral who have requested notification under § 12.309(1) of this title (relating to Terms and Conditions of the Bond), and the persons who either filed objections in writing or objectors who were a party to the hearing proceedings, if any, of its decision to release or not to release all or part of the performance bond.

6. TAC § 12.313 Criteria and Schedule for Release of Performance Bond

Texas proposed the following revision to the existing language at § 12.313(a):

The Commission may release all or part of the bond for the entire permit area or incremental area if the Commission is satisfied that the reclamation or a phase of the reclamation covered by the bond or deposit or portion thereof has been accomplished in accordance with the following schedules for reclamation of Phases I, II, and III:

At § 12.313(a)(1), Texas added the phrase ''[a]t the completion of Phase I, after'' to the beginning of the provision and deleted the word ''[w]hen''; added the proviso that backfilling and regarding may include the replacement of topsoil; and made other nonsubstantive language changes.

At § 12.313(a)(2), Texas added the phrase ''[a]t the completion of Phase II'' to the beginning of the provision; removed the provision that the Commission may release up to 25 percent of the original bond amount and added the provision that the Commission may release an additional amount of bond; changed its reference to §§ 12.330 through 12.403 of this title to § 134.092(a)(10) of the Act and Subchapter K of this Chapter relating to its requirements for suspended solids; added a reference to §§ 12.620–12.625 relating to the prime farmland survey; added a reference to Subchapter K of this Chapter relating to its requirements for retention of a permanent impoundment.

At § 12.31(a)(3), Texas added the phrase ''[a]t the completion of Phase III, after'' to the beginning of the provision and deleted the word ''[w]hen'' and changed its reference to §§ 134.091 through 134.109 of the Act of § 12.395 or § 12.560 of this title.

Texas revised § 12.313(b) by requiring that the Commission notify the permittee, the surety, and any person with an interest in collateral if the Commission disapproves the application for release of the bond.

At § 12.313(d), Texas added the option that a public hearing may be held at the State capital at its first reference to a public hearing regarding release of the bond and removed duplicative language at the end of the provision regarding holding of a public hearing.

7. TAC § 12.387 Backfilling and Grading—Thin Overburden

At § 12.387, Texas removed the existing requirements and added the following requirements:

Where thin overburden occurs within the permit area, the permittee, at a minimum,

shall: (1) Use all spoil and other waste materials available form the entire permit area to attain the lowest practicable grade, but not more than the angle of repose; and (2) Meet the requirements of § 12.385 of this title (relating to Backfilling and Grading: General Requirements).

8. TAC § 12.388 Backfilling and Grading—Thick Overburden

At § 12.388, Texas removed the existing requirements and added the following requirements:

Where thick overburden occurs within the permit area, the permittee at a minimum shall: (1) Restore the approximate original contour and then use the remaining spoil and other waste materials to attain the lowest practicable grade, but not more than the angle of repose; (2) Meet the requirements of § 12.385 of the title (relating to Backfilling and Grading: General Requirement); and (3) Dispose of any excess spoil in accordance with §§ 12.363–12.366 of this title (relating to Disposal of Excess Spoil: General Requirements, to Disposal of Excess Spoil: Valley Fills, to Disposal of Excess Spoil: Head-of-Hollow Fills, and to Disposal of Excess Spoil: Durable Rock Fills).

9. TAC § 12.620 Prime Farmland—Applicalbility and Special Requirements

At § 12.620(a)(1), Texas removed the existing language and added the following language:

Disposal areas containing coal mine waste resulting from underground mines that is not technologically and economically feasible to store in underground mines or on non-prime farmland. The operator shall minimize the area of prime farmland used for such purposes; or

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Texas program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on January 13, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 17, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–33660 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IL159–1b; FRL–5938–3]

Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Illinois' Section 111(d)/129 State Plan submitted on June 23, 1997, for implementing and enforcing the Emissions Guidelines applicable to existing municipal waste combustors with capacity to combust more than 250 tons/day of municipal solid waste. In the final rules section of this **Federal Register**, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse written comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse written comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse written comments (which have not already been responded to), the direct final rule will be withdrawn and the written public comments will be addressed in a subsequent final rule based on the proposed rule. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments on this proposed rule must be received on or before January 28, 1998.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6082.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: December 11, 1997

Gail A. Ginsberg,

Acting Regional Administrator, Region V.

[FR Doc. 97–33766 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5937–1]

Hazardous Waste Management Program: Authorization of State Hazardous Waste Management Program for Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Louisiana Department of Environment Quality's (LDEQ) RCRA Cluster IV hazardous waste program. The Louisiana RCRA Cluster IV hazardous waste program consists of the regulation of ''Burning of Hazardous Waste in Boilers and Industrial Furnaces''. In the final rules section of this **Federal Register**, the EPA is approving the State's request as a immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the immediate final rule. If no adverse written comments are received in response to that immediate final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse written comments, a second **Federal Register** document will be published before the time the immediate final rule takes effect. The second document may withdraw the immediate final rule or identify the issues raised, respond to the comments and affirm that the immediate final rule will take effect as scheduled. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before January 28, 1998.

ADDRESSES: Written comments may be mailed to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, at the address listed below. Copies of the materials submitted by LDEQ may be examined during normal business hours at the following locations: EPA Region 6 Library, 12th Floor, Wells Fargo Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–6444. Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, Phone number: (504) 765–0617.

FOR FURTHER INFORMATION CONTACT: Alima Patterson (214) 665–8533.

SUPPLEMENTARY INFORMATION: For additional information see the immediate final rule published in the rules section of this **Federal Register**.

Authority: This document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 11, 1997.

Lynda F. Carroll,

Acting Deputy Regional Administrator, Region VI.

[FR Doc. 97–33763 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL–5935–6]

Hazardous Waste Management Program: Authorization and Incorporation by Reference of State Hazardous Waste Management Program for Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to incorporate by reference EPA's approval of the Louisiana Department of Environment Quality's (LDEQ) base hazardous waste program and to approve its revisions to that program submitted by the State of Louisiana. In the final rules section of this **Federal Register**, the EPA is approving the State's request as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale

for approving the State's request is set forth in the immediate final rule. If no adverse written comments are received in response to that immediate final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse written comments, a second **Federal Register** document will be published before the time the immediate final rule takes effect.

The second document may withdraw the immediate final rule or identify the issues raised, respond to the comments and affirm that the immediate final rule will take effect as scheduled. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before January 28, 1998.

ADDRESSES: Written comments may be mailed to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, at the address listed below. Copies of the materials submitted by LDEQ may be examined during normal business hours at the following locations: EPA Region 6 Library, 12th Floor, Wells Fargo Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–6444. Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, Phone number: (504) 765–0617.

FOR FURTHER INFORMATION CONTACT: Alima Patterson (214) 665–8533.

SUPPLEMENTARY INFORMATION: For additional information see the immediate final rule published in the rules section of this **Federal Register**.

Authority

This document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 10, 1997.

Lynda F. Carroll,

Acting Regional Administrator, Region VI.

[FR Doc. 97–33739 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3820

RIN 1004—AC60

[WO–320–1990–01–24 1A]

Surface Management of Mineral Activities Within the Bodie Bowl Under the Bodie Protection Act of 1994

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Bureau of Land Management (BLM) is withdrawing the proposed rule concerning mineral development in the Bodie Bowl which was previously proposed to implement the Bodie Protection Act of 1994. Because this Act closed the area to location of mining claims, and the state of California and the Nature Conservancy have acquired all existing unpatented mining claims and mill sites so that they may be reconveyed to BLM, the development of locatable minerals will not occur on Federal lands within the Bodie Bowl. Thus, regulations are no longer necessary to carry out the provisions of the Act.

FOR FURTHER INFORMATION CONTACT: Chris Fontecchio, Regulatory Affairs Group, Bureau of Land Management, Mail Stop 401LS, 1849 C Street, N.W., Washington, DC 20240; telephone (202) 452–5012 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: The Bodie Protection Act of 1994 (108 Stat. 4471, 4509), withdrew Federal lands within the Bodie Bowl to protect and preserve the historic mining town of Bodie. The withdrawal closed the area to further mineral location, and the Act compelled the Secretary of the Interior to manage those existing claims in accordance with rules which would minimize adverse effects on historic, cultural, recreational and natural resource values of the Bodie Bowl. Specifically, the Secretary was ordered to promulgate rules for management of mineral activities within the Bodie Bowl that are no less stringent than the rules promulgated by the National Park Service under the Mining in the Parks Act (16 U.S.C. 1901 *et seq.*), now codified at 36 CFR part 9. In consultation with the California State Department of Parks and Recreation, which administers the Bodie Historic Park, BLM issued proposed rules designed to carry out the terms of the Act on November 8, 1996 (61 FR 57837).

Since these rules were proposed, the State of California and the Nature Conservancy have acquired the remaining mining claims and mill sites in the Bodie Bowl. BLM expects that the final stages of the agreement, whereby the State and the Nature Conservancy will quitclaim all unpatented mining claims and mill sites back to the United States, will be completed sometime in the near future. As a result, there will be no future mineral development activities in the Bodie Bowl, making BLM regulations of mining in the Bodie Bowl unnecessary. Therefore, the proposed regulations are withdrawn. If for some unforeseen reason development of locatable minerals becomes possible on Federal lands in the Bodie Bowl in the future, BLM would take appropriate action to promulgate any needed rules.

Date: December 17, 1997.

Bob Armstrong,

Assistant Secretary for Land Minerals Management.

[FR Doc. 97–33725 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 191, 192, 193, 194, and 195

[Docket PS–153, Notice 3]

RIN 2137–AC98

Metric Equivalents

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the pipeline safety regulations to provide metric equivalents. The metric equivalents are being provided for informational purposes only. Operators would continue to use the English measures for purposes of compliance and enforcement. No changeover to the metric system of measurement is being contemplated at this time. This may be reconsidered in the future.

DATES: Interested persons are invited to submit written comments in duplicate by February 27, 1998. Late-filed comments will be considered to the extent practicable. Interested persons should submit as part of their written comments all the material that is relevant to any statement of fact or argument.

ADDRESSES: Written comments on the subject of this notice may be submitted to the Dockets Facility, U.S. Department of Transportation, Research and Special

Programs Administration 400 Seventh Street, SW, Dockets Unit Room 8421, Washington, DC 20590. Comments should identify the docket number stated in the heading of this notice. Persons should submit the original and one copy. Persons wishing to receive confirmation of receipt of their comments must include a stamped, self-addressed postcard. The Dockets Unit is open from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202)366–6205, or by e-mail at fellm@rspa.dot.gov regarding the subject matter of this notice; or the RSPA Docket Unit, (202) 366–5046 regarding copies of this notice or other material in the docket.

SUPPLEMENTARY INFORMATION:

I. Background

Executive Order 12770, ''Metric Usage in the Federal Government'' (July 25, 1991), requires Federal agencies to use metric measures in their business-related activities as a means to implement the metric system of measures as the preferred system of weights and measures for the United States.[1] In order to explore its responsibilities under this Executive Order, RSPA published an Advance Notice of Proposed Rulemaking (ANPRM) on October 23, 1996 (61 FR 55069). RSPA also held a public meeting on January 10, 1997 in Dallas, Texas. On March 11, 1997, RSPA published an additional notice seeking further comment on the metrication issue, particularly on the publication of metric equivalents for all numerical measures in the pipeline safety regulations. After considering the public comments to the notice and the opinions expressed at the public meeting, RSPA is publishing this Notice of Proposed Rulemaking (NPRM).

In its October 23, 1996, Notice of Public Meeting, RSPA requested comments on seven questions. These questions concerned the best method for providing metric conversion and the cost impact of conversion on the pipeline industry, including the impact on small entities. The majority of respondents were pipeline operators who opposed metric-only regulations. As a alternative, they favored providing metric equivalents. They cited the increased costs that could result from metric conversion with no increase in safety. Some operators contended that metric-only regulations might adversely impact small entities by imposing training and administrative costs that would not contribute to pipeline safety. A few commenters were in favor of metric only regulations.

By providing English measures and metric equivalents in its pipeline safety regulations, RSPA would provide the benefit of increasing public understanding of the metric system, the goal of Executive Order 12770. Providing metric equivalents also meets the requirement that ''metric usage shall not be required to the extent that such use is impractical or cause significant inefficiencies or loss of markets to United States firms.'' (Executive Order 12770 of July 25, 1991, p. 344) A complete conversion to the metric system would prove extremely costly to pipeline operators because most pipelines were designed using English measures. Converting these pipelines to metric-only measures would be a very time-consuming process involving considerable expenditure, including educating pipeline employees in use of the metric system. One pipeline operator noted in its comments that the metrication process in pipeline safety dates to 1978 when sections 192.121 and 192.123 were amended to include both English and metric measures. No changeover to the metric system of measurement is being contemplated at this time. This may be reconsidered in the future.

II. Regulatory Analyses and Notices

A. The Department of Transportation (DOT) does not consider this action to be a significant regulatory action under section 3(f)of Executive Order 12866 (58 FR 51735; October 4, 1994) and does not consider this action significant under DOT's regulatory policies and procedures (44 FR 1103; February 26, 1979). Therefore, this rulemaking was not reviewed by the Office of Management and Budget.

Because this proposed change to the regulations providing metric equivalents for all English measures is for information and education purposes only, it will have no economic impact. Therefore, no regulatory evaluation is necessary.

B. Regulatory Flexibility Act

As discussed above this rule has no economic impact. Therefore, I certify pursuant to Section 605 of the regulatory Flexibility Act (5 U.S.C. 605) that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12612

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685). RSPA has determined that the action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Paperwork Reduction Act

This rule change has no impact on the amount of paperwork required by these regulations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State or local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects

49 CFR Part 191

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 193

Incorporation by reference, Liquefied natural gas (LNG), Pipeline safety.

49 CFR Part 194

Oil pollution, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

In consideration of the foregoing, RSPA proposes to amend 49 CFR parts 191–195 as follows:

PART 191—[AMENDED]

1. The authority citation for part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, 60124, and 49 CFR 1.53.

2. In part 191, in the following section remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

[1] Section 2(a) of Executive Order 12770 states that ''[t]he head of each executive department and agency shall use... the metric system of measurement in Federal Government procurements, grants and other business-related activities. Other business-related activities include all use of measurement units in agency programs and functions related to trade, industry, and commerce.''

Section number	Remove	Add
191.23(b)(3)	220 yards	200 meters (220 yards)

3. Amend section 191.27 by revising paragraph (a)(4) to read as follows:

§ 191.27 Filing offshore pipeline condition reports.

(a) * * *

(4) Total length of pipeline inspected.

* * * * *

PART 192—[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118, and 49 CFR 1.53.

2. In part 192, for the following sections, remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section number	Remove	Add
192.3 Definitions:		
Exposed pipeline	15 feet	4.57 meters (15 feet)
Gulf of Mexico and its inlets	15 feet	4.57 meters (15 feet)
Hazard to navigation	12 inches	305 millimeters (12 inches)
	15 feet	4.57 meters (15 feet)
192.5(a)(1)	220 yards	200 meters (220 yards)
	1-mile	1.6 kilometers (1-mile)
192.5(b)(3)(ii)	100 yards	91 meters (100 yards)
192.5(c)(2)	220 yards	200 meters (220 yards)
192.55 (c)	6,000 p.s.i.	41.4 MPA (6,000 p.s.i.g.)
192.105	square inch gauge	kPa (square inch gauge)
	square inch	kPa (square inch)
	inches	millimeters (inches)
192.107(b)(2)	24,000 p.s.i.	165 MPA (24,000 p.s.i.)
192.109(b)	20 inches (twice)	508 millimeters (20 inches)
192.115	Fahrenheit	Centigrade (Fahrenheit)
	250° or less	121° (250°) or less
	300°	149° (300°)
	350°	177° (350°)
	400°	204° (400°)
	450°	232° (450°)
192.125(b)	inch (3 times)	millimeter (inch)
	½	12.7 (½)
	⅝	15.9 (⅝)
	¾	19.1 (¾)
	1	25.4 (1)
	1¼	31.8 (1¼)
	1½	38.1 (1½)
	.625	15.9 (.625)
	.750	19.1 (.750)
	.875	22.2 (.875)
	1.125	28.6 (1.125)
	1.375	34.9 (1.375)
	1.625	41.3 (1.625)
	.040	1.061 (.040)
	.042	1.067 (.042)
	.045	1.143 (.045)
	.050	1.270 (.050)
	.055	1.397 (.055)
	.060	1.524 (.060)
	.0035 (twice)	.0889 (.0035)
	.004 (twice)	.1016 (.004)
	.0045 (twice)	.1143 (.0045)
192.125(c)	100 p.s.i.g.	689 kPa (100 p.s.i.g)
192.125(d)	0.3 grains	19.4 milligrams (0.3 grains)
	100 standard cubic feet	2.8 meters (100 standard cubic feet)
192.145(d)(1)	1,000 p.s.i.g.	6.9 MPA (1,000 p.s.i.g)
192.150(b)(7)	10 inches	254 millimeters (10 inches)
192.151(c)(2)	1–¼ inch	32 millimeters (1–¼ inch)
	4-inch	102 millimeters (4-inch)
	6-inch	152 millimeters (6-inch)
192.153(d)	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
	3 inch	76 millimeters (3 inch)
192.163(b)(1)	2 inches	51 millimeters (2 inches)
192.163(d)	200 feet	61 meters (200 feet)
192.167(a)	1000 horsepower	746 kilowatt (1000 horsepower)
192.167(a)(4)(iii)	500 feet	152 meters (500 feet)
192.175(b)	C=(3D×P×F/1,000)	C =(D×P×F/48.33) (C=(3D×P×F/1,000))

Section number	Remove	Add
	inches (twice)	millimeters (inches)
	p.s.i.g.	kPa (p.s.i.g.)
192.177(a)(1)	1,000 p.s.i.g. (twice)	6.9 MPA (1,000 p.s.i.g.)
	feet	meters (feet)
	25	7.62(25)
	100	30.5 (100)
192.179(a)(1)	2½ miles	4 kilometers (2½ miles)
192.179(a)(2)	4 miles	6.4 kilometers (4 miles)
192.179(a)(3)	7½ miles	12 kilometers (7½ miles)
192.179(a)(4)	10 miles	16 kilometers (10 miles)
192.183(c)	10 inch	254 millimeters (10 inch)
192.187(a)	200 cubic feet	5.663 cubic meters (200 cubic feet)
192.187(a)(1)	4 inches	102 millimeters (4 inches)
192.187(b)	75 cubic feet	2.12 cubic meters (75 cubic feet)
192.197(a)	60 p.s.i.g.	414 kPa (60 p.s.i.g.)
192.197(c)	60 p.s.i.g.	414 kPa (60 p.s.i.g.)
192.197(c)(1)	60 p.s.i.g. (3 times)	414 kPa (60 p.s.i.g.)
192.197(c)(3)	125 p.s.i.g.	862 kPa (125 p.s.i.g.)
192.201(a)(2)(i)	60 p.s.i.g.	414 kPa (60 p.s.i.g.)
192.201(a)(2)(ii)	12 p.s.i.g.	83 kPa (12 p.s.i.g.)
	60 p.s.i.g.	414 kPa (60 p.s.i.g.)
	6 p.s.i.g.	41 kPa (6 P.S.I.G.)
192.201(a)(2)(iii)	12 p.s.i.g.	83 kPa (12 p.s.i.g.)
192.229(d)(2)(ii)	2 inches	51 millimeters (2 inches)
192.203(b)(3)	400° F	204° C (400° F)
192.241(b)(1)	6 inches	152 millimeters (6 inches)
192.309(b)(3)(i)	one-quarter inch	6.35 millimeters (¼ inch)
	12¾ inches	324 millimeters (12¾ inches)
192.313(a)(3)(ii)	12 inches	304.8 millimeters (12 inches)
192.313(c)	2 inches	50.8 millimeters (2 inches)
	1 inch	25.4 millimeters (1 inch)
192.315(b)(3)	16 inches	406 millimeters (16 inches)
192.319(c)	12 feet	3.66 meters (12 feet)
	200 feet	61 meters (200 feet)
	15 feet	4.57 meters (15 feet)
	36 inches	914 millimeters (36 inches)
	18 inches	457 millimeters (18 inches)
192.321(d)	0.090 inch	2.286 millimeters (0.090 inch)
	0.875 inch	22.33 millimeters (0.875 inch)
	0.062 inch	1.575 millimeters (0.062 inch)
192.327(a)	Inches	Millimeters (Inches)
	30	762 (30)
	18	457 (18)
	36 (twice)	914 (36)
	24 (twice)	610 (24)
192.327(b)	24 inches	610 millimeters (24 inches)
192.327(d)	24 inches	610 millimeter (24 inches)
192.327(e)	48 inches	1219 millimeters (48 inches)
	24 inches	610 millimeters (24 inches)
192.327(f)	200 feet	60 meters (200 feet)
192.327(f)(1)	12 feet	3.66 meters (12 feet)
	36 inches	914 millimeters (36 inches)
	18 inches	457 millimeters (18 inches)
192.327(f)(2)	12 feet	3.66 meters (12 feet)
192.353(c)	3 feet	914 millimeters (3 feet)
192.359(b)	10 p.s.i.g.	68.9 kPa (10 p.s.i.g.)
192.361	12 inches	305 millimeters (12 inches)
	18 inches	457 millimeters (12 inches)
192.371	100 p.s.i.g. (twice)	689 kPa (100 p.s.i.g.)
192.373(a)	6 inches	152 millimeters (6 inches)
192.381(a)	10 p.s.i.g.	68.9 kPa (10 p.s.i.g.)
192.381(a)(3)	10 p.s.i.g.	68.9 kPa (10 p.s.i.g.)
192.381(a)(3)(i)(A)	20 cubic feet	0.566 cubic meters (20 cubic feet)
192.(a)(3)(ii)(B)	0.4 cubic feet	.011 cubic meters (0.4 cubic feet)
192.455	20 feet	6 meters (20 feet)
192.465(a)	100 feet	30 meters (100 feet)
192.475(c)	0.25 grain	16.2 milligrams (0.25 grain)
	100 standard cubic feet	2.8 cubic meters (100 cubic feet)

Section number	Remove	Add
192.505(a)	300 feet (twice)	91 meters (300 feet)
	600 feet (twice)	183 meters (600 feet)
192.507 (heading)	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
192.507 (introductory text)	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
192.507(b)(1)	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
192.509	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
192.509(b)	1 p.s.i.g. (twice)	6.89 kPa (1 p.s.i.g.)
	10 p.s.i.g.	68.9 kPa (10 p.s.i.g.)
	90 p.s.i.g.	621 kPa (90 p.s.i.g.)
192.511(b)	1 p.s.i.g.	6.89 kPa (1 p.s.i.g.)
	40 p.s.i.g.	276 kPa (40 p.s.i.g.)
	50 p.s.i.g.	345 kPa (50 p.s.i.g.)
192.511(c)	40 p.s.i.g.	276 kPa (40 p.s.i.g.)
	90 p.s.i.g.	621 kPa (90 p.s.i.g.)
192.513(c)	50 p.s.i.g.	345 kPa (50 p.s.i.g.)
192.557(c)	10 p.s.i.g.	68.9 kPa (10 p.s.i.g.)
192.557(d)(4)	11,000 p.s.i.	75.8 MPA (11,000 p.s.i.g.)
	31,000 p.s.i.	214 MPA (31,000 p.s.i.g.)
192.557(d)(3)	inches (twice)	millimeters (inches)
	3 to 8	76 to 203 (3 to 8)
	10 to 12	254 to 305 (10 to 12)
	14 to 24	356 to 610 (14 to 24)
	30 to 42	762 to 1067 (30 to 42)
	48	1219 (48)
	54 to 60	1372 to 1524 (54 to 60)
	0.075 (3 times)	1.905 (0.075)
	0.08 (4 times)	2.032 (0.08)
	0.09 (5 times)	2.286 (0.09)
	0.065 (twice)	1.651 (0.065)
	0.07 (twice)	1.778 (0.07)
192.612(b)(2)	500 yards	457 meters (500 yards)
	200 yards	183 meters (200 yards)
192.612(b)(3)	36 inches	914 millimeters (36 inches)
	18 inches	457 millimeters (18 inches)
192.619(a)(2)(ii)	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
192.621(a)(2)	60 p.s.i.g. (twice)	414 kPa (60 p.s.i.g.)
192.621(a)(3)	25 p.s.i.g.	172 kPa (25 p.s.i.g.)
192.707(d)(1)	one inch	25 millimeters (1 inch)
	one-quarter inch	6.35 millimeters (¼ inch)
192.715(b)(3)	⅛ inch	3.175 millimeters (⅛ inch)
192.736(a)(2)	1,000 horsepower	746 kW (1,000 horsepower)
192.749(a)	200 cubic feet	5.66 cubic meters (200 cubic feet)
192.753(a)	25 p.s.i.g.	172 kPa (25 p.s.i.g.)
192.753(b)	25 p.s.i.g.	172 kPa (25 p.s.i.g.)
Appendix B (II)(A)	2 inches (twice)	51 millimeters (2 inches)
Appendix B (II)(B)	4 inches (twice)	102 millimeters (4 inches)
Appendix B (II)(D)	24,000 p.s.i.	165 MPA (24,000 p.s.i.g.)
Appendix C (I)	12 inches	305 millimeters (12 inches)
	⅛-inch	3.175 millimeters (0.125 inches)
Appendix C (III)	8 inches	203 millimeters (8 inches)
Appendix C (III)(1)	2 inches	51 millimeters (2 inches)

PART 193—[AMENDED]

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

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, 60118; and 49 CFR 1.53.

In part 193 for the following sections remove the numbers and words in the middle column and add the numbers and words in the third column in their place as follows:

Section	Remove	Add
193.2057 (d)	Btu/ft.^{2} hour	watts/m^2 hour(Btu/ft^2)
	1600	5047 (1600)
	4000 (twice)	12600 (4000)
	6700 (twice)	21100 (6700)
	10000	31500 (10000)
193.2059(c)(2)	4.5 miles per hour	7.24 km/hour (4.5 miles/hour)
193.2061(a)	70,000 gallons	265 cubic meters (70,000 gallons)
193.2061(b)(1)	70,000 gallons	265 cubic meters (70,000 gallons)
	2 feet	610 millimeters (2 feet)
193.2061 (e)(1)	100 miles	161 kilometers (100 miles)
193.2061 (e)(3)	10 miles	16.1 kilometers (10 miles)
193.2061(f)(2)	30 inches	762 millimeters(30 inches)
193.2061 (f)(3)	one mile	1.6 kilometers (1 mile)
	60 inches	1.52 meters (60 inches)

Section	Remove	Add
193.2067 (b)(1)	70,000 gallons	265 cubic meters (70,000 gallons)
193.2067 (b)(2)(i)	200 miles	322 kilometers (200 miles)
193.2133(b)	1 cubic foot per square foot	.028 cubic meters (1 cubic foot) per square meter (per square foot)
193.2153(a)	24 inches	610 millimeters(24 inches)
193.2191	5,000 barrels	795 cubic meters (5,000 barrels)
193.2195(d)	70,000 gallons	265 cubic meters (70,000 gallons)
193.2209(a)	70,000 gallons	265 cubic meters (70,000 gallons)
193.2209(b)	70,000 gallons	265 cubic meters (70,000 gallons)
193.2211(a)	15 p.s.i.g	103 kPa (15 p.s.i.g.)
193.2211(b)	15 p.s.i.g	103 kPa (15 p.s.i.g.)
193.2233(b)	50 feet	15.2 meters (50 feet)
193.2321(a)	2 inches (twice)	51 millimeters (2 inches)
193.2321(d)	15 p.s.i.g	103 kPa (15 p.s.i.g.)
193.2321(e)	15 p.s.i.g	103 kPa (15 p.s.i.g.)
193.2327(a)	15 p.s.i.g	103 kPa (15 p.s.i.g.)
193.2327(b)	15 p.s.i.g	103 kPa (15 p.s.i.g.)
193.2519(b)	70,000 gallons	265 cubic meters (70,000 gallons)

PART 194—[AMENDED]

1. The authority citation for part 194 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5) and (j)(6); sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.53.

2. In part 194, for the following sections remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section	Remove	Add
194.5 Definitions		
Barrel	42 United States gallons	159 liters (42 United States gallons)
	60 degrees Fahrenheit	15.6° Celsius (60° Fahrenheit)
High volume area	20 inches	508 millimeters (20 inches)
194.101(b)(1)	6⅝ inches	168 millimeters (6⅝ inches)
	10 miles	16.1 kilometers (10 miles)
194.101(b)(1)(i)	1,000 barrels	159 cubic meters (1,000 barrels)
194.101(b)(2)(ii)	6⅝ inches	168 millimeters (6⅝ inches)
	10 miles	16.1 kilometers (10 miles)
194.103(c)	6⅝ inches	168 millimeters (6⅝ inches)
	10 miles	16.1 kilometers (10 miles)
194.103(c)(1)	1,000 barrels	159 cubic meters (1,000 barrels)
194.103(c)(4)	five-mile	8 kilometers (5 miles)
194.103(c)(5)	one-mile	1.6 kilometers (1 mile)
194.105(b)	barrels	cubic meters (barrels)
194.105(b)(1)	barrels	cubic meters (barrels)
194.105(b)(2)	barrels	cubic meters (barrels)
194.105(b)(3)	barrels	cubic meters (barrels)
Appendix A:		
Section 9(h)(2)(i)	five miles	8 kilometers (5 miles)
Appendix A:		
Section 9(h)(2)(ii)	one mile	1.6 kilometers (1 mile)

PART 195—[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118, and 49 CFR 1.53.

2. In part 195, for the following sections, remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section	Remove	Add
195.2 Definitions:		
Exposed pipeline	15 feet	4.57 meters (15 feet)
Gulf of Mexico and its inlets	15 feet	4.57 meters (15 feet)
Hazard to navigation	12 inches	305 millimeters (12 inches)
	15 feet	4.57 meters (15 feet)
Specified minimum yield strength	pounds per square inch	kPa (p.s.i.g.)
195.50(b)	50 or more barrels	8 or more cubic meters (50 or more barrels)
195.50(c)	5 barrels	0.8 cubic meters (5 barrels)
195.55(b)(1)	220 yards	200 meters (220 yards)

Section	Remove	Add
195.57(a)(4)	miles	kilometers (miles)
195.106(a)	pounds per square inch	kPa (p.s.i.g.)
	inches (twice)	millimeters (inches)
195.120(b)(6)	10 inches	254 millimeters (10 inches)
195.208	100 p.s.i.g.	689 kPa (100 p.s.i.g.)
195.210(b)	50 feet	15.2 meters (50 feet)
	12 inches	305 millimeters (12 inches)
195.248(a)	inches	millimeters (inches)
	36 (4 times)	914 (36)
	30 (twice)	762 (30)
	48 (twice)	1219 (48)
	18 (3 times)	457 (18)
	24 (twice)	610 (24)
195.250	12 inches (3 times)	305 millimeters (12 inches)
	2 inches	51 millimeters (2 inches)
195.260(e)	100 feet	30.48 meters (100 feet)
195.302(c)(2)(i)(A)	mileage	length (mileage)
195.302(c)(2)(i)(B)	mileage	length (mileage)
195.302(c)(2)(ii)	mileage	length (mileage)
195.306(b)(2)	300 feet	91 meters (300 feet)
195.306(c)(2)	300 feet	91 meters (300 feet)
195.310(b)(9)	100 feet	30 meters (100 feet)
195.410(a)(2)(i)	one inch	25.4 millimeters (1 inch)
	one-quarter inch	6.35 millimeters (1/4 inch)
195.413(b)(2)	500 yards	457 meters (500 yards)
	200 yards	183 meters (200 yards)
195.413(b)(3)	36 inches	914 millimeters (36 inches)
	18 inches	457 millimeters (18 inches)
195.424(b)(3)(ii)	50 p.s.i.g.	345 kPa (50 p.s.i.g.)

Issued in Washington, DC, on December 22, 1997.

Richard B. Felder,

Associate for Pipeline Safety.

[FR Doc. 97–33687 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS–94; Notice 9]

RIN 2137–AB38

Qualification of Pipeline Personnel

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

ACTION: Notice of public meeting.

SUMMARY: This announces the next RSPA Negotiated Rulemaking Committee. This committee is conducting a negotiated rulemaking to develop a proposed rule on qualification of pipeline employees performing certain safety-related functions on pipelines subject to the pipeline safety regulations. The advisory committee is composed of persons who represent the interests that would be affected by the rule, such as gas pipeline operators, hazardous liquid pipeline operators, representatives of state and federal governments, labor organizations, and other interested parties. The Committee hopes to conclude the development of this NPRM by the end of this meeting. OPS will then publish the NPRM in the **Federal Register** for public evaluation and comment.

DATES: The Committee will meet from 9:00 a.m. to 5:00 p.m. on January 27–29, 1997.

ADDRESSES: The Committee will meet at the American Gas Association, 1515 Wilson Boulevard, 11th floor, in Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Eben M. Wyman, (202) 366–0918, or by e-mail (eben.wyman@rspa.dot.gov) regarding the subject matter of this Notice; or the Dockets Unit, (202) 366–4453, for copies of this document or other material in the docket.

Issued in Washington, DC on December 19, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97–33659 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 970708168–7168–01; I.D. 061697B]

RIN 0648–AJ58

Magnuson-Stevens Act Provisions; National Standard Guidelines

AGENCY: National Marine Fisheries Service (NMFS); National Oceanic and Atmospheric Administration (NOAA); Commerce.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: On August 4, 1997, NMFS published a proposed rule to amend the national standard guidelines under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The public comment period for the proposed guidelines ended September 18, 1997. Because of remaining issues regarding interpretation of the Magnuson-Stevens Act's provisions relative to overfishing, NMFS is reopening the public comment period on national standard 1 for an additional 30 days.

DATES: The comment period reopens December 29, 1997; comments must be received on or before January 28, 1998.

ADDRESSES: Comments should be sent to Dr. Gary C. Matlock, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: George H. Darcy, 301–713–2341.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 1997 (62 FR 41907), NMFS published a proposed rule to amend the guidelines interpreting the 10 national standards found in section 301(a) of the Magnuson-Stevens Act. Public comment received on the proposed rule indicated a broad range of views regarding interpretation of the provisions of the Magnuson-Stevens Act with respect to prevention of overfishing. Therefore, NMFS is reopening the comment period on the national standard 1 guidelines for an additional 30 days to obtain additional comment on specific issues regarding overfishing.

The Sustainable Fisheries Act (SFA), which amended the Magnuson-Stevens Act in 1996, contained several provisions that affected national standard 1, which was not itself amended. That standard requires that conservation and management measures ''shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' The SFA added a definition of ''overfishing'' and ''overfished,'' changed the definition of ''optimum,'' required that each fishery management plan specify objective and measurable criteria for identifying when a fishery is overfished (section 303(a)(10)), and added a section (304(e)) on identifying and rebuilding overfished fisheries.

Issues

While NMFS received numerous comments on the proposed guidelines, it believes further comment on the national standard 1 guidelines would be useful. In particular, NMFS would like commenters to address the following issues:

1. Usage of ''overfishing'' and ''overfished.'' The SFA adopted the regulatory definition of ''overfishing'' (at § 600.310(c)(1)), with two changes. The existing regulatory definition states: ''Overfishing is a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce MSY on a continuing basis.'' The statutory definition in the SFA deleted the modifier ''long-term'' and substituted ''fishery'' for ''stock or stock complex.''

NMFS believes that the removal of ''long-term'' in the statutory language was intended to emphasize the need to address overfishing in the near term, and to rebuild overfished stocks to levels that would produce MSY (maximum sustainable yield) within a reasonably short period of time, rather than in some unspecified time frame. This interpretation is consistent with the fact that, taken as a whole, the SFA enacted several significant measures to address overfishing and rebuilding, including requiring specific time frames for action. Along with the amendment to the definition of ''optimum,'' under which the optimum yield cannot be set above the MSY level, the addition of the definition of ''overfishing'' in the SFA (without reference to ''long-term'') seems to raise the standard to which conservation and management measures are held. Because NMFS understood deletion of the phrase ''long-term'' in the SFA to be significant, the proposed guidelines tie the meaning of ''overfishing'' to a rate or level of fishing mortality (i.e., removals of fish from the stock due to fishing) that jeopardizes the capacity of a stock to produce MSY, without regard to time frame.

The issue is whether NMFS has correctly interpreted the definition of overfishing, or whether it should adopt a more elastic guideline with MSY as only an eventual target.

2. ''Fishery'' versus ''stock.'' As explained above, the statutory definition of ''overfishing'' uses the term ''fishery'' rather than ''stock or stock complex.'' Both ''fishery'' and ''stock'' are defined in the Magnuson-Stevens Act; both are used in section 304(e) and elsewhere somewhat interchangeably.

The proposed guidelines, in large part, speak of ''overfishing'' and ''overfished'' in terms of a stock or stock complex. NMFS scientists who worked on the guidelines were concerned that a ''fishery,'' in its most expansive sense, is not susceptible to being judged as overfished or not; only for a stock of fish can measurable, objective criteria of overfishing be established. The same applies to judging whether a fishery has been rebuilt; biologically, that can be determined only on a stock-by-stock basis.

Some commenters believe the requirement to prevent overfishing should apply only to fisheries in a broader sense, in order to provide the greatest benefit to the Nation. They believe that fishers may have to forego substantial economic value from a mixed-stock fishery if it must be managed to restore the most depleted stock component (species) in the fishery to the level that would produce MSY. (See issue 4 below.)

The issue is whether NMFS should change its focus in the national standard 1 guidelines to a ''fishery,'' which may be comprised of dozens of stocks, or retain the requirements to prevent overfishing of stocks and rebuild overfished stocks.

3. Rebuilding schedules. The proposed guidelines repeated the statutory requirement that overfished stocks must be rebuilt in a time period that is as short as possible, taking into account the status and biology of the stock, the needs of fishing communities, recommendations by international organizations, and the interaction of the overfished stock within the marine ecosystem. However, in no case may the rebuilding time exceed 10 years, except where the biology of the stock, other environmental conditions, or management measures under an international agreement dictate otherwise.

NMFS received comments requesting clarification of the statutory language. One interpretation is that ''as short as possible'' means the length of time in which a stock could be rebuilt in the absence of fishing mortality on that stock. If that period is less than 10 years, then the factors listed in section 304(e)(4)(A)(i) of the Magnuson-Stevens Act (i.e., the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem) could be used to lengthen the rebuilding period to as much as 10 years. If the stock cannot be rebuilt within 10 years in the absence of fishing mortality on that stock, the rebuilding period based on the absence of fishing mortality would automatically become the maximum time for rebuilding, unless management measures under an international agreement dictate otherwise. Under this interpretation, the biology of the stock and other environmental conditions are taken into account in determining the rebuilding period that would be required, based on the absence of fishing mortality, and those factors would not be used to further extend the rebuilding period. Therefore, under this scenario, for a rebuilding period that exceeds 10 years, the only exception to allow extension of the rebuilding period beyond that based on an absence of fishing mortality would be for those instances that are dictated by measures under an

international agreement to which the United States is a party.

Another possible interpretation for those situations in which the rebuilding period would exceed 10 years in the absence of fishing is to treat the 10-year limit as a guide in determining the length of a rebuilding program. In these cases, the question that immediately arises is, how long can the rebuilding program be? Must it be constrained, as in the scenario above, or can it be longer? If so, how much longer? NMFS believes that it is not desirable to have an unspecified time period for rebuilding and that such an indeterminate rebuilding period would be inconsistent with the other provisions of the Magnuson-Stevens Act. The guidelines could potentially use the factors in section 304(e)(4)(A)(i) to interpret ''as short as possible'' to limit the time period beyond 10 years, but NMFS believes that any rebuilding program that exceeded the period based on no fishing mortality would need to be justified and constrained by the life history characteristics of the stock.

The issue is the interpretation of the statutory language and how much flexibility the statutory language allows. NMFS is specifically seeking comment on whether or not it is correct in its interpretation that the duration of rebuilding programs should not be unspecified and, if so, what factors should be considered in determining that duration.

4. Mixed-stock exception. The proposed guidelines, at § 600.310(6), relied on the statute's use of the term ''fishery'' to justify retention of a limited exception to the requirement to prevent overfishing on all stocks. The exception would allow overfishing of one species in a mixed-stock complex, but only if certain stringent conditions are met (i.e., analysis demonstrates that it will result in long-term net benefits to the Nation and that a similar level of benefits cannot be achieved through other means; and the resulting rate of fishing mortality will not cause any species or ecologically significant unit thereof to require protection under the Endangered Species Act (ESA) or any stock or stock complex to fall below its minimum stock size threshold).

This proposed provision has been criticized by those who believe the Magnuson-Stevens Act allows no exceptions to the requirement to prevent overfishing, even in mixed-stock fisheries. Others have criticized the provision as too stringent and believe the Magnuson-Stevens Act allows overfishing on one or more stocks in mixed-stock fisheries, even if the result is to maintain, or reduce stocks to, an overfished status.

The issue is whether to delete or liberalize the limited exceptions, and whether to add other exceptions. One suggestion is that the recovery of stocks listed under the ESA should be handled under that statute, not under the Magnuson-Stevens Act. Another is that stocks whose rebuilding would not be assisted by cessation of fishing mortality in the exclusive economic zone should be exempt from the provisions of section 304(e)(4) of the Magnuson-Stevens Act.

NMFS will respond to comments received on national standard 1 during this 30-day comment period, and to all comments received on the proposed national standard guidelines during the comment period for the proposed rule, in the preamble to the final rule.

Dated: December 19, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–33643 Filed 12–22–97; 2:13 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 971208294–7294–01; I.D. 103097B]

RIN 0648–AJ20

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Restrictions on Frequency of Limited Entry Permit Transfers; Sorting Catch by Species; Retention of Fish Tickets

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement management measures recommended by the Pacific Fishery Management Council (Council) that restrict the frequency of limited entry permit transfers to once every 12 months, with transfers taking effect on the first day of a cumulative landings limit period. This rule would also require the sorting of all groundfish species with trip limits, size limits, quotas, or harvest guidelines at the point of landing, and the retention of landings receipts on board the vessel that has made those landings. This proposed rule is intended to constrain the introduction of new fishing effort into the Pacific Coast groundfish fisheries, and to improve the enforceability of Federal and state fisheries regulations. This action would be taken under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be submitted in writing by February 12, 1998.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Administrator, Northwest Region, (Regional Administrator) NMFS, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115–0070; or to William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213. Information relevant to this proposed rule is available for public review during business hours at the Office of the Administrator, Northwest Region, NMFS, and at the Office of the Administrator, Southwest Region, NMFS. Copies of the Environmental Assessments/Regulatory Impact Reviews (EA/RIRs) for these issues are available from Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, or Svein Fougner at 562–980–4034, or the Pacific Fishery Management Council at 503–326–6352.

SUPPLEMENTARY INFORMATION: NMFS is proposing three separate regulatory changes: (1) Restricting the frequency of limited entry permit transfers to once every 12 months, with transfers taking effect only on the first day of a cumulative landings limit period; (2) providing Federal regulatory support for existing state requirements that require the sorting of all groundfish species with trip limits, size limits, quotas, or harvest guidelines; and (3) providing consistent regulatory requirements on the retention of landings receipts throughout the management area. These regulatory changes were recommended by the Council at its October 1996 and June 1995 meetings, respectively. The background and rationale for this proposed rule are summarized below. More details appear in the EA/RIRs for these actions.

Restrictions on Permit Transfer Frequency

Background. A license limitation program for the Pacific Coast groundfish

fisheries went into effect at the beginning of the 1994 fishing season. The purpose of this program was to control the size and harvesting capacity of the Washington, Oregon, and California fleet, which had expanded far beyond the effort needed to catch the available groundfish resource. This license limitation program includes restrictions on the number of participants in a limited entry groundfish fishery, as well as restrictions on vessel length expansion and on gear used by permitted vessels, as measures to control total fleet harvesting capacity. However, the initial limited entry licensing formula was fairly liberal, capping fishery participation without reducing capacity, and in fact leaving opportunity for an increase in fishing effort.

Most of the West Coast groundfish catch is harvested by limited entry vessels, which use trawl, longline, or pot (or trap) gears. Vessels in the open access fishery use a variety of gear types, including pot and longline gears, to take the remainder of the harvest.

In 1996, the Council introduced 2-month cumulative landings limit periods for all gears. This cumulative landings approach allows each vessel to catch up to a specific amount of different groundfish species over a 2-month period, with not more than 60 percent of the cumulative period total to be taken in either month of the period. Cumulative period catch limits are set by comparing current or previous landings rates with the year's total available catch. Landing limits have been used to slow the pace of the fishery and stretch the fishing season out over as many months as possible, so that the overall harvest target is not reached until the end of the year.

Current Federal regulations place no restrictions on the frequency or timing of permit transfers, a situation that allows expansion of new effort into the fishery. In an open access fishery, the participating vessels do not participate constantly. For example, if there are 100 vessels in the fishery, they do not all participate for 12 months of the year. Most vessels are out of the fishery at times for repairs, or to participate in other fisheries. When the limited entry program went into effect, the vessels that received permits did not have a history of fishing constantly in the fishery. However, as the limited entry program has progressed, permit owners have realized that it is possible to use a permit for 12 months of the year by leasing the permit out to other vessels during times when the original vessel is not directly participating in the Pacific Coast groundfish fishery. If a permit is shared between two or more vessels in a year, those multiple vessels will exert more effort in the fishery than if just one vessel had used the permit, with the permit lying idle during that vessel's days away from the fishery. Historically, individual vessels have not participated in the Pacific groundfish fishery every day of the year.

Permits may also be transferred at any time during a cumulative limit period, which means that two or more vessels could use the same permit during the 2-month cumulative limit period, with each vessel fishing towards its own cumulative limit. Transferring limited entry permits between vessels or owners to circumvent vessel landing limits is inconsistent with specific language of the FMP. Transfers of this nature also increase effort in the fishery.

Council Action

At the October 1996 Council meeting, the Council recommended constraining groundfish fleet effort expansion by restricting the frequency of limited entry permit transfers to once every 12 months, with transfers taking effect only on the first day of a major cumulative limit period. These periods will be announced each year in the **Federal Register** with the annual specifications and management measures, or with routine management measures when the cumulative limit periods are changed. Cumulative limit periods that govern just a portion of the groundfish fisheries, such as the fixed gear regular sablefish season, are not considered ''major'' cumulative limit periods. For permit holders participating in the ''B'' delivery platoon, transfer effectiveness dates would align with ''B'' platoon cumulative limit period dates, and the new recipient of the ''B'' platoon permit would be required to participate in ''B'' platoon deliveries for the remainder of the calendar year.

The Council expects that this proposed action would constrain effort expansion in two ways: (1) it would prevent two or more vessels from sharing a limited entry permit during a single cumulative limit period and thereby landing more than one limit on that permit, and (2) it would discourage increased fishing effort in the fishery by preventing limited entry permit holders from temporarily transferring their permits during times when the vessel is undergoing repairs, operating in other fisheries, or otherwise idle.

Of the permit leases made in 1994 and 1995, 67 percent were shorter than 6 months in length, and 89 percent were shorter than one year in length. The Council's recommendation to limit the frequency of limited entry permit transfers to one time in any 12 month period would reduce most of the current leasing activity on limited entry permits. The average length of all limited entry permit leases, for all gears and for both years was 176 days, while the median lease length for those same conditions was 130 days, which means that the majority of permit leases have shorter than average durations.

Fixed gear permits are most frequently transferred as leases. Most fixed gear permits have longline gear endorsements. Because there are many open access vessels that fish with longline gear, there are always several open access fishers who are ready to transfer into the limited entry fisheries as longliners leasing limited entry permits. This easy transfer of additional effort from the open access fishery increases the number of potential participants in an already over-capitalized fleet. Council recommendations to restrict the frequency of limited entry permit transfer would eliminate the annual influx of short-term fixed gear participants into the large but brief, limited entry, fixed gear regular sablefish season.

Permit transfer trends for limited entry trawl vessels are more linked to sales activity than to lease transfers. Trawl permits had relatively low lease activity in 1994 and 1995, but a significant number of permits changed ownership more than once in those years. There were 105 permits that changed ownership more than once during the 1994–1995 period, 79 of which changed ownership twice during those years. The proposed Council action to limit the frequency of limited entry permit transfers to once every 12 months would eliminate documented permit activity of three, four, or five ownership changes in a 2-year period.

Members of the West Coast fishing industry commented on the crafting of this Council recommendation, and the Council's action on this issue was generally well received by the limited entry fleet. However, members of the at-sea component of the whiting fishery opposed the action, because motherships would no longer be able to lease Pacific coast permits for use by their high-power, Alaska-based catcher boats, which do not participate in the non-whiting portion of the groundfish fishery. Representatives from this sector of the fishery argued at the Council meeting that high-power catcher boats are necessary to fish farther offshore for whiting, where chances of yellowtail rockfish and salmon bycatch are lower. Certain fishing corporations that own Pacific Coast groundfish limited entry

permits have also been in the practice of leasing out their catcher boat permits during times outside of the at-sea component of the whiting fishery, and restrictions on lease transfers would eliminate that permit leasing income for those corporations. Analysis of the at-sea sector of the groundfish fleet has shown that in 1994 and 1995, out of 49 permits with at-sea deliveries, 13 permits had been transferred for periods less than 12 months in duration. The Council determined that the benefits to the fishery overall that could be gained from restricting the entrance of new effort into the fishery as a whole outweighed the concerns of the at-sea whiting sector.

Hardship Exemptions

In its October 1996 recommendation, the Council supported waiving the restriction on transferring permits once every 12 months in cases of hardship. Hardship exemptions could not be used to waive the requirement that transfers take effect only on the first day of a cumulative limit period. Hardship exemptions were defined for this issue as either death of the permit holder, or loss of the permitted vessel. In previous meetings, the Council and its advisory bodies had also considered exemptions in cases of serious illness of the permit holder, but then decided to define ''hardship'' narrowly, to limit the discretion in using the exemption. This narrow definition covers the cases most likely to require a transfer, but restricts the possibility of abuse of the process.

If a limited entry permit holder applies to transfer his or her permit within 12 months of the last transfer, the permit holder will be required to submit documents demonstrating that the transfer meets the exceptions of death of the permit holder or loss of the vessel. Loss of vessel is defined in the Pacific Coast groundfish regulations at § 660.302, ''Totally lost means the vessel being replaced no longer exists in specie, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the repaired value of the vessel.'' Death of a permit holder would be documented by a copy of the death certificate of the permit holder.

If the permit is owned by a partnership or a corporation, a transfer within 12 months of the last transfer would be allowed if a person or persons owning 50 percent or more of the ownership interest in the partnership or corporation has died. NMFS understands the Council's recommendation for allowance of a hardship exemption in cases of death to mean that a transfer should be allowed in cases where the primary owner of the permit has died. NMFS is also aware that many of the limited entry permits are owned by partnerships or corporations, entities that do not ''die'' in the same sense that a human person would die. However, the Pacific Coast groundfish fishery does include several permit-owning partnerships and corporations whose only shareholders are limited to one of the following: an individual, a husband and wife, or a parent and child.

NMFS includes the provision that the hardship exemption may be applied in cases of the death of a person who owned 50 percent or greater interest in the permit so that individuals and small businesses will not be denied use of the hardship exemption in cases where the businesses have been incorporated, but the primary owner of the business has died. In these situations, the business is more likely to be significantly affected by the death of the owner. For a larger corporation or partnership, the death of one stockholder or partner is much less likely to severely affect the operation of the business. NMFS selected the 50 percent ownership limit to have a clear, easy to implement standard that still accommodates those most likely to be adversely affected by death of an owner. NMFS particularly seeks comment on this provision.

If a request for transfer is denied, the Fisheries Management Division (FMD), NMFS Northwest Region, will explain in writing why the transfer request has been denied. Further, if the transfer is denied, the permit owner may appeal that decision within 30 days to the Regional Administrator, explaining the basis for the appeal. The Regional Administrator will decide upon the appeal within 45 days in a final agency action.

Sorting of Groundfish Catch by Species

Under current regulations at § 660.306, fishers landing groundfish at West Coast ports must sort, before the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, if the weight of the total delivery exceeds 1,361 kg (3,000 lb) round weight. NMFS introduced this regulation in 1990, when a 1,361 kg (3,000 lb) landing was thought to be almost insignificant. When the Council decided to revisit this issue in 1995, however, the Council's analysis found that landings of less than 1,361 kg (3,000 lb) may comprise a significant portion of the catch, especially among landings to California ports. According to the July 1996 EA/RIR for this issue, in the 1993 California rockfish fishery, 96 percent of the hook-and-line trips (53 percent by weight) and 75 percent of the trawl trips (14 percent by weight) landed less than 1,361 kg (3,000 lb).

The Council has a policy of maintaining a year round groundfish fishery through adjustable 2-month cumulative limits. Capitalization of the fleet continues to rise, which means that individual vessels are more able to catch the available cumulative limits faster than in the past. To keep this overcapitalized fleet from exceeding harvest guidelines on the groundfish stocks that it manages, the Council has had to periodically decrease the 2-month cumulative limits. As these limits are decreased, small trips make up a greater portion of the overall catch. In order to improve enforcement efforts and prevent loss of data in a fishery with shrinking landings limits, the Council has proposed requiring the sorting of all species managed by trip limits, size limits, quotas, or harvest guidelines. This measure is consistent with regulations that Washington and Oregon already have in place; although Washington does not require sorting of species with harvest guidelines but with no trip limits. This regulation introduces a new requirement for California fishers landing less than 3,000 lb (1,361 kg) per trip, but most fishers, already sort their catch by species prior to offloading as part of the marketing transaction between fisher and fish processor. California commonly models its fisheries management regime on Federal regulations and is likely to change its state regulations to match the Federal sorting regulations if such regulations become final. Fishers landing shortbelly rockfish or jack mackerel in Washington would also be affected by this requirement, but these species are underutilized and neither species has been landed in Washington in any great quantity to date. Requiring the sorting of species with harvest guidelines but with no trip limits could have a future impact if the Council decides to implement new harvest guidelines for species not yet managed by harvest guidelines without also implementing trip limits for those species. This requirement would facilitate enforcement because agents would not have to examine unsorted catches. Compliance could be enhanced if fishers sorted at sea because fishers would be more aware of the harvest amount of individual species.

Retaining Fish Tickets On Board the Vessel

Groundfish trip limits are now specified as a cumulative amount that

may be retained in any calendar month or 2-month period. Most vessels make multiple trips during a month or two-month period, and enforcement personnel at the dock would have difficulty determining whether a vessel has exceeded its limits if all the vessel's landings receipts were not readily accessible. Current Federal regulations at § 660.303 require that fishers comply with state law on retaining and filing all reports of groundfish landings. Each state has requirements for retaining fish tickets on board vessels for enforcement purposes; however, the regulations are inconsistent from state to state and there are no unifying Federal regulations on this subject.

Fishers landing groundfish in Washington and Oregon are required to keep their landings receipts on board for 90 days. In California, fish tickets must be kept throughout the cumulative trip limit period of the landings and for 15 days thereafter. When the Council addressed this issue at its June 1995 meeting, they recommended a change to Federal regulations that would both standardize the record retention requirements coastwide, and set regulatory language that would accommodate the different cumulative limit periods of the different sectors of the fishery. Consistency along the coast under Federal regulations is needed to ensure that enforcement agents have consistent access to on board landings records.

The Council forwarded a recommendation to NMFS on this issue because they saw a need to improve enforceability of landings restrictions across the three states with Federal regulatory language that recognizes a flexible management system with potentially changing cumulative limit period durations. This Proposed Rule would require that all West Coast groundfish fishers retain landings receipts on board their vessels throughout the cumulative trip limit period of the landings and for 15 days thereafter. The proposed rule also clarifies that the fish tickets must be provided to an authorized officer upon request. This is a minor regulatory change that is expected to eliminate confusion among fishers as to which state's landings receipts should be kept on board for what length of time.

Biological Impacts

Marine biological background and biological impacts of the groundfish fishery are analyzed in ''Status of the Pacific Coast Groundfish Fishery Through 1996 and Recommended Acceptable Biological Catches for 1997: Stock Assessment and Fishery Evaluation'' (SAFE Document), and in the Environmental Assessments for these actions. These documents may be obtained from the Pacific Fishery Management Council. (See **ADDRESSES** above).

Restricting the frequency of limited entry permit transfers is not expected to have a direct biological impact on the West Coast groundfish fishery, although it may trigger positive secondary impacts following the reduction of fishery effort. By reducing effort in the limited entry groundfish fishery, harvesting pressure on the targeted stocks will also decline, and annual harvest guidelines for the groundfish stocks will be achieved at a slower rate than under a system of unrestricted permit transfers.

Requiring fishers to sort their groundfish landings under 3,000 lb (1,361 kg) would also have minor, positive biological impacts. To the extent that more and better data on species composition become available, harvest monitoring would be improved. Complete sorting information is already required under Washington and Oregon State regulations, so the primary benefit would result from improved data on California groundfish landings from small vessels. In addition, enforcement would be facilitated, allowing for expanded enforcement coverage for the same amount of agent effort. No biological impacts, positive or negative, are expected to result from standardizing the required period of fish ticket retention.

Biological impacts from these actions are not significant, and where they occur, will likely be positive. The acceptable biological catches and harvest guidelines of West Coast groundfish stocks would not be affected by these actions.

Socio-Economic Impacts

Permit holders would be unable to lease their permits for short periods of time under the proposed action, as they might wish to do when pursuing another fishery, or when the permitted vessel is under repair. Thus, permit holders will lose the possibility of the dual revenues that might be made by both leasing out their own permit and simultaneously pursuing a fishery outside of the groundfish limited entry fishery.

This proposed measure would slow the rate of permit transfers, as it would reduce incentives for temporary permit transfers. If the benefits of temporarily transferring permits are reduced, the value of the permits will decrease. However, by reducing the benefits of temporary permit transfers, permit holders with minimal interest in the fishery may be more likely to sell their permits. As more permanent permit transfers are made, the permit prices should rise to compensate for the initial drop that may follow restrictions on permit transfer frequency. This proposed action may also lead to more fleet stability, as it will discourage the permit speculators who might lease out permits to several different boats throughout the year. Similarly, persons who have been temporarily transferring into the fishery will have a greater incentive to make long-term commitments to the fishery by buying a permit. The benefit of this restriction is that due to the reduction of effort, the value of the groundfish resource would be increased for permitted fisheries. The levels of trip limits should be higher than it would be without this restriction.

Requiring the sorting of groundfish species with trip limits, size limits, quotas, or harvest guidelines would not impose an additional burden on Washington and Oregon fishers, as those two states already have similar state regulations in place for landings sorting. Washington fishers are not required to sort harvest guideline species, but the only species for which there are harvest guidelines but no trip limits are shortbelly rockfish and jack mackerel, both of which are underutilized and infrequently caught. The additional burden of sorting would fall on fishers landing less than 3,000 lb (1,361 kg) per trip in California. However, many of the species landed in this sector of the fishery are already sorted during the sales transaction between fisher and processor into marketing categories that are the same as species sorting categories. This requirement would not affect the amount of fish that are harvested,

The measure to standardize fish ticket retention requirements may lead to some initial confusion among fishers from the three different states, but that should be resolved by the fact that state and Federal requirements will be consistent with each other. The sorting requirement, and the clear directive to make fish tickets available to authorized officers would facilitate enforcement.

Classification

The Assistant Administrator for Fisheries, NOAA, has initially determined that this action is consistent with the FMP and the national standards and other provisions of the Magnuson-Stevens Act.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Most of the permit holders and vessels in the Pacific Coast fleet are considered small entities. NMFS considers an impact to be ''significant'' if it results in a reduction in annual gross revenues by more than 5 percent, an increase in annual compliance costs of greater than 5 percent, compliance costs at least 10 percent higher for small entities than for large entities, compliance costs that require significant capital expenditures, or the likelihood that 2 percent of the small entities would be forced out of business. NMFS considers a ''substantial number'' of small entities to be more than 20 percent of those small entities affected by the regulation engaged in the fishery.

The provision of the rule limiting the frequency of limited entry permit transfers would prevent permit holders from leasing their permits for periods shorter than 12 months. There may be economic losses resulting from this provision for permit holders who generate more income from short-term permit leases than they would from fishing those permits.

NMFS analyzed the transfer actions for each permit that existed in 1996. If a permit was transferred in 1996, 1995 and 1997 records would show whether that transfer had occurred within 12 months of a previous or subsequent transfer. At the time that the EA/RIR was written for this action, only 1994 and 1995 permit data were available, which made a full analysis of 1995 permit transfers impossible. In 1996, approximately 539 vessels were licensed to participate in the Pacific Coast limited entry groundfish fishery. Of those 539 permits, 75 permits (approximately 14 percent of permits held in 1996) were sold or leased for a duration of shorter than 12 months, with some of those permits being sold or leased more than once in 1996. Because 14 percent is below the 20 percent ''substantial number'' threshold, this provision would not impact a substantial number of small entities.

NMFS cannot quantify the level of economic impact to the 14 percent of the fleet that would be expected to transfer their permits more often than once every twelve months. The fishing strategies, permit lengths, gear endorsements, and reasons for transferring permits differ for each affected fisher. Permit holders who lease out their permits and permit lessees may both suffer economic losses from reduced opportunities to enter into short-term leases. It is not known how these individuals would change their fishing strategies if they cannot make leases for shorter than twelve months. Permit holder strategies may include increased personal participation in the groundfish fishery, hiring skippers to fish their groundfish permits, year-long leases for their permits, or sale of their permits. Persons who have taken short-term leases on permits in the past may change their fishing strategies to concentrate on non-groundfish species, fish for groundfish in the open access fishery, take year-long leases on limited entry permits, or buy limited entry permits. Therefore, the degree of economic loss that these two types of people would suffer will depend upon individual ability to alter fishing and business strategies. It is reasonable to expect that some small businesses may suffer significant economic losses if this rule is implemented. However, NMFS is not able to determine how many small businesses in the Pacific Coast groundfish fleet would have a reduction in annual gross revenues by more than 5 percent, for more than 20 percent of the participants; an increase in total costs of production of more than 5 percent as a result of an increase in compliance costs, for 20 percent or more of the affected small entities; compliance costs as a percent of sales for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities, for 20 percent or more of the affected small entities; capital costs of compliance that represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities; or two percent of the small business entities affected being forced to cease business operations.

The provision to require sorting of groundfish species with trip limits, size limits, quotas, or harvest guidelines is expected to have a minimal impact, if any, on small entities. Oregon and Washington already have species sorting requirements similar to those proposed by this rule; although Washington does not require the sorting of species with harvest guidelines but with no trip limits. The only species for which there are harvest guidelines but no trip limits are shortbelly rockfish and jack mackerel, both of which are underutilized and infrequently caught. California has similar species sorting requirements for groundfish landings greater than 3,000 pounds. Thus, only persons making landings of less than 3,000 pounds of groundfish in California will be affected by this rule. Because many of these persons already sort their catch by species during the sale of the fish to processors, this sorting requirement is expected to impose very little economic or other burdens on small entities. Furthermore, the time and effort that would be necessary to comply with this proposed sorting requirement would be minimal and would not be expected to result in a reduction in annual gross revenues by more than 5 percent, an increase in annual compliance costs of greater than 5 percent, compliance costs at least 10 percent higher for small entities than for large entities, compliance costs that require significant capital expenditures, or the likelihood that 2 percent of the small entities would be forced out of business.

The provision to require retention of landings receipts on board the vessel that has made the landing is expected to have no economic impact on small entities. All three Pacific Coast states already require the retention of landings receipts on board the vessel that has made the landing. Because Federal requirements for landings receipt retention would standardize the requirements across the three states, these requirements are expected to eliminate the regulatory burden of following different rules when landing in different states.

This rule, if adopted, would not change the amount of fish caught or retained by limited entry permit holders or the number of vessels licensed in the limited entry fleet. None of the requirements of this proposed rule would have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not prepared.

NMFS issued Biological Opinions under the ESA on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, and May 14, 1996 pertaining to the impacts of the groundfish fishery on Snake River spring/summer chinook, Snake River fall chinook, and Sacramento River winter chinook. The opinions concluded that implementation of the FMP for the Pacific Coast Groundfish Fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This proposed rule is within the scope of these consultations. Because the impacts of this action fall within the scope of the impacts considered in these Biological Opinions,

NMFS has determined that additional consultations are not required for this action. In addition, coho salmon south of Cape Blanco, OR, recently have been listed as threatened (northern CA/ southern OR) and endangered (central CA) under the ESA. This action will not affect coho salmon.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: December 19, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

For the reasons set forth in the preamble, 50 CFR 660 is proposed to be amended as follows:

PART 660 —FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.303, paragraph (c) is added to read as follows:

§ 660.303 Reporting and recordkeeping.

* * * * *

(c) Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings, containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

3. In § 660.306, paragraph (h) is revised and paragraph (x) is added to read as follows:

§ 660.306 Prohibitions.

* * * * *

(h) Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline, if the vessel fished or landed in an area during a time when such trip limit, size limit, harvest guideline or quota applied.

* * * * *

(x) Fail to retain on board a vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings, or receipts containing all data, and made in the exact manner required by the applicable state law throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.

4. In § 660.333, paragraphs (c)(1) and (c)(2) are revised; paragraphs (c)(3) and (c)(4) are redesignated as (c)(4) and (c)(5) and a new (c)(3) is added; paragraph (d) introductory text is revised; paragraphs (f)(2) and (f)(3) are redesignated as (f)(3) and (f)(4) and a new (f)(2) is added to read as follows:

§ 660.333 Limited entry fishery - general.

* * * * *

(c) * * *

(1) Upon transfer of a limited entry permit, the FMD will reissue the permit in the name of the new permit holder, with such gear endorsements, and, if applicable, species endorsements as are eligible for transfer with the permit. Permit transfers will take effect on the first day of the next major limited entry cumulative limit period following the date of the transfer. Transfers of permits designated as participating in the ''B'' platoon will become effective on the first day of the next ''B'' platoon major limited entry cumulative limit period following the date of the transfer. No transfer is effective until the limited entry permit has been reissued and is in the possession of the new permit holder.

(2) A limited entry permit may not be used with a vessel unless it is registered for use with that vessel. Limited entry permits will normally be registered for use with a particular vessel at the time the permit is issued, renewed, transferred, or replaced. A permit not registered for use with a particular vessel may not be used. If the permit will be used with a vessel other than the one registered on the permit, a registration for use with the new vessel must be obtained from the FMD and placed aboard the vessel before it is used under the permit. Registration of a permit to be used with a new vessel will take effect on the first day of the next major limited entry cumulative limit period following the date of the transfer.

(3) The major limited entry cumulative limit periods will be announced in the **Federal Register** each year with the annual specifications and management measures, or with routine management measures when the cumulative limit periods are changed.

* * * * *

(d) Evidence and burden of proof. A vessel owner (or person holding limited entry rights under the express terms of a written contract) applying for issuance, renewal, replacement, transfer, or registration of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. A permit holder applying to register a limited entry permit has the burden to submit evidence to prove that registration requirements are met. The following evidentiary standards apply:

* * * * *

(f) * * *

(1)

(2) Limited entry permits may not be transferred to a different holder or registered for use with a different vessel more than once every 12 months, except in cases of death of the permit holder or if the permitted vessel is totally lost, as defined at § 660.302, The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies.

* * * * *

[FR Doc. 97–33641 Filed 12–24–97; 8:45 am]

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Notices

Federal Register

Vol. 62, No. 248

Monday, December 29, 1997

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Sawtooth Ridge Trail and Improvement Project, Okanogan and Wenatchee National Forest, Okanogan County, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare an environmental impact statement (EIS) for the Sawtooth Ridge Trail and Improvement Project. The proposed action is to develop new trails, improve existing trails, and improve campgrounds and other areas to provide a diverse network of trails for motorized and non-motorized trail use and protect resources in the Sawtooth non-wilderness backcountry

The EIS will develop and evaluate a range of alternatives for providing motorized and non-motorized trails and access within the analysis area. The alternatives will include the no-action alternative, involving no change in current management, and no construction of new trails or improvement of existing trails, and additional alternatives in response to issues identified during the scoping process.

To date, a number of issues have been identified. The major issues focus on the following: on congestion at Horsehead Pass from Eagle Lake to Boiling Lake; conflicts between specific user groups; intrusion of recreationists into remote wildlife habitat within the late successional reserve (LSR); damage to riparian areas, stream banks, wet meadows, and other sensitive areas; lack of links between trailheads for motorcycles; and lack of trailhead and campground facilities to meet user needs.

This EIS will be consistent with and tier to the Okanogan and Wenatchee National Forest Land and Resource Management Plans (Forest Plan) and the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan).

The agency invites written comments on this project. In addition, the agency gives notice of this analysis so that interested and affected people are aware of how they may participate and contribute to the decision making process.

DATE: Comment concerning this proposal must be received by January 30, 1998.

ADDRESS: Submit written comments and suggestions to Margi Gromek, Writer/Editor, Chelan Ranger District, 428 West Woodin Avenue, Chelan, Washington 98816.

FOR FURTHER INFORMATION CONTACT: Direct questions concerning proposed action and environmental analysis to Jim Archambeault, Project Coordinator, Methow Valley Ranger District, P.O. Box 188, Twisp, Washington 98856, phone 509–997–9738, or Margi Gromek, Writer/Editor, Chelan Ranger District, 428 West Woodin Avenue, Chelan, Washington 98816, phone 509–682–2576.

SUPPLEMENTARY INFORMATION: The purpose of this project is to provide trails and facilities for diverse motorized and non-motorized use in a mostly sub-alpine, semi-primitive recreation setting in the 77,000 acre Sawtooth non-wilderness backcountry. The need for the project is shown by: increasing use by all user groups in the area; conflicts between motorized and non-motorized users; commitments made in the Forest Plan to provide motorized, sub-alpine, semi-primitive recreation in the area; and concerns about soil and aquatic resources, particularly in LSRs and riparian areas.

The proposed action includes the following activities:

—Reduce congestion on Horsehead Pass from Eagle Lake to Boiling Lake by widening the trail and/or constructing turnouts.

—Construct a non-motorized user trail from the end of the Summer Blossom trail to the Lake Chelan-Sawtooth Widerness boundary near Boiling Lake.

—Construct a motorized trail crossing Sawtooth Ridge near Bryan Butte from Foggy Dew drainage to the Summer Blossom/South Navarra area.

—Provide legal access from Crater Creek and Foggy Dew trailhead to Foggy Dew Campground and from Safety Harbor to South Navarre trailhead on or adjacent to existing Forest Service roads.

—Improve Crater Creek trailhead and Foggy Dew Trailhead and campground to meet the needs of trail users, including adding group sites and possible closure on some sites not meeting the Northwest Forest Plan's aquatic conservation strategy.

—Restrict travel to designated trails to protect interior and remote habitats in LSRs, and Safety Harbor and Falls Creek areas; and

—Re-route trails, use educational signs and/or close trails in riparian areas and around lakes.

This EIS will be consistent with and tier to the amended Forest Plans which provide forest-wide and management area specific standards and guidelines and desired future conditions for the various lands on the Okanogan and Wenatchee National Forests.

The Okanogan Forest Plan primarily allocates the analysis area to Management Area 4M, which emphasizes year round semiprimitive motorized recreation opportunities in a generally unroaded setting. The remaining part of the project area on the Okanogan National Forest side is allocated to Management Area 5, which provides recreation and scenic viewing opportunities in a roaded natural setting; Management Area 25, which emphasizes intensive timber and range management; Management Area 14, which emphasizes wildlife habitat diversity, including deer winter range, while producing merchantable wood fiber; Management Area 26 which emphasizes deer winter range; and Management Area 26 which emphasize deer winter range; and Management Area 17, which emphasizes developed recreation opportunities in a roaded, extensively modified setting.

The Wenatchee Forest Plan allocates its portions of the analysis area to RM–1, ST–2, Re–2a, and GF:

—RM–1 emphasizes intensive range management;

—ST–2 provides for near natural appearing foreground and middle ground along scenic travel corridors;

—RE–2a emphasizes dispersed, unroaded recreation in a semi-primitive setting having existing or potential trails for motorbikes, hikers and horseback riders;

—GF emphasizes long-term growth and production of commercially valuable wood products at a high level of investment in silvicultural practices.

The Northwest Forest Plan primarily allocates the area to late successional reserve, which is managed to protect and enhance conditions of late-successional and old-growth forest ecosystems. Other lands in the project area are allocated to matrix and administratively withdrawn in the Northwest Forest Plan. Matrix is designed to provide connectivity between the LSRs, and habitat for species needing both late successions and younger forests. Administratively withdrawn areas are areas identified in the current Forest Plans where management emphasis precludes scheduled timber harvest. All allocations in the Northwest Forest Plan are overlayed with Riparian Reserve direction designed to maintain and restore riparian structures and functions, benefit riparian dependent and other species, enhance habitat conservation for species dependent on transition zones between upland and riparian areas, improve travel and dispersal corridors for many terrestrial animals and plants, and provide for greater watershed connectivity.

Most of the lands affected lie within the Sawtooth Roadless Area, inventoried in Appendix C of the Okanogan Land and Resource Management Plan, final EIS.

The analysis will develop a range of alternatives to address the significant issues, from the no-action alternative which would not construct or improve any facilities and would not change current management of the trail network, to alternatives that address the significant issues to varying degrees.

Public participation will be especially important at several points during the analysis. The Forest Service is seeking information, comments and assistance from Federal, State, Indian Tribes, local agencies, and other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the draft EIS. The scoping process began in April, 1996, and resulted in significant issues being raised that could relate to significant impacts to the environment. The scoping process includes:

1. Identifying potential issues;

2. Identifying significant issues to be analyzed in depth;

3. Identifying issues which have been covered by a relevant previous environmental analysis;

4. Exploring additional alternatives based on themes which will be derived from issues recognized during scoping activities;

5. Identifying potential environmental effects (i.e., direct, indirect and cumulative effects, and connected actions);

6. Determining potential cooperating agencies and task assignments;

7. Notifying interested members of the public of opportunities to participate in the process. Public involvement includes keeping the public informed through the media and/or written material.

The draft EIS is expected to be filed with the Environmental Protection Agency 9EPA) and to be available for public review by July, 1998. Your comments and suggestions are encouraged and should be in writing. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 f. 2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The final EIS is scheduled to be completed by January, 1999. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. Sam Gehr, Forest Supervisor for the Okanogan National Forest, and Sonny O'Neal, Forest Supervisor for the Wenatchee National Forest are the responsible officials. The responsible officials will document the decision and rationale for the Sawtooth Ridge Trail and Improvement Project decision in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: December 16, 1997.

Allen N. Garr,

Acting Forest Supervisor, Okanogan National Forest.

Dated: December 18, 1997.

Paul Hart,

Acting Forest Supervisor, Wenatchee National Forest.

[FR Doc. 97–33664 Filed 12–24–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Maximum Dollar Amount on Loan and Grant Awards Under the Rural Economic Development Loan and Grant Program for Fiscal Year (FY) 1998

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBS) hereby announces the maximum dollar amount on loan and grant awards under the Rural Economic Development Loan and Grant program for FY 1998. The maximum dollar award on zero-interest loans for FY 1998 is $750,000. The maximum dollar award on grants for FY 1998 is $330,000. The maximum loan and grant awards stated in this notice are effective for loans and grants made during the fiscal year beginning October 1, 1997, and ending September 30, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia Wing, Loan Specialist, Rural

Business-Cooperative Service, USDA, STOP 1521, Room 5412, 1400 Independence Avenue, SW, Washington, DC 20250, Telephone: (202) 720–9558. FAX: 202–720–6561. E-mail: PWing@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The maximum loan and grant awards are calculated as 3.0 percent of the projected program level for zero-interest loans and grants during the fiscal year. The projected program level for zero-interest loans during FY 1998 is $25,000,000, and the projected program level for grants is $11,000,000. Applying the specified 3.0 percent to these program levels results in the maximum loan award of $750,000 and the maximum grant award of $330,000.

Dated: December 19, 1997.

Dayton J. Watkins,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 97–33696 Filed 12–24–97; 8:45 am]

BILLING CODE 3410–XY–U

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Sensors and Instrumentation Technical Advisory Committee; Notice of Open Meeting

A meeting of the Sensors and Instrumentation Technical Advisory Committee will be held January 13, 1998, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M–2, 14th Street & Pennsylvania Avenue, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on the status of the National Defense Authorization Act implementation regulation.
4. Update on the status of the Wassenaar Arrangement implementation regulation.

The meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA/BXA—MS:3886C, U.S. Department of Commerce, 14th St. & Pennsylvania Ave., N.W., Washington, D.C. 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: December 22, 1997.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 97–33685 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership National Advisory Board

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Manufacturing Extension Partnership (MEP) National Advisory Board, National Institute of Standards and Technology (NIST), will meet to hold a meeting on Wednesday, January 21, 1998. The Manufacturing Extension Partnership National Advisory Board is composed of 9 members appointed by the Director of NIST who were selected for their expertise in the area of industrial extension and their work on behalf of smaller manufacturers. The Board was set up under the direction of the Director of the National Institute of Standards and Technology to fill a need for outside input and advice for MEP, a unique program consisting of centers in all 50 states and Puerto Rico which are created by a state, federal and local partnership. The Board works closely with the Manufacturing Extension Partnership to provide input and advice on MEP's programs, plans and policies. The purpose of this meeting is to delve into areas the Board selected at the previous meeting. On January 21, 1998, the agenda for the meeting of the Board will include an ethics briefing by the Department of Commerce's Ethics Division, an overview of MEP's national marketing efforts to assist the centers in reaching their clients, studying the impacts of services provided by the centers and an overview of a national initiative-supply chain integration.

DATES: The meeting will convene on January 21, 1998 at 9:00 am and will adjourn at 3:00 pm.

ADDRESSES: The meeting will be held in Building 101, Employee Lounge (seating capacity 60, includes 15 participants), at NIST, Gaithersburg, Maryland.

SUPPLEMENTARY INFORMATION: MEP services to smaller manufacturers address the needs of the national market as well as the unique needs of each company. Since MEP is committed to providing this type of individualized service through its centers, the program requires the perspective of locally-based experts to be incorporated into its national plans. The MEP National Advisory Board was set up at the direction of the Director of the National Institute of Standards and Technology to maintain MEP's focus on local and market based needs. The MEP National Advisory Board was approved on October 24, 1996, in accordance with the Federal Advisory Committee Act, 5 U.S.C. app.2., to provide advice on MEP programs, plans, and policies; assess soundness of MEP plans and strategies; assess current performance against MEP program plans, and function in an advisory capacity. The Board will meet three times a year and reports to the Director of NIST. This will be the first meeting of the members in 1998.

FOR FURTHER INFORMATION CONTACT: Linda Acierto, Assistant to the Director for Policy, Manufacturing Extension Partnership, National Institute of Standards and Technology, Gaithersburg, MD 20899, Telephone number (301) 975–5033.

Dated: December 22, 1997.

Michael R. Rubin,

Deputy Chief Counsel for NIST.

[FR Doc. 97–33762 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 093097E]

Small Takes of Marine Mammals Incidental to Specified Activities; Space Launch Vehicles at Vandenberg Air Force Base, CA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of issuance of incidental harassment authorizations.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is

hereby given that Incidental Harassment Authorizations to take small numbers of seals and sea lions by harassment incidental to launches of Delta II, Titan II, Titan IV, and Taurus launch vehicles at Vandenberg Air Force Base, CA (Vandenberg) have been issued to the U.S. Air Force.

DATES: Effective December 19, 1997.

ADDRESSES: The application and authorizations are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd. Long Beach, CA 90802. A copy of the application, previous documentation and **Federal Register** notices on this action may be obtained by writing to this address or by telephoning the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301–713–2055, or Irma Lagomarsino, Southwest Regional Office at 562–980–4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq*.) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s); will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses; and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as '' * * *an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to one year. The MMPA defines ''harassment'' as:

> ...any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On October 7, 1997, NMFS received an application from the U.S. Air Force, Vandenberg, requesting continuation of authorizations for the harassment of small numbers of seals and sea lions incidental to launches of Delta II, Titan II, Titan IV, and Taurus launch vehicles at Vandenberg. This application incorporated by reference the information contained in applications provided last year for these rocket launches. These applications (Titan II and IV-January 24, 1996, Delta II-July 17, 1996, Taurus-August 14, 1996) are available upon request (see **ADDRESSES**).

Comments and Responses

A notice of receipt of the application and the proposed authorization was published on November 14, 1997 (62 FR 61092) and a 30-day public comment period was provided on the application and proposed authorization. No comments were received during the comment period.

Discussion

In addition to this action, NMFS has received a petition for regulations and an application for a small take authorization under section 101(a)(5)(A) of the MMPA. If implemented, this rulemaking will replace these 1-year authorizations, along with another issued previously for Lockheed launch vehicles (62 FR 40335, July 28, 1997) with a 5-year regulatory program, governing incidental takes of marine mammals by launches of all rocket and missile types from Vandenberg. A notice of this petition was published on November 14, 1997 (62 FR 61077).

Description of Marine Mammals and Potential Effects of Launches on Marine Mammals

The marine mammal species anticipated to be incidentally harassed by launches from Vandenberg are harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), northern fur seals (*Callorhinus ursinus*) and possibly Guadalupe fur seals (*Arctocephalus townsendi*) in the vicinity of Vandenberg and on the Northern Channel Islands (NCI). In conjunction with publication of the previous application notices for launch activities, a description of the Southern California Bight population of seals and sea lions and the potential impacts from rocket launches on these species and stocks was provided on August 18, 1995 (60 FR 43120), and August 29, 1996 (61 FR 45404), for Delta II authorizations, September 25, 1996 (61 FR 50276), for Taurus rocket authorization, and March 15, 1996 (61 FR 10727), for Titan II and IV authorizations. Interested reviewers are encouraged to refer to those documents for the appropriate discussion. These documents are available from NMFS (see **ADDRESSES**).

As a result of the noise associated with launches and the sonic boom resulting from some launch vehicles at certain trajectories, there is a potential to cause a startle response to those seals and sea lions that haul out on the coastline of Vandenberg and on the NCI. The effect on the above listed seals and sea lions would be anticipated to result in a negligible short-term impact to small numbers of seals and sea lions that are hauled out at the time of a launch. No impacts are anticipated to animals that are in the water at the time of launch. Detailed descriptions of the expected impact from rocket launches on harbor seals and other marine mammals have been provided in the above referenced **Federal Register** notices and are not repeated here.

Conclusions

Based upon information provided by the applicant, and previous reviews of the incidental take of seals and sea lions by this activity, NMFS believes that the short-term impact of the rocket launches at Vandenberg and sonic booms on NCI is expected to result at worst, in a temporary reduction in utilization of the haulout as seals and/or sea lions leave the beach for the safety of the water. Launchings are not expected to result in any reduction in the number of seals or sea lions, and they are expected to continue to occupy the same areas. In addition, there will not be any impact on the habitat itself. Based upon studies conducted for previous space vehicle launches at Vandenberg, significant long-term impacts on seals and sea lions at Vandenberg are unlikely. For these reasons, NMFS has determined that the requirements of section 101(a)(5)(D) have been met and the authorization can be issued.

Authorization

For the above reasons, NMFS has issued an incidental harassment authorization for a period of time not to exceed 1 year for launches of Delta II, Titan II, Titan IV, and Taurus launch vehicles at Vandenberg provided the monitoring and reporting requirements currently in effect are continued.

Dated: December 19, 1997.

Hilda Diaz-Soltero,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–33642 Filed 12-24-97; 8:45 am]

BILLING CODE 3510–22–F

COMMISSION OF FINE ARTS

1998 National Capital Arts and Cultural Affairs Program

Notice is hereby given that Pub. L. 105–83, as amended, authorizing the National Capital Arts and Cultural Affairs Program, has been funded for 1998 in the amount of $7,000,000.00. All requests for information and applications for grants should be addressed to: Charles H. Atherton, Secretary, Commission of Fine Arts, Pension Building, Suite 312, 441 F Street, N.W., Washington, D.C. 20001; Phone: 202–504–2200.

Deadlines for receipt of submission of grants applications is 2 March 1998.

This program provides grants for general operating support of organizations whose primary purpose is performing, exhibiting, and/or presenting the arts. To be eligible for these grants, organizations must be located in the District of Columbia, must be not-for-profit, non-academic institutions of demonstrated national repute, and must have annual income, exclusive of federal funds, in excess of one million dollars for the current year and for the past three years.

Charles H. Atherton,

Secretary.

[FR Doc. 97–33720 Filed 12–24–97; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Bahrain

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Bahrain and exported during the period January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

Pursuant to the provisions of the ATC, the second stage of the integration commences on January 1, 1998 (see 60 FR 21075, published on May 1, 1995). Accordingly, certain previously restrained categories may have been modified or eliminated and certain limits may have been revised. Integrated products will no longer be subject to quota. CITA has informed Bahrain of its intent to continue the bilateral visa arrangement for those products.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 1998 period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 62 FR 51832, published on October 3, 1997. Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Bahrain and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Group I	
237, 239pt.[1], 331–336, 338, 339, 340–342, 345, 347, 348, 350–352, 359pt.[2], 431, 433–436, 438, 440, 442–448, 459pt.[3], 631, 633–636, 638, 639, 640–647, 648, 649, 650–652, 659pt.[4], 831, 833–836, 838, 840, 842–847, 850–852, 858 and 859pt.[5], as a group.	43,267,869 square meters equivalent.
Sublevels in Group I	
338/339	601,216 dozen.
340/640	288,453 dozen of which not more than 216,339 dozen shall be in Categories 340–Y/640–Y[6].

[1] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[2] Category 359pt.: all HTS numbers except 6406.99.1550.

[3] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[4] Category 659pt.: all HTS numbers except 6406.99.1510 and 6406.99.1540.

[5] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

[6] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated December 20, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Products for integration in 1998 listed in the **Federal Register** notice published on May 1, 1995 (60 FR 21075) which are exported during 1997 shall be charged to the applicable limits to the extent of any unfilled balances. After January 1, 1998, should those unfilled balances be exhausted, such products shall no longer be charged to any limit, due to integration of these products into GATT 1994.

CITA has informed Bahrain of its intent to continue the bilateral visa arrangement for those products. An export visa will continue to be required, if applicable, for products integrated on and after January 1, 1998, before entry is permitted into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33706 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Federative Republic of Brazil

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Brazil and exported during the period January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

Pursuant to the provisions of the ATC, the second stage of the integration commences on January 1, 1998 (see 60 FR 21075, published on May 1, 1995). Accordingly, certain previously restrained categories may have been modified or eliminated and certain limits may have been revised. Integrated products will no longer be subject to quota. CITA has informed of its intent to continue the bilateral visa arrangement for those products.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1998 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 60 FR 66263, published on December 17, 1996). Also see 62 FR 51832, published on October 3, 1997. Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Brazil and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Aggregate Limit	
200–227, 237, 239pt.[1], 300–326, 331–348, 350–352, 359pt.[2], 360–363, 369–D[3], 369pt.[4], 400–431, 433–438, 440–448, 459pt.[5], 464, 469pt.[6], 600–629, 631, 633–652, 659pt.[7], 666, 669–P[8], 669pt.[9] and 670, as a group.	500,650,808 square meters equivalent.
Sublevels within the aggregate	
218	6,221,165 square meters.
219	22,712,779 square meters.
225	10,887,040 square meters.
300/301	8,437,331 kilograms.
313	52,246,740 square meters.
314	8,554,104 square meters.
315	25,662,311 square meters.
317/326	23,329,372 square meters.
334/335	167,409 dozen.
336	93,006 dozen.
338/339/638/639	1,674,103 dozen.
342/642	492,929 dozen.
347/348	1,209,074 dozen.
350	187,577 dozen.
361	1,264,877 numbers.
363	26,995,523 numbers.
369–D	602,939 kilograms.
410/624	12,442,332 square meters of which not more than 2,696,502 square meters shall be in Category 410.
433	18,719 dozen.
445/446	73,328 dozen.
604	590,613 kilograms of which not more than 451,398 kilograms shall be in Category 604–A[10].
607	5,484,267 kilograms.
647/648	558,035 dozen.
669–P	2,009,800 kilograms.

[1] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[2] Category 359pt.: all HTS numbers except 6406.99.1550.

[3] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[4] Category 369pt.: all HTS numbers except 6302.60.0010, 6302.91.0005, 6302.91.0045 (Category 369–D); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700.

[5] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[6] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[7] Category 659pt.: all HTS numbers except 6406.99.1510 and 6406.99.1540.

[8] Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

[9] Category 669pt.: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040.

[10] Category 604–A: only HTS number 5509.32.0000.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated November 18, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Products for integration in 1998 listed in the **Federal Register** notice published on May 1, 1995 (60 FR 21075) which are exported during 1997 shall be charged to the applicable limits to the extent of any unfilled balances. After January 1, 1998, should those unfilled balances be exhausted, such products shall no longer be charged to any limit, due to integration of these products into GATT 1994.

CITA has informed Brazil of its intent to continue the bilateral visa arrangement for those products. An export visa will continue to be required, if applicable, for products integrated on and after January 1, 1998, before entry is permitted into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33704 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels (GALs) for textile products, produced or manufactured in the Dominican Republic and exported during the periods January 1, 1998 through March 26, 1998 (Categories 352/652) and January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1998 limits and GALs.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 6594, published on March 4, 1987; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; and 62 FR 49206, published on September 19, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in the Dominican Republic and exported during the periods beginning on January 1, 1998 and extending through March 26, 1998 (Categories 352/652) and on January 1, 1998 and extending through December 31, 1998, in excess of the following limits:

Category	Restraint limit
338/638	868,533 dozen.
339/639	1,033,553 dozen.
340/640	894,107 dozen.
342/642	629,204 dozen.
347/348/647/648.	2,140,318 dozen of which not more than 1,130,732 dozen shall be in Categories 647/648.
351/651	1,071,882 dozen.
352/652	2,485,773 dozen.
433	21,740 dozen.
442	73,811 dozen.
443	135,038 numbers.
444	73,811 numbers.
448	38,024 dozen.
633	131,192 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated December 6, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), 52 FR 26057 (July 10, 1987), 54 FR 50425 (December 6, 1989) and 62 FR 49206, published on September 19, 1997, effective on January 1, 1998, guaranteed access levels are being established for properly certified textile products assembled in the Dominican Republic from fabric formed and cut in the

United States in cotton, wool and man-made fiber textile products in the following categories for the periods January 1, 1998 through March 26, 1998 (Categories 352/652) and January 1, 1998 through December 31, 1998:

Category	Guaranteed access level
338/638	1,150,000 dozen.
339/639	1,150,000 dozen.
340/640	1,000,000 dozen.
342/642	1,000,000 dozen.
347/348/647/648.	8,050,000 dozen.
351/651	1,000,000 dozen.
352/652	6,986,301 dozen.
433	21,000 dozen.
442	65,000 dozen.
443	50,000 numbers.
444	30,000 numbers.
448	40,000 dozen.
633	60,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 25, 1987, as amended, shall be denied entry unless the Government of the Dominican Republic authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33705 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in El Salvador

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing import limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and Guaranteed Access Levels for textile products, produced or manufactured in El Salvador and exported during the periods January 1, 1998 through March 26, 1998 (Categories 352/652) and January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC) and Memoranda of Understanding (MOUs) dated September 26, 1994, July 6, 1995 and July 18, 1996 between the Governments of the United States and El Salvador.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for 1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; 60 FR 2740, published on January 11, 1995, 62 FR 49206, published on September 19, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; the Uruguay Round Agreement on Textiles and Clothing (ATC); and Memoranda of Understanding (MOUs) dated September 26, 1996, July 6, 1995 and July 18, 1996 between the Governments of the United States and El Salvador, you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in El Salvador and exported during the periods beginning on January 1, 1998 and extending through March 26, 1998 (Categories 352/652) and on January 1, 1998 and extending through December 31, 1998, in excess of the following restraint limits:

Category	Restraint limit
340/640	1,122,516 dozen.
342/642	357,750 dozen.
352/652	1,727,945 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated November 19, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC and Memoranda of Understanding dated September 26, 1994, July 6, 1995 and July 18, 1996 between the Governments of the United States and El Salvador; and under the terms of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), 52 FR 26057 (July 10, 1987), 54 FR 50425 (December 6, 1989) and 62 FR 49206 (September 19, 1997), effective on January 1, 1998, guaranteed access levels are being established for properly certified textile products assembled in El Salvador from fabric formed and cut in the United States in the following categories which are re-exported to the United States from El Salvador during the periods January 1, 1998 through March 26, 1998 (Categories 352/652) and January 1, 1998 through December 31, 1998:

Category	Guaranteed Access Level
340/640	1,000,000 dozen.
342/642	400,000 dozen.
352/652	6,986,301 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and Export Declaration in accordance with the provisions of the certification requirements

established in the directive of January 6, 1995, shall be denied entry unless the Government of El Salvador authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33703 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing import limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits and guaranteed access levels for textile products, produced or manufactured in Guatemala and exported during the periods January 1, 1998 through May 30, 1998 and January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC) and a Memorandum of Understanding (MOU) dated October 19, 1995 between the Governments of the United States and Guatemala.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for 1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; 55 FR 3079, published on January 30, 1990, 62 FR 49206, published on September 19, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; the Uruguay Round Agreement on Textiles and Clothing (ATC); and a Memorandum of Understanding (MOU) dated October 19, 1995, you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Guatemala and exported during the periods January 1, 1998 through May 30, 1998 (Categories 342/642) and beginning on January 1, 1998 through December 31, 1998, in excess of the following restraint limits:

Category	Restraint limit
340/640	1,367,434 dozen.
342/642	188,442 dozen.
347/348	1,637,344 dozen.
351/651	288,453 dozen.
443	71,175 numbers.
448	44,595 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated November 4, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC and the MOU dated October 19, 1995 between the Governments of the United States and Guatemala; and under the terms of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), 52 FR 26057 (July 10, 1987), 54 FR 50425 (December 6, 1989) and 62 FR 49206 (September 19, 1997), effective on January 1, 1998, guaranteed access levels are being established for properly certified textile products assembled in Guatemala from fabric formed and cut in the United States in the following categories which are re-exported to the United States from Guatemala during the periods January 1, 1998 through May 30, 1998 (Categories 342/642) and January 1, 1998 through December 31, 1998:

Category	Guaranteed Access Level
340/640	520,000 dozen.
342/642	41,096 dozen.
347/348	1,000,000 dozen.
351/651	200,000 dozen.
443	25,000 numbers.
448	42,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and Export Declaration in accordance with the provisions of the certification requirements established in the directive of January 24, 1990, as amended, shall be denied entry unless the Government of Guatemala authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33702 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Indonesia and exported during the period January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC) and a Memorandum of Understanding (MOU) dated November 1, 1996 between the Governments of the United States and Indonesia.

Pursuant to the provisions of the ATC, the second stage of the integration commences on January 1, 1998 (see 60 FR 21075, published on May 1, 1995). Accordingly, certain previously restrained categories may have been modified or eliminated and certain limits may have been revised. Integrated products will no longer be subject to quota. CITA has informed Indonesia of its intent to continue the bilateral visa arrangement for those products.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1998 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 62 FR 51832, published on October 3, 1997. Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; the Uruguay Round Agreement on Textiles and Clothing (ATC); and a Memorandum of Understanding dated November 1, 1996 between the Governments of the United States and Indonesia, you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Indonesia and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Levels in Group I	
200	840,115 kilograms.
219	9,332,338 square meters.
225	6,535,057 square meters.
300/301	3,993,647 kilograms.
313	16,933,428 square meters.
314	59,127,294 square meters.
315	26,866,342 square meters.
317/326/617	25,949,013 square meters of which not more than 3,834,249 square meters shall be in Category 326.
331/631	2,382,918 dozen pairs.
334/335	218,363 dozen.
336/636	609,941 dozen.
338/339	1,179,215 dozen.
340/640	1,452,234 dozen.
341	873,449 dozen.
342/642	363,059 dozen.
345	422,304 dozen.
347/348	1,597,458 dozen.
350/650	167,735 dozen.
351/651	471,976 dozen.
359–C/659–C [1]	1,379,623 kilograms.
359–S/659–S [2]	1,452,234 kilograms.
360	1,292,483 numbers.
361	1,292,483 numbers.
369–S [3]	891,445 kilograms.
433	11,495 dozen.
443	85,282 numbers.
445/446	57,147 dozen.
447	17,058 dozen.
448	21,004 dozen.
604–A [4]	693,341 kilograms.
611–O [5]	4,348,000 square meters.
613/614/615	24,615,378 square meters.
618–O [6]	5,808,939 square meters.
619/620	9,003,856 square meters.
625/626/627/628/629–O [7].	27,472,821 square meters.
634/635	290,447 dozen.
638/639	1,510,326 dozen.
641	2,214,226 dozen.
643	323,122 numbers.
644	452,369 numbers.
645/646	764,269 dozen.
647/648	3,166,258 dozen.
847	400,049 dozen.
Group II	
201, 218, 220, 222–224, 226, 227, 237, 239pt. [8], 332, 333, 352, 359–O [9], 362, 363, 369–O [10], 400, 410, 414, 431, 434, 435, 436, 438, 440, 442, 444, 459pt. [11], 464, 469pt. [12], 603, 604–O [13], 606, 607, 621, 622, 624, 633, 649, 652, 659–O [14], 666, 669–O [15], 670–O [16], 831, 833–836, 838, 840, 842–846, 850–852, 858 and 859pt. [17], as a group.	88,761,855 square meters equivalent.
Subgroup in Group II	
400, 410, 414, 431, 434, 435, 436, 438, 440, 442, 444, 459pt., 464 and 469pt., as a group.	3,010,288 square meters equivalent.
In Group II subgroup	
435	47,259 dozen.

[1] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[2] Category 359–S: only HTS numbers 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010 and 6211.12.8020; Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[3] Category 369–S: only HTS number 6307.10.2005.

[4] Category 604–A: only HTS number 5509.32.0000.

[5] Category 611–O: all HTS numbers except 5516.14.0005, 5516.14.0025 and 5516.14.0085.

[6] Category 618–O: all HTS numbers except 5408.24.9010 and 5408.24.9040.

[7] Category 625/626/627/628; Category 629–O: all HTS numbers except 5408.34.9085 and 5516.24.0085.

[8] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[9] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359–C); 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010 and 6211.12.8020 (Category 359–S) and 6406.99.1550 (Category 359pt.).

[10] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[11] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[12] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[13] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A).

[14] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659–S); 6406.99.1510 and 6406.99.1540 (Category 659pt.).

[15] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040 (Category 669pt.).

[16] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025 (Category 670–L).

[17] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated November 29, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Products for integration in 1998 listed in the **Federal Register** notice published on May 1, 1995 (60 FR 21075) which are exported during 1997 shall be charged to the applicable limits to the extent of any unfilled balances. After January 1, 1998, should those unfilled balances be exhausted, such products shall no longer be charged to any limit, due to integration of these products into GATT 1994.

CITA has informed Indonesia of its intent to continue the bilateral visa arrangement for those products. An export visa will continue to be required, if applicable, for products integrated on and after January 1, 1998, before entry is permitted into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33701 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Mauritius

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in the Mauritius and exported during the period January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1998 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Mauritius and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Knit Group 345, 438, 445, 446, 645 and 646, as a group.	181,759 dozen.
Levels not in a group	
237	234,389 dozen.
335/835	93,171 dozen.
336	109,640 dozen.
338/339	438,931 dozen.
340/640	714,329 dozen of which not more than 434,830 dozen shall be in Categories 340–Y/640–Y [1].

Category	Twelve-month restraint limit
341/641	494,832 dozen.
347/348	923,930 dozen.
351/651	217,297 dozen.
352/652	1,842,673 dozen of which not more than 1,566,274 dozen shall be in Category 352.
442	11,987 dozen.
604–A [2]	402,406 kilograms.
638/639	504,772 dozen.
647/648/847	680,654 dozen.

[1] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[2] Category 604–A: only HTS number 5509.32.0000.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated October 28, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33700 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATIONS OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Oman

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

In a Memorandum of Understanding (MOU) dated October 17, 1997, the Governments of the United States and the Sultanate of Oman agreed to amend and extend the current bilateral agreement for three consecutive one-year periods, beginning on January 1, 1998 and extending through December 31, 2000.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the period January 1, 1998 through December 31, 1998.

These limits may be revised if Oman becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Oman.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and a Memorandum of Understanding (MOU) dated October 17, 1997 between the Governments of the United States and the Sultanate of Oman; you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Oman and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
334/634	150,000 dozen.
335/635	252,495 dozen.
338/339	523,928 dozen.
340/640	252,495 dozen.
341/641	189,371 dozen.
347/348	902,671 dozen.
647/648/847	387,080 dozen.

The limits set forth above are subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and the Sultanate of Oman.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated November 7, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

These limits may be revised if Oman becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Oman.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33699 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 30, 1997.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S.

Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for cancelled swing, cancelled carryforward and recrediting unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 61 FR 68245, published on December 27, 1996.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1997 and extends through December 31, 1997.

Effective on December 30, 1997, you are directed to adjust the limits the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
334/634	274,137 dozen.
338	4,905,754 dozen.
339	1,373,555 dozen.
340/640	678,891 dozen of which not more than 217,058 dozen shall be in Categories 340–D/640–D [2].
347/348	921,638 dozen.
363	46,485,918 numbers.
369–F/369–P [3]	2,429,063 kilograms.
369–R [4]	10,129,400 kilograms.
369–S [5]	722,829 kilograms.
625/626/627/628/629	48,981,664 square meters of which not more than 35,486,420 square meters shall be in Category 625; not more than 35,486,420 square meters shall be in Category 626; not more than 35,486,420 square meters shall be in Category 627; not more than 7,342,018 square meters shall be in Category 628; and not more than 35,486,420 square meters shall be in Category 629.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1996.

[2] Category 340–D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030; Category 640–D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

[3] Category 369–F: only HTS number 6302.91.0045; Category 369–P: only HTS numbers 6302.60.0010 and 6302.91.0005.

[4] Category 369–R: only HTS number 6307.10.2020.

[5] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33707 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Singapore and exported during the period January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

Pursuant to the provisions of the ATC, the second stage of the integration commences on January 1, 1998 (see 60 FR 21075, published on May 1, 1995). Accordingly, certain previously restrained categories may have been modified or eliminated and certain limits may have been revised. Integrated products will no longer be subject to quota. CITA has informed Singapore of its intent to continue the bilateral visa arrangement for those products.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1998 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 62 FR 51832, published on October 3, 1997. Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption

of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Singapore and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
222	503,778 kilograms.
237	280,220 dozen.
239pt. [1]	181,097 kilograms.
331	497,698 dozen pairs.
334	74,917 dozen.
335	225,354 dozen.
338/339	1,386,289 dozen of which not more than 810,160 dozen shall be in Category 338 and not more than 900,797 dozen shall be in Category 339.
340	970,197 dozen.
341	243,957 dozen.
342	150,126 dozen.
347/348	1,054,610 dozen of which not more than 659,131 dozen shall be in Category 347 and not more than 512,658 dozen shall be in Category 348.
435	6,912 dozen.
604	943,438 kilograms.
631	562,977 dozen pairs.
634	286,023 dozen.
635	292,699 dozen
638	1,050,516 dozen.
639	3,554,289 dozen.
640	206,837 dozen.
641	337,373 dozen.
642	331,267 dozen.
645/646	161,122 dozen.
647	628,872 dozen.
648	1,551,976 dozen.

[1] Category 239pt.: only HTS number 6209.20.5040 (diapers).

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated October 28, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Products for integration in 1998 listed in the **Federal Register** notice published on May 1, 1995 (60 FR 21075) which are exported during 1997 shall be charged to the applicable limits to the extent of any unfilled balances. After January 1, 1998, should those unfilled balances be exhausted, such products shall no longer be charged to any limit, due to integration of these products into GATT 1994.

CITA has informed Singapore of its intent to continue the bilateral visa arrangement for those products. An export visa will continue to be required, if applicable, for products integrated on and after January 1, 1998, before entry is permitted into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33698 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in the Republic of Uruguay

December 19, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Uruguay and exported during the period January 1, 1998 through December 31, 1998 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1998 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Information regarding the 1998 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), as amended, you are directed to prohibit, effective on January 1, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool textile products in the following categories, produced or manufactured in Uruguay and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
334	154,726 dozen.
335	133,197 dozen.
410	2,904,423 square meters of which not more than 1,659,673 square meters shall be in Category 410–A [1] and not more than 2,673,912 square meters shall be in Category 410–B [2].
433	17,343 dozen.
434	25,873 dozen.
435	52,253 dozen.

Category	Twelve-month restraint limit
442	36,964 dozen.

[1] Category 410–A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020; Category 410–B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1997 shall be charged to the applicable category limits for that year (see directive dated November 4, 1996) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–33697 Filed 12–24–97; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Applications of the CME for Designation as a Contract Market in Futures and Options on Frozen Pork Bellies

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of terms and conditions of proposed commodity futures and options contract.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) applied for designation as a contract market in futures and options on frozen pork bellies. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before January 28, 1998.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521 or by electronic mail to secretary@cftc.gov. Reference should be made to the CME frozen pork bellies contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Fred Linse of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, telephone 202–418–5273. Facsimile number: (202) 418–5527. Electronic mail: flinse@cftc.gov.

SUPPLEMENTARY INFORMATION: The CME stated that:

In the eight months that have passed since the Fresh Pork Bellies futures contract began trading, the Exchange has become aware of a relatively small but still significant demand for a Frozen Pork Bellies contract. Just as the Exchange earlier acknowledged the difficulty of hedging fresh bellies with a frozen-based futures contract, it now recognizes the difficulty of hedging frozen bellies with a fresh-based futures contract. Therefore, the Exchange has decided to pursue a second, separate futures contract for Frozen Pork Bellies that could be listed and traded independent of the Fresh Pork Bellies futures contract. This proposed ''new'' Frozen Pork Bellies futures contract is identical to the existing Frozen Pork Bellies futures contract.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by the CME in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, rivacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CME, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on December 19, 1997.

John R. Mielke,

Acting Director.

[FR Doc. 97–33729 Filed 12–24–97; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Application of the NYFE for Designation as a Contract Market in Futures on the NYSE Small Composite Index

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of terms and conditions of proposed commodity futures contract.

SUMMARY: The New York Futures Exchange (NYFE or Exchange) applied for designation as a contract market in futures on the NYSE small composite index.

DATES: Comments must be received on or before January 8, 1998.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street, NW Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the NYFE small composite index contract.

FOR FURTHER INFORMATION CONTACT: Please contact Thomas Leahy of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, 20581, telephone (202) 418–5278. Facsimile number: (202) 418-5527. Electronic mail: tleahy@cftc.gov.

SUPPLEMENTARY INFORMATION: There are no substantive issues raised by the application since futures contracts with similar terms based on the composite index are actively traded. The Division believes that for this reason, and in particular because the proposed contract is identical to the actively traded composite index contract (except for the contract size), a 15-day comment period is appropriate.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by the NYFE in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the NYFE, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on December 18, 1997.

John R. Mielke,

Acting Director.

[FR Doc. 97–33627 Filed 12–24–97; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Thursday, January 8, 1998, 10:00 a.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Bunk Beds

The staff will brief the Commission on options for Commission action to address entrapment hazards associated with bunk beds.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: December 22, 1997.

Sadye E. Dunn,

Secretary.

[FR Doc. 97–33953 Filed 12–23–97; 1:56 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of the Air Force.

ACTION: Notice.

In compliance with Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Air Force announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 information collection; 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.

DATES: Consideration will be given to all comments received by February 27, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to HQ AFSPC/SCMA, 150 Vandenberg Street, Suite 1105, ATTN: MSgt. Gregory D. Stevens, Peterson Air Force Base, CO 80914–4400.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call HQ AFSPC/SCMA. Intercontinental Ballistic Missile Communications Mission Support Team, (719) 554–3806.

Title, Associated Form, and OMB Number: Intercontinental Ballistic Missile Hardened Intersite Cable Right-of-Way Landowner/Tenant Questionnaire, Air Force Form 3951, February 1996, OMB Number 0701–0141.

Needs and Uses: The information collection requirement is used to report changes in ownership/lease information, conditions of missile cable route and associated appurtenances, and projected building/excavation projects. The information collected is used to ensure system integrity and to maintain a close contact public relations program with involved personnel and agencies.

Affected Public: Individuals or households; Farms.

Number of Respondents: 4000.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: Biennially.

Summary of Information Collection

Respondents are landowners/tenants. This form collects updated landowner/tenant information as well as data on local property conditions which could adversely affect the Hardened Intersite Cable System (HICS) such as soil erosion, projected/building projects, excavation plans, etc. This information also aids in notifying landowners/tenants when HICS preventive or corrective maintenance becomes necessary to ensure uninterrupted Intercontinental Ballistic Missile command and control capability.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 97–33723 Filed 12–24–97; 8:45 am]

BILLING CODE 3910–01–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, D.C.

These patents cover a wide variety of technical arts including: A long-range nonlethal bullet, a device to detect muzzle flash from a gun.

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 non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by these patents.

Title: Long-Range Nonlethal Bullet.

Inventor: Raine M. Gilbert.

Patent Number: 5,691,501.

Issued Date: November 25, 1997.

Title: Infrared Sniper Detection Enhancement.

Inventor: David B. Hillis.

Patent Number: 5,686,889.

Issue Date: November 11, 1997.

FOR FURTHER INFORMATION CONTACT:

Ms. Norma Vaught, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Adelphi, Maryland 20832–1197, 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. 97–33777 Filed 12–24–97; 8:45 am]

BILLING CODE 3710–08–M

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, D.C.

These patents cover a wide variety of technical arts including: a method of control computers by mental thought, an eyetracker to control heads-up displays and a means to detect an image on a screen by non-visible light.

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 non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by these patents.

Title: Detecting Target Imaged on a Large Screen Via Non-Visible Light.

Inventor: Gordon L. Herald.

Patent Number: 5,690,492.

Issue Date: November 25, 1997.

Title: Eyetracker Control of Heads-Up Displays.

Inventor: Christopher C. Smyth.

Patent Number: 5,689,619.

Issue Date: November 18, 1997.

Title: Method and Apparatus for Estimating a Cognitive Decision Made in Response to a Known Stimulus from the Corresponding Single-Event Evoked Cerebral Potential.

Inventor: Christopher C. Smyth.

Patent Number: 5,687,291.

Issue Date: November 11, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rausa, Technology Transfer Office, AMSRL–CS–TT/Bldg 434, U.S. Army Research Laboratory, Aberdeen Proving Ground, Maryland 21005–5425, tel: (410) 278–5028; fax: (410) 278–5820.

SUPPLEMENTARY INFORMATION: None.

Mary V. Yonts,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 97–33773 Filed 12–24–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Recognition of Accrediting Agencies, State Agencies for Approval of Public Postsecondary Vocational Education, and State Agencies for Approval of Nurse Education

AGENCY: Department of Education.

ACTION: Request for comments on agencies applying to the Secretary for Initial or Renewed Recognition.

DATES: Commenters should submit their written comments by February 12, 1998 to the address below.

FOR FURTHER INFORMATION CONTACT: Karen W. Kershenstein, Director, Accreditation and Eligibility Determination Division, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3915 ROB–3, Washington, DC 20202–5244, telephone: (202) 708–7417. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m., Eastern time, Monday through Friday.

Submission of Third-Party Comments

The Secretary of Education recognizes, as reliable authorities as to the quality of education offered by institutions or programs within their scope, accrediting agencies and State approval agencies for public postsecondary vocational education and nurse education that meet certain criteria for recognition. The purpose of this notice is to invite interested third parties to present written comments on the agencies listed in this notice that have applied for initial or continued recognition. A subsequent **Federal Register** notice will announce the meeting and invite individuals and/or groups to submit requests for oral presentation before the National Advisory Committee on Institutional Quality and Integrity (the ''Advisory Committee'') on the agencies being reviewed. That notice, however, does not constitute another call for written comment. This notice is the only call for written comment.

All comments received in response to this notice will be reviewed by Department staff as part of its evaluation of the agencies' compliance with the

Secretary's Criteria for Recognition. In order for Department staff to give full consideration to the comments received and to address them in the staff analyses that will be presented to the Advisory Committee at its June 1998 meeting, the comments must arrive at the address listed above not later than February 12, 1998. Comments received after the deadline will be reviewed by Department staff, which will take action, as appropriate, either before or after the meeting, should the comments suggest that an accrediting agency is not acting in accordance with the Secretary's Criteria for Recognition.

All comments must relate to the Secretary's Criteria for the Recognition of Accrediting Agencies. Comments pertaining to agencies whose interim reports will be reviewed must be restricted to the concerns raised in the Secretary's letter for which the report is requested.

The Advisory Committee advises the Secretary of Education on the recognition of accrediting agencies and State approval agencies. The Advisory Committee is scheduled to meet June 8–10, 1998 in Washington, D.C. All written comments in response to this notice that are received by the Department by the deadline will be considered by both the Advisory Committee and the Secretary. Comments received after the deadline, as indicated previously, will be reviewed by Department staff, which will take follow-up action, as appropriate, either before or after the meeting. Commenters whose comments are received after the deadline will be notified by staff of the disposition of those comments.

The following agencies will be reviewed during the June 1998 meeting of the Advisory Committee:

Nationally Recognized Accrediting Agencies

Petitions for Initial Recognition—

1. Council on Integrative Medical Education (requested scope of recognition: the accreditation of colleges and programs leading to the Doctor of Integrative Medicine (IMD) degree and Doctor of Physiatric Medicine (PMD))
2. Northwest Association of Schools and Colleges, Commission on Schools (requested scope of recognition: the accreditation and preaccreditation (''Candidate for Accreditation'') of public vocational/technical schools offering non-degree postsecondary education in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington)

Petitions for Renewal of Recognition—

1. Association for Clinical Pastoral Education, Inc., Accreditation Commission (requested scope of recognition: the accreditation and preaccreditation (''Candidacy for Accredited Membership'') of clinical pastoral education centers, as well as clinical pastoral education and supervisory clinical pastoral education programs.
2. Commission on Accreditation of Allied Health Education Programs, Council on Accreditation and Recognition (requested scope of recognition: the accreditation and preaccreditation (''Candidate status'') of educational programs for the allied health occupations of cytotechnologist, diagnostic medical sonographer, electroneurodiagnostic technologist, emergency medical technician-paramedic, perfusionist, physician assistant, and surgical technologist)
3. Commission on Opticinary Accreditation (requested scope of recognition: the accreditation of two-year programs for the ophthalmic dispenser and one-year programs for the opthalmic laboratory technician)
4. Middle States Association of Colleges and Schools, Commission on Secondary Schools (requested scope of recognition: the accreditation and preaccreditation (''Candidate for Accreditation'') of public vocational/technical schools offering non-degrees, postsecondary education in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands)
5. National Association of Nurse Practioners in Reproductive Health (requested scope of recognition: the accreditation of women's health nurse practitioner programs)
6. New York State Board of Regents (requested scope of recognition: the accreditation (registration) of collegiate degree-granting programs or curricula offered by institutions of higher education in the state of New York and of credit-bearing certificate and diploma programs offered by degree-granting institutions of higher education in the state of New York)
7. North Central Association of Colleges and Schools, Commission on Schools (requested scope of recognition: the accreditation and preaccreditation (''Candidate for Accreditation'') of schools offering non-degree, postsecondary education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming)

Interim Reports

(An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted initial or renewed recognition to the agency)—

1. Accrediting Association of Bible Colleges, Commission on Accrediting
2. American Association of Nurse Anesthetists, Council on Accreditation of Nurse Anesthesia Educational Programs
3. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar
4. Accreditation Commission for Acupuncture and Oriental Medicine
5. Accrediting Council on Education in Journalism and Mass Communication, Accrediting Committee
6. American Dietetic Association, Commission on Accreditation/Approval for Dietetics Education
7. American Osteopathic Association, Bureau of Professional Education
8. American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education
9. Distance Education and Training Council, Accrediting Commission
10. Joint Review Committee on Education in Radiologic Technology
11. National Accrediting Agency for Clinical Laboratory Science
12. National Council for Accreditation of Teacher Education
13. National League for Nursing Accreditation Commission
14. Transitional Association of Christian Colleges and Schools, Accrediting Commission

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

Petitions for Renewal of Recognition—

1. Kansas Board of Education
2. New York State Board of Regents, Vocational Education

Interim Report—

1. Oklahoma State Board of Vocational and Technical Education

State Agency Recognized for the Approval of Nurse Education

Petition for Renewal of Recognition—

1. New York State Board of Regents, Nursing Education Unit

Federal Agency Seeking Degree-Granting Authority

In accordance with the Federal policy governing the granting of academic degrees by Federal agencies (approved by a letter from the Director, Bureau of the Budget, to the Secretary, Health, Education, and Welfare, dated December 23, 1954), the Secretary is required to establish a review committee to advise the Secretary concerning any legislation that may be proposed that would authorize the granting of degrees by a Federal agency. The review committee forwards its recommendation concerning a Federal agency's proposed degree-granting authority to the Secretary, who then forwards the committee's recommendation and the Secretary's recommendation to the Office of Management and Budget for review and transmittal to the Congress. The Secretary uses the Advisory Committee as the review committee required for this purpose. Accordingly, the Advisory Committee will review the following institution at this meeting:

Proposed Master's Degree-Granting Authority

1. U.S. Army War, Carlisle, PA (request to award the master's degree in Strategic Studies to students who complete its non-resident track)

Public Inspection of Petitions and Third-Party Comments

All petitions and interim reports, and those third-party comments received in advance of the meeting, will be available for public inspection and copying at the U.S. Department of Education, ROB–3, Room 3915, 7th and D Streets, SW., Washington, DC 20202–5244, telephone (202) 708–7417 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, until May 18, 1998. They will be available again after the June 8–10 Advisory Committee meeting. it is preferred that an appointment be made in advance of such inspection or copying.

Dated: December 17, 1997.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 97–33734 Filed 12–24–97; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Notice of Open Meeting

AGENCY: Department of Energy.

SUMMARY: Consistent with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board—Tennessee Valley Electric System Advisory Committee.

Date and Time: Tuesday, January 20, 1998, 3:00 P.M.—9:00 P.M.

Place: Nashville Convention Center, Room 204, 601 Commerce Street, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Richard C. Burrow, Secretary of Energy Advisory Board (AB–1), US Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–1709.

SUPPLEMENTARY INFORMATION: The purpose of the Tennessee Valley Electric System Advisory Committee is to provide advice, information, and recommendations to the Secretary of Energy Advisory Board on the role of the Tennessee Valley Authority (TVA) in a restructured competitive electric industry. The Tennessee Valley Electric System Advisory Committee will prepare a report for submission to the Secretary of Energy Advisory Board.

Tentative Agenda

Tuesday, January 20, 1998

3:00—5:30 PM Opening Remarks—The Honorable Butler Derrick, Chairman
Presentations
Working Session
5:30—6:30 PM Dinner Break
6:30—9:00PM Working Session
Public Comment Period
9:00 PM Adjourn

This tentative agenda is subject to change. A final agenda will be available at the meeting.

Public Participation: The Chairman of the Tennessee Valley Electric System Advisory Committee is empowered to conduct the meeting in a way which will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Nashville, Tennessee, the Tennessee Valley Electric System Advisory Committee welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Tennessee Valley Electric System Advisory Committee will make every effort to hear the views of all interested parties. Written comments may be submitted to Skila Harris, Executive Director, Secretary of Energy Advisory Board, AB–1, US Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Minutes: Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between 9:00 A.M. and 4:00 P.M., Monday through Friday except Federal holidays. Information on the Tennessee Valley Electric System Advisory Committee may also be found at the Secretary of Energy Advisory Board's web site, located at http://www.hr.doe.gov/seab.

Issued at Washington, D.C., on December 18, 1997.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 97–33717 Filed 12–24–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–02–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

December 19, 1997.

Take notice that on December 17, 1997, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised No. 1, the following revised tariff sheets to be effective February 1, 1998:

Third Revised Sheet No. 137
First Revised Sheet No. 137A
Second Revised Sheet No. 138
Second Revised Sheet No. 139
First Revised Sheet No. 139A
Second Revised Sheet No. 140
First Revised Sheet No. 141
Second Revised Sheet No. 142
First Revised Sheet No. 143
Third Revised Sheet No. 144

ANR states that it is revising the cashout mechanism set forth in its tariff to: (1) Revise the methodology by which prices are determined for the purchase and sale of imbalance volumes that are cashed-out on its system; and (2) provide for a two-way flow-through of gains and losses from the purchase and sale of cashout volumes.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motion or protests must be

filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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. 97–33658 Filed 12–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–563–001]

Michigan Gas Storage Company; Notice of Petition To Amend

December 19, 1997.

Take notice that on November 25, 1997, Michigan Gas Storage Company (MGSCo), 212 West Michigan Avenue, Jackson, Michigan 49201, filed with the Commission, pursuant to Section 7 of the Natural Gas Act (NGA), a petition to amend the order issued on September 19, 1997, in Docket No. CP97–563–000 to slightly modify the construction authorized in the Cranberry Lake Storage Field, Clare County, Michigan, all as more fully set forth in the application for amendment, which is open to the public for inspection.

Michigan Gas Storage Company (MGSCo) notified the Commission on November 25, 1997, that MGSCo has now developed an alternative, functionally equivalent piping configuration for the Cranberry Lake Storage Field in Clare County, Michigan, which varies slightly from what the Director, Office of Pipeline Regulation authorized on September 19, 1997, in Docket No. CP97–563–000. Specifically, MGSCo states that the existing 6-inch diameter (approximately 125 feet) and 4-inch diameter (approximately 625 feet) pipe on Lateral 63 East between wells C715 and C350 is in good condition and does not need to be replaced with the originally proposed 2-inch diameter pipe. This segment of the pipe only required minor repairs to the pipe coating.

Instead, MGSCo now proposes to cut and remove the 1,690 feet of existing 6-inch diameter pipe between wells C353 and C715 on Lateral 63 East, rather than replacing it with the 8-inch diameter pipe authorized in the September 19, 1997, order. MGSCo states that it can install the pig launcher at the eastern cut end of this segment. Gas would then flow westward from the storage wells along this section of lateral through 8-inch diameter pipe.

MGSCo also states that gas flowing through the existing 6-inch and 4-inch diameter segment (east of the 1,690 feet of removed pipe) on Lateral 63 East would flow northward through the existing 4-inch diameter tie-line between Laterals 62 East and 63 East. MGSCo further states that these minor modifications could save $80,000 in material and labor costs, as well as avoid the cutting of trees in a 15-foot by 300-foot temporary work area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 29, 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 384.214 or 385.211) and the Regulations under the NGA (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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–33655 Filed 12–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–2–000]

ANR Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Kent County Replacement Project and Request for Comments on Environmental Issues

December 19, 1997.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the replacement of about 0.96 mile of 22-inch-diameter pipeline proposed in the Kent County Replacement Project.[1] This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

ANR Pipeline Company (ANR) proposes to replace about 0.96 mile of 22-inch-diameter pipeline to maintain compliance with the U.S. Department of Transportation pipeline safety regulations. There would be no increase in the capacity of ANR's system as a result of this proposal. ANR seeks authority to construct and operate:

- 0.96 mile of 22-inch-diameter replacement pipeline in Kent County, Michigan.

No nonjurisdictional facilities would be constructed as a result of this proposal.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 8.6 acres of land, including a 75-foot-wide construction right-of-way, additional temporary work spaces, and a staging area. Following construction, no new permanent right-of-way would be required. All of the right-of-way would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage

[1] ANR Pipeline Company's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils
- water resources, fisheries, and wetlands
- vegetation and wildlife
- endangered and threatened species
- public safety
- land use
- cultural resources
- air quality and noise
- hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by ANR. This preliminary list of issues may be changed based on your comments and our analysis.

- Proximity of the replacement to 5 residences.
- Impact on cultivated croplands.
- Crossing of the East Fork of San Creek, a state-designated trout stream.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Send *two* copies of your letter to: Secretary, Federal Energy Regulatory Commission, 888 First St., N.W., Room 1A, Washington, DC 20426;
- Label *one* copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.2;
- Reference Docket No. CP98–2–000; and
- Mail your comments so that they will be received in Washington, DC on or before January 20, 1998.

If you are interested in obtaining procedural information, please write to the Secretary of the Commission.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor.'' Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your comments considered.

Lois D. Cashell,

Secretary.

[FR Doc. 97–33692 Filed 12–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission

December 19, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application*: Minor License.

b. *Project No.*: P–2487–006.

c. *Date Filed*: December 10, 1997.

d. *Applicant*: John M. Skorupski.

e. *Name of Project*: Hoosick Falls Water Power Project.

f. *Location*: On the Hoosic River in Rensselaer County, near Hoosick, New York.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact*: John M. Skorupski, 71 River Road, Hoosick Falls, NY 12090, (518) 686–0062; Douglas C. Clark, PE, Clark Engineering & Surveying, P.C., 658 Route 20, P.O. Box 730, New Lebanon, NY 12125, (518) 794–8613.

i. *FERC Contact*: Richard Takacs (202) 219–2840.

j. *Comment Date*: 60 days from the filing date shown in paragraph (c).

k. *Description of Project*: The proposed project would consist of: (1) An existing 16-foot-high and 149.5-foot-long dam; (2) an existing 16-acre reservoir; (3) a powerhouse containing two generating units for a total installed capacity of 830 kW; (4) a 500-foot-long transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 3,700 MWh, for the project.

l. With this notice, we are initiating consultation with the *New York State Historic Preservation Officer (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to 18 CFR 4.32(b)(7), if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–33656 Filed 12–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License

December 19, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 2935–013.

c. *Date filed:* November 13, 1997.

d. *Applicants:* GTXL, Inc. and Enterprise Mill, LLC.

e. *Name of Project:* Enterprise.

f. *Location:* On the Augusta Canal of the Savannah River in the City of Augusta, Richmond County, Georgia.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicants Contacts:* Kenneth G. Jaffe, Esq., Richard P. Sparling, Esq., Swidler & Berlin, 3000 K Street N.W., Washington, D.C. 20007–5116, (202) 424–7500. James E. Blanchard, Esq., 1200 First Union Bank Bldg., P.O. Box 905, Augusta, GA 30903, (706) 823–2411.

i. *FERC Contact:* Thomas F. Papsidero (202) 219–2715.

j. *Comment Date:* February 5, 1998.

k. *Description of Filing:* Application to transfer the license for the Enterprise Project to Enterprise Mill, LLC.

l. This notice also consists of the following standard paragraphs: B, C1 & 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 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. 97–33657 Filed 12–24–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5940–9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request National Pollutant Discharge Elimination System for the Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Information Collection Request National Pollutant Discharge Elimination System Great Lakes Water Quality Guidance (EPA ICR Number 1639.03; OMB Control Number 2040–0180; expiration date March 31, 1998). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before February 27, 1998.

ADDRESSES: An original and four copies of comments should be submitted to Mark Morris (4301), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460. This ICR concerning the Water Quality Guidance for the Great Lakes System is available upon request by contacting Mark Morris (4301), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460, (202) 260–0312. The ICR is also available for inspection and copying at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604 by appointment only. Appointments may be made by calling Mary Willis Jackson (telephone 312–886–3717).

FOR FURTHER INFORMATION CONTACT: Mark Morris (4301), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460 (202–260–0312).

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by today's action are those discharging pollutants to waters of the United States in the Great Lakes System. Potentially affected categories and entities include:

Category	Examples of potentially affected entities
Industry	Industries discharging toxic pollutants to waters in the Great Lakes System as defined in 40 CFR 132.2.
Municipalities	Publicly-owned treatment works discharging toxic pollutants to waters of the Great Lakes System as defined in 40 CFR 132.2.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by the final Water Quality Guidance for the Great Lakes System (the Guidance). This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility may be affected by this rule, you should examine the definition of ''Great Lakes System'' in 40 CFR 132.2 and examine 40 CFR 132 which describes the purpose of water quality standards and implementation procedures. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Title: Information Collection Request National Pollutant Discharge Elimination System Great Lakes Water Quality Guidance (OMB Control No. 2040–0180; EPA ICR No.1639.03) expiring March 31, 1998.

Abstract: The primary objective of the Clean Water Act (CWA) is ''to restore and maintain the chemical, physical and biological integrity of the nation's waters'' (section 101(a)). CWA section 402 establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of any pollutant or combination of pollutants from point sources into the waters of the United States. CWA

section 402(a), as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet the following requirements:

- All applicable requirements of CWA sections 301, 302, 306, 307, 308, and 403; and
- Any conditions the Administrator determines are necessary to carry out the provisions and objectives of the CWA.

Section 101 of the Great Lakes Critical Programs Act (CPA) amends section 118 of the CWA and directs EPA to publish water quality guidance for the Great Lakes System. Provisions of the Guidance are codified in 40 CFR part 132. The Guidance establishes minimum water quality criteria, implementation procedures, and antidegradation provisions for the Great Lakes System.

EPA and delegated NPDES permitting authorities may need point source dischargers in the Great Lakes Basin to collect and submit information for the following reasons:

- To implement methodologies for setting numerical water quality criteria and values promulgated by States and Tribes for pollutants in the Great Lakes. The Great Lakes States will use the methodologies consistent with the final Guidance when revising existing or promulgating new water quality criteria.
- To evaluate requests for permit changes using antidegradation policies and procedures consistent with the final Guidance.
- To further the pollution prevention policy that focuses on the virtual elimination of toxic discharges into the Great Lakes System.
- To translate provisions consistent with the elements of the final Guidance into controls for point sources of pollutants.
- To identify the facilities that require additional permit conditions (i.e., those that are discharging pollutants at levels of concern into the Great Lakes System).
- To identify new pollutants in existing discharges.
- To evaluate water quality in the Great Lakes.
- To determine violations of State/Tribal provisions consistent with the Guidance.

Although the applicants collect and submit many types of information, this information can be broadly categorized as identification details (e.g., name, location, and facility description) and as information related to pollutant discharges into the Great Lakes.

Permitting authorities currently require dischargers to provide information such as the name, location, and description of facilities to identify the facilities that require permits. EPA and authorized NPDES States store much of this basic information in the Permit Compliance System (PCS) database. PCS provides EPA with a nationwide inventory of NPDES permit holders. EPA Headquarters uses the information contained in the PCS to develop reports on permit issuance, backlogs, and compliance rates. The Agency also uses the information to respond to public and Congressional inquiries, develop and guide its policies, formulate its budgets, assist States in acquiring authority for permitting programs, and manage its programs to ensure national consistency in permitting.

NPDES permit applications and requests for supplemental information currently require information about wastewater treatment systems, pollutants, discharge rates and volumes, whole effluent toxicity testing and other data. Additional information collection requirements that may be necessary to implement State, Tribal, or EPA promulgated provisions consistent with the final Guidance include:

- Monitoring (pollutant-specific and whole effluent toxicity or WET);
- Pollutant minimization programs;
- Bioassays to support the development of water quality criteria;
- Antidegradation policy/demonstrations; and
- Regulatory relief options (e.g., variances from water quality criteria).

This information may be used to ensure compliance with provisions consistent with the Guidance and re-evaluate existing permit conditions and monitoring requirements. Data on discharges is entered into STORET and PCS, EPA's databases for ambient water quality data and NPDES permits, respectively. Results of water quality criteria testing will be entered into an EPA Information Clearinghouse database.

Permit applications may contain confidential business information. If this is the case, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's Security Manual Part III, Chapter 9, dated August 9, 1976. However, CWA section 308(b) specifically states that effluent data may not be treated as confidential. No questions of a sensitive nature are associated with this information collection.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the continued 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 continued 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: This ICR has estimated the burden and costs associated with implementation of the final Great Lakes Water Quality Guidance. It was assumed for this ICR that, except for WET testing, that all analytical activities are performed inhouse. The total annual burden to all respondents is estimated to be 87,872 hours with an associated cost of $4,905,550. The total annual burden to local governments, as publicly owned treatment works (POTW) operators, is estimated to be 34,612 hours with an associated cost of $2,036,646. The total annual burden to State and Federal governments is estimated to be 6,478 hours with an associated cost of $205,234, of which 5,886 hours of the burden and $186,470 fall upon the State governments.

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: December 19, 1997.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 97–33772 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5941–5]

Water Conservation Plan Guidelines Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On January 20–21, 1998, the Water Conservation Plan Guidelines Subcommittee of the Local Government Advisory Committee will hold a meeting in Austin, Texas. The Subcommittee will discuss the American Water Works Association's proposed guidelines and EPA's draft outline of the guidelines. The Subcommittee meeting is open and all interested persons are invited to attend on a space-available basis.

DATES: The Subcommittee meeting will be held from 8:30 a.m. to 5:00 p.m. on Tuesday, January 20, 1998, and from 8:30 a.m. to 12:00 noon on Wednesday, January 21, 1998.

ADDRESSES: The meeting will be held at the Waller Creek Center, 625 East 10th Street, Austin, Texas 78701. On Tuesday the meeting will be in Room 105, and on Wednesday the meeting will be in the Training Room.

Requests for a summary of the meeting can be obtained by writing to John E. Flowers, U.S. Environmental Protection Agency, Office of Wastewater Management (Mail Code 4204), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Official for this Subcommittee is John E. Flowers. He is the point of contact for information concerning any Subcommittee matters and can be reached by calling (202) 260–7288.

Dated: December 19, 1997.

Alfred W. Lindsey,

Deputy Director, Office of Wastewater Management.

[FR Doc. 97–33741 Filed 12–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

December 18, 1997.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0745.

Expiration Date: 12/31/2000.

Title: Implementation of the Local Exchange Carrier Tariff Streamlining Provisions in the Telecommunications Act of 1996—CC Docket No. 96–187.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 170 respondents; 25 hours per response (avg.); 4250 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $170,000.

Frequency of Response: On occasion.

Description: In the *Report and Order* issued in CC Docket No. 96–187, the Commission adopts measures to implement the specific streamlining tariff filing requirements for local exchange carriers (LECs) of the Telecommunications Act of 1996 (1996 Act). a. *Electronic filing requirement:* The 1996 Act provides that LECs may file tariffs on seven and fifteen days' notice (47 U.S.C. § 204(a)). The Common Carrier Bureau has established an Electronic Tariff Filing System (ETFS) that permits incumbent LECs to submit federal tariffs and associated documents electronically, via the Internet. At the present, use of EFTS by incumbent LECs for an official filing is voluntary. Mandatory use of ETFS by incumbent LECS is scheduled to commence on February 2, 1998. See Public Notice, DA 97–2491, released 11/25/97. (No. of respondents: 50; hours per response: 72 hours; total annual burden: 3600 hours). b. *Requirement that carriers desiring tariffs proposing rate decreases to be effective in seven days must be filed in separate transmittals:* The 1996 Act provides that LEC tariffs seeking rate increases shall be effective in fifteen days and LEC tariffs seeking rate decreases shall be effective in seven days. The 15 day notice period applies to transmittals that contain both rate increases and decreases. Carriers wishing to take advantage of the seven day notice period must file rate decreases in separate transmittals. This result will permit all of the carriers' rate changes will still receive streamlined treatment. Carriers filing a rate decrease have the opportunity to file on the shorter seven-day notice period by transmitting rate decrease in a separate filing. Any other tariff filed pursuant to section 204(a)(3) of the Communications Act, including those that propose a rate increase or any change in terms and conditions of service other than a rate charge, shall be filed on 15 days' notice. (No. of respondents: 10; hours per response: 4 hours; total annual burden: 40 hours). c. *Requirement that carriers identify transmittals filed pursuant to the streamlined provisions of the 1996 Act:* Because of the short notice periods, the Commission adopts the requirement that carriers identify specifically transmittals filed pursuant to Section 204(a)(3), including whether the transmittals contain rate increases, rate decreases or both. The Commission requires that LECs display prominently in the upper right hand corner of the tariff transmittal letters a statement indicating that the tariff is being filed on a streamlined basis under section 204(a)(3) of the Act and whether the tariff filing contains a proposed rate increase, decrease or both. This requirement will result in minimal inconvenience to the LECs while allowing the Commission and public to identify quickly whether the tariff is eligible for streamlined treatment and the notice period to be applied to the filing. Without such a statement, we will treat transmittal as filed outside of section 204(a)(3), i.e., not on a streamlined basis. (No. of respondents: 50; hours per response: 9 hours; total annual burden: 350 hours). d. *Requirement that price cap LECs file their Tariff Review Plans (TRPs) prior to filing their annual access tariffs:* Under existing Commission rules, LECs are required to submit revisions to their annual access tariffs on 90 days' notice to be effective on July 1. Because these revisions are eligible for streamlined treatment, we will require carriers subject to price cap regulation to file a TRP prior to the filing of the annual access tariff revisions absent any information on the carriers' rates proposed rates, and to make it available to the public. Early filing of the TRPs

will facilitate review of the annual access filings within the streamlined notice periods by resolving most of the major issues currently raised with the annual access proceedings. (This requirement does not impose any additional burden on the respondents since respondents are already required to file TRPs). e. *Petitions and Replies:* Petitions against LEC tariff transmittals that are effective 7 days from filing must be filed within 3 calendar days from the date of tariff filing, and replies must be filed within 2 calendar days of service of petition. Petitions against LEC tariff transmittals that are effective 15 days from filing will be filed as currently specified in sections 1.773(a)(2)(ii) and 1.773(b)(1)(ii). These rules require petitions to be filed within 4 days of service of the petition. All tariffs and associated documents filed on 15 days' notice or less must include, among other things, the facsimile number of the individual designated by the filing carrier to receive personal or facsimile service of petitions and that petitions and replies in connection with such tariff filings be served by hand or facsimile. (No. of respondents: 20; hours per response: 6 hours; total annual burden: 120 hours). f. *Standard Protective Orders:* In the Report and Order, the Commission issued a standard protective order for use in review of LEC tariff filings submitted pursuant to section 204(a)(3). Reviewing parties must keep a written record of all copies made and to provide this record to the Submitting Party on reasonable request. (No. of respondents: 20; hours per response: 2 hours; total annual burden: 40 hours). The information collected under the program of electronic filing will facilitate access to tariff and associated documents by the public, especially by interested persons who do not have ready access to the Commission's public reference rooms, and state and federal regulators. Ready electronic access to carrier tariffs should also facilitate the compilation of aggregate data for industry analysis purposes without imposing new reporting requirements on carriers. The Commission adopts its proposal to require that carriers desiring tariffs proposing rate decreases to be effective in seven days must be filed in separate transmittal. This requirement will ensure that a tariff filing proposing a rate decrease is given the shortest notice period possible under the 1996 Act. The Commission also adopts the requirement that carriers identify transmittals filed pursuant to the streamlining provisions of the 1996 Act. All of the requirements would be used to ensure that local exchange carriers comply with their obligations under the Communications Act and that the Commission be able to ensure compliance within the streamlined timeframes established by the 1996 Act. Obligation to respond: Mandatory.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 97–33684 Filed 12–24–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 85–166, Phase I]

Petitions for Reconsideration and Clarification

AGENCY: Federal Communications Commission.

ACTION: Notice: Correction.

FOR FURTHER INFORMATION CONTACT: Shari Spivey, (202) 418–0270.

SUMMARY: This document corrects Report No. 2240 regarding petitions for reconsideration and clarification published in the **Federal Register** on December 3, 1997, (FR Doc 97–31592). On page 63951, column two, the petition should be removed through lines 4–8.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 97–33683 Filed 12–24–97; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1190–DR]

Nebraska; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Nebraska, (FEMA–1190–DR), dated November 1, 1997, and related determinations.

EFFECTIVE DATE: December 10, 1997.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Nebraska dated November 1, 1997, is hereby amended to include Category G under the Public Assistance program, for state management cost only, for all areas previously designated for Public Assistance as a result of the catastrophe declared a major disaster by the President in his declaration of November 1, 1997.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 97–33710 Filed 12–24–97; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1192–DR]

Commonwealth of the Northern Mariana Islands; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of the Northern Mariana Islands (FEMA–1192–DR), dated December 8, 1997, and related determinations.

EFFECTIVE DATE: December 8, 1997.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 8, 1997, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of the Northern Mariana Islands (CNMI), resulting from Super Typhoon Keith on November 2–3, 1997, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the Commonwealth of the Northern Mariana Islands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Hazard Mitigation may be added at a later date, if requested. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint William L. Carwile of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of the Northern Mariana Islands to have been affected adversely by this declared major disaster:

The Islands of Saipan, Tinian, and Rota for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 97–33709 Filed 12–24–97; 8:45 am]

BILLING CODE 6718–02–P

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 January 22, 1998.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. First Commercial Corporation, Little Rock, Arkansas; to acquire 100 percent of the voting shares of First Commercial Bank N.A. of West Memphis, West Memphis, Arkansas, which will be the successor to the conversion of Federal Savings Bank, Rogers, Arkansas, from a federally chartered savings bank to a nationally chartered commercial bank.

In connection with this application, Applicant also has applied to acquire KW Bancshares, Inc., Little Rock, Arkansas, and thereby indirectly acquire its wholly owned thrift subsidiary, Federal Savings Bank, Rogers, Arkansas, and thereby engage in acquiring a savings institution, pursuant to § 225.28(b)(4)(ii) of the Board's Regulation Y. Following consummation of the acquisition, Federal Savings Bank will convert to a nationally chartered commercial bank.

2. United Bankshares, Inc., Charleston, West Virginia; to acquire 100 percent of the voting shares of George Mason Bankshares, Inc., Fairfax, Virginia, and thereby indirectly acquire The George Mason Bank, Fairfax, Virginia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Alliance Bancorporation, Inc., Hot Springs, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of Alliance Bank of Hot Springs, Hot Springs, Arkansas.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Gold Banc Corporation, Inc., Leawood, Kansas; to acquire 100 percent of the voting shares of First National Bancshares, Inc., Alma, Kansas, and thereby indirectly acquire First National Bank in Alma, Alma, Kansas.

Board of Governors of the Federal Reserve System, December 22, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–33775 Filed 12–24–97; 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 January 9, 1998.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Bayerische Vereinsbank AG, Munich, Germany; to acquire Hypo Securities Inc., New York, New York, and thereby engage in brokerage of equity securities, as agent for the account of customers, who are, for the most part, non-U.S. offices and affiliates of Hypo Bank, pursuant to § 225.28(b)(7)(i) of the Board's Regulation Y; brokerage of fixed income securities, as agent for the account of customers, pursuant to § 225.28(b)(7)(i) of the Board's Regulation Y; secondary market riskless principal transactions involving

fixed income securities, pursuant to § 225.28(b)(7(ii) of the Board's Regulation Y; and investment advisory activities, especially advice with respect to real estate equity and debt investments, pursuant to § 225.28(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–33637 Filed 12-24-97; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

[Docket No. R–0997]

Treatment of U.S. Companies Operating in Government Debt Market in the Netherlands

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of study and request for comment.

SUMMARY: Under the Primary Dealers Act of 1988, which became effective on August 23, 1989, the Federal Reserve may not designate or permit the continuation of the designation of any person of a foreign country as a primary dealer in government debt instruments if such foreign country does not accord to U.S. companies the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country as such country accords to its domestic companies. Pursuant to this Act, the Federal Reserve is reviewing the government debt market of the Netherlands and requests public comment on the treatment of U.S. companies with respect to the Netherlands' government debt market, focusing in particular on the treatment of U.S. companies relative to domestic firms.

DATE: Comments must be received by February 27, 1998.

ADDRESSES: Comments, which should refer to Docket No. R–0997, may be mailed to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, D.C. 20551, to the attention of Mr. William W. Wiles, Secretary. Comments addressed to the attention of Mr. Wiles may also be delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m. weekdays and to the security control room outside of those hours. Both the mailroom and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments will be available for inspection and copying by members of the public in the Freedom of Information Office, Room MP–500, between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in section 261.8 of the Board's Rules Regarding the Availability of Information.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Day, Associate General Counsel (202/452–3786), or Ann Misback, Managing Senior Counsel (202/452–3788), Legal Division; or Larry Promisel, Senior Advisor (202/452–3533), Division of International Finance; Board of Governors of the Federal Reserve System. For the hearing impaired *only,* Telecommunication Device for the Deaf (TDD), Diane Jenkins (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Under the Primary Dealers Act of 1988 (''Act''), 22 U.S.C. §§ 5341–5342, the Federal Reserve may not permit a person of a foreign country to act as a primary dealer in U.S. government securities if the person's home country does not accord U.S. companies the same competitive opportunities as the foreign country accords domestic companies in underwriting and distributing government debt obligations of such foreign country. A ''person of a foreign country'' includes any foreign individual or company that directly or indirectly controls a primary dealer.

A subsidiary of a bank organized in the Netherlands proposes to be designated as a primary dealer in U.S. government securities. Accordingly, in order to make the determination required by the Act, the Federal Reserve is undertaking a study of the government debt market of the Netherlands to determine whether U.S. companies are accorded national treatment in their access to that market.

The Federal Reserve would welcome the views of U.S. firms or other persons on the specific respects in which U.S. companies are accorded, or are not accorded, the same competitive opportunities in the underwriting and distribution of Dutch government debt instruments as the Netherlands accords to Dutch domestic companies. All such comments, which should be submitted by February 27, 1998, would be considered in the context of the study of this market.

By order of the Board of Governors of the Federal Reserve System, December 19, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–33652 Filed 12–24–97; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Submission for OMB Review; Comment Request, The Atherosclerosis Risk in Communities Study

SUMMARY: Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Heat, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 10, 1997 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

5 CFR 1320.5 (General requirements) Reporting and Recordkeeping Requirements: Finale Rule requires that the agency inform the potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. This information is required to be stated in the 30-day **Federal Register** Notice.

Proposed Collection

Title: The Atherosclerosis Risk in Communities (ARIC) Study. *Type of Information Collection Request:* Revision of a currently approved collection (OMB No. 0925–0281). *Need and Use of Information Collection:* This project involves a physical examination and a survey of an additional sample of 45–64 year old persons living in the same communities as the original ARIC Study participant. Information from this sample and from the original cohort collected 10 years earlier will be used to assess temporal trends in selected atherosclerosis risk factor domains. *Frequency of Response:* The recruited individuals will participate in a home interview and an in-clinic examination. *Affected Public:* Individuals or households. *Type of Respondents:* Adults 45–64 years old. The annual reporting burden is an follows: *Estimated Number of Respondents:* 8356; *Estimated Number of Responses per Respondent:* 4.071; *Average Burden Hours per Response:* 0.5211; and *Estimated Total Annual Burden Hours Requested:* 17,726. The cost to the respondents consists of their time; time

is estimated using a rate of $10.00 per hour. The annualized cost to respondents is estimated at: $23,820. There are no Capital Costs. There are no Operating and Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB

Written 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 the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Suzanne Anthony, Project Clearance Liaison, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, MSC 2490, 31 Center Drive, Bethesda, MD 20892–2490 or call non-toll free number (301) 496–9737, or e-mail your request or comments, including your address, to: AnthonyS@gwgate.nhlbi.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before January 28, 1998.

Dated: December 17, 1997.

Sheila E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 97–33744 Filed 12–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Submission for OMB Review; Comment Request, National Donor Research and Education Study–II

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval. This proposed information collection was previously published in Volume 62, Number 86 of the **Federal Register** on May 5, 1997 (page 24,492) and allowed 60 days for public comment. One comment was received. An individual requested a summary of the study protocol, which was provided to them. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised or implemented on or after October 1, 1995 unless it displays a currently valid OMB control number.

Proposed Collection

Title: National Donor Research and Education Study–II. *Type of Information Collection Request:* Reinstatement with changes to OMB #0925–0383, Expiration date: 1/31/96. *Need and Use of Information Collection:* This study is the second large anonymous mail survey to be sent to a random sample of blood donors at five blood centers participating in the Retrovirus Epidemiology Donor Study (REDS). In addition to the REDS blood centers, this survey will also be sent to a sample of donors in selected non-REDS regions that utilize a variety of donor incentives. Study results will provide data for monitoring the safety of the U.S. blood supply, and will facilitate the development, evaluation and refinement of educational, recruitment and qualification strategies for U.S. blood donors. The proposed new study will update and extend the unique findings obtained in the first blood donor survey so as to minimize the likelihood that donors with risk factors for transfusion-transmitted diseases will enter the blood donor pool. There is a strong likelihood that, like the first survey effort, the resulting findings will be directly applied to blood banking operational practice. The new survey is specifically designed to obtain data on the prevalence and impact of donor incentives on donor retention and blood safety. The FDA has identified this as a priority area for investigation. Other specific objectives of this survey are to: (1) Evaluate donor understanding and acceptance, and the safety impact of newly-changed laboratory and donor screening procedures that have been implemented since the previous donor survey study (e.g., removal of the confidential unit exclusion ''CUE'' process at two REDS sites; additional questions about Creutzfeldt-jakob and parasitic diseases; and addition of HIV p24 antigen testing); (2) Estimate the efficacy, safety impact and donor acceptance of new donor screening procedures that are anticipated to occur within the next 12–24 months (e.g., improved CUE procedures, implementation of computer-assisted donor screening); (3) Provide ''pre-'' (baseline) and ''post-'' (evaluation) measures for new donor qualification procedures expected to occur operationally at blood centers within the time period of study including: deferral for intranasal cocaine use in the past year; modification of the time period for sexual risk deferrals from ''since 1977'' to within the past (12 or 24) months; clarification of wording regarding sexual contact with ''at-risk'' individuals; and addition of questions about donating primarily for the purpose of receiving the test results for the AIDS virus; (4) Assess changes in the prevalence and characteristics of donors who report donating for therapeutic reasons (e.g., those with iron storage disease), and donors who report donating primarily to receive test results for the AIDS virus as a result of the March 1996 implementation of HIV p24 antigen testing; (5) Determine the extent to which active donors with reactive tests for anti-HBc and syphilis have increased levels of behavioral risks that should have resulted in deferral; (6) Measure the extent to which seropositivity for current syphilis screening tests predicts a recent history of diagnosed syphilis; (7) Measure blood donor knowledge of infectious disease risks and the behavioral factors that should defer them from donating, to identify weaknesses in the current donor educational process, and (8) Assess the attitudes of donors regarding establishment of stored frozen repositories from their donations, use of these samples for future research testing designed to improve transfusion safety, and the adequacy of different levels of

informed consent. *Frequency of Response:* One-time data collection.
Affected Public: Individuals.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per responses	Estimated total annual burden hours requested
Blood Donors	78,000	1	.3333	25,997

The annualized cost to respondents is estimated at: $259,974 (based on $10 per hour). There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request For Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Direct Comments To OMB

Written 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 the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or obtain a copy of the data collection plans and instruments contact: Dr. George J. Nemo, Group Leader, Transfusion Medicine, Scientific Research Group, Division of Blood Diseases and Resources, NHLBI, NIH, Two Rockledge Centre, Suite 10042, 6701 Rockledge Drive, MSC 7950, Bethesda, MD 20892–7950, or call non-toll free number (301) 435–0075 or e-mail your request, including your address to: nemog@gwgate.nhlbi.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before January 28, 1998.

Dated: December 17, 1997.

Sheila E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 97–33745 Filed 12–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Cooperative Research and Development Agreement (CRADA) Opportunity and/or Licensing Opportunity for Materials and Methods for Protection of Tissue From Ischemic Damage

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health is seeking CRADA partners and/or licensees for the further development, evaluation, and commercialization of materials and methods for protecting tissues from cell injury by Ischemia. The invention claimed in U.S. Patent Application Serial No. 60/053,843, ''12(S)=HpETE (A 12=Lipoxygenase Metabolite) Significantly Reduces Cell Injury,'' is available for licensing (in accordance with 35 U.S.C. 207 and 37 CFR Part 404) and/or further development under one or more CRADAs in several clinically important applications as described below in the **SUPPLEMENTARY INFORMATION**.

DATES: CRADA proposals should be received on or before March 30, 1998 for priority consideration. However, CRADA proposals submitted thereafter will be considered until a suitable CRADA Collaborator is selected.

ADDRESSES: CRADA proposals and questions should be addressed to Dr. Jonathan Gottlieb, National Heart, Lung, and Blood Institute, Technology Transfer Service Center, 31 Center Drive MSC 2490, Room 1B32, Bethesda, Maryland 20892–2490; Telephone: 301/402–5579; Fax: 301/594–3080; E-mail: GottlieJ@gwgate.nhlbi.nih.gov.

Questions about the licensing opportunity should be addressed to Carol Lavrich, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; Telephone 301/496–7735 ext. 287; Fax 301/402–0220; E-mail: Carol—Lavrich@nih.gov.

SUPPLEMENTARY INFORMATION: Ischemia and reperfusion injury are significant causes of tissue damage in diseases and conditions such as heart attack, stroke and in organ transplantation. Recently, scientists at the National Institute of Environmental Health Sciences and Duke University, while investigating the phenomena of preconditioning, discovered and developed a highly effective method for protecting tissues from cell injury by ischemia by use of 12(S)=HpETE.

Previously developed treatments to prevent ischemic damage are greatly limited in their effectiveness. TPA, routinely used to dissolve blood clots, thereby allowing greater blood flow, does not prevent ischemic tissue injury. Aspirin has been shown to have only a small protective effect in the cardiovascular system. However, the above new method demonstrates a dramatic protective effect—up to 82% recovery in initial studies—when administered during injury, as seen in animal models. The protective effect of 12(S)-HpETE was discovered during investigation of the 12-lipoxygenase-related protective effect of ischemic preconditioning and, unlike other agents, 12(S)-HpETE has no known undesirable side effects.

Uses of such an invention may include treatment of tissue during angioplasty and treatment of organs intended for transplantation to limit the chance of damage.

This research was published in Circulation Research 76: 457–467, 1995.

Information about the patent application and pertinent information not yet publicly described can be obtained under a Confidential

Disclosure Agreement. Respondees interested in licensing the invention(s) will be required to submit an Application for License to Public Health Service Inventions. Respondees interested in submitting a CRADA proposal should be aware that it may be necessary to secure a license to the above patent rights in order to commercialize products arising from a CRADA.

Dated: December 16, 1997.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 97–33746 Filed 12–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of meetings of the National Institute of Neurological Disorders and Stroke (NINDS).

The National Advisory Neurological Disorders and Stroke Council and its subcommittee meetings will be open to the public as indicated below. Attendance by the public will be limited to space available.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications.

These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of meetings, rosters of committee members, and other information pertaining to the meetings can be obtained from the Executive Secretary or the Scientific Review Administrator indicated. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary listed for the meeting.

Name of Committee: The Planning Subcommittee of the National Advisory Neurological Disorders and Stroke Council.

Date: February 11, 1998.

Place: National Institutes of Health, Building 31, Conference Room 8A28, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 1:30 p.m.—recess.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: February 12–13, 1998.

Place: National Institutes of Health, Building 31, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

Open: February 12, 8:30 a.m.—approximately 3:00 p.m.

Agenda: A report by the Acting Director, NINDS; a report by the Director, Division of Extramaural Activities, NINDS; a report by the Scientific Director; NINDS; and a scientific presentation by a NINDS intramural scientist.

Closed: February 13, approximately 3:00 p.m.—recess; February 14, 8:30 a.m.—adjournment.

Executive Secretary: Constance W. Atwell, Ph.D., Director, Division of Extramural Activities, NINDS, National Institutes of Health, Bethesda, MD 20892, Telephone: (301) 496–9248.

The following meetings will be totally closed to review and evaluate grant applications:

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group (Neurological Sciences and Disorders A).

Date: February 8–9, 1998.

Time: February 8, 8:30 a.m. to recess; February 9, 8:30 a.m. to adjournment.

Place: The Enclave Suites, 6165 Carrier Drive, Orlando, FL 32819.

Contact Person: Dr. Katherine Woodbury, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group (Neurological Sciences and Disorders B).

Date: February 18–20, 1998.

Time: February 18, 7:00 p.m.—recess; February 19, 8:00 a.m.—recess; February 20, 8:00 a.m. to adjournment.

Place: Crowne Plaza Hotel, 14th and K Streets, Washington, DC 20005.

Contact Person: Dr. Paul Sheehy, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Training Grant and Career Development Review Committee.

Date: February 20, 1998.

Time: 8:00 a.m. to adjournment.

Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Dr. Alfred Gordon, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

(Catalog of Federal Domestic Assistance Program No. 93.853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences).

Dated: December 18, 1997.

LaVerne Stringfield,

NIH Committee Management Officer.

[FR Doc. 97–33747 Filed 12–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Division of Research Grants; 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 that are being held to review grant applications:

Study section/contact person	February–March 1998 meetings	Time	Location
AIDS and Related Research Initial Review Group			
AIDS & Related Research 1, Dr. Sami Mayyasi, 301–435–1216.	Mar. 4–5	8:00 a.m.	Hilton Hotel, Palm Springs, CA.
AIDS & Related Research 2, Dr. Gilbert Meier, 301–435–1219.	Mar. 13	8:00 a.m.	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 3, Dr. Bruce Maurer, 301–435–1225.	Mar. 4–5	8:30 a.m.	Hilton Hotel, Palm Springs, CA.
AIDS & Related Research 4, Dr. Mohindar Poonian, 301–435–1218.	Mar. 12–13	8:30 a.m.	Olympia Hotel, Park City, UT.
AIDS & Related Research 5, Dr. Mohindar Poonian, 301–435–1218.	Mar. 3	8:30 a.m.	Hyatt Regency Hotel, Bethesda, MD.

Study section/contact person	February–March 1998 meetings	Time	Location
AIDS & Related Research 6, Dr. Gilbert Meier, 301–435–1219.	Mar. 6	8:00 a.m.	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 7, Dr. Gilbert Meier, 301–435–1219.	Mar. 20	8:00 a.m.	Holiday Inn, Chevy Chase, MD.
Behavioral and Social Sciences Initial Review Group			
Behavioral Medicine, Ms. Carol Campbell, 301–435–1257.	Feb. 25–26	8:30 a.m.	St. James Hotel, Washington, DC.
Community Prevention & Control, Dr. Robert Weller, 301–435–1259.	Feb. 26–27	8:00 a.m.	Hyatt Regency Hotel, Bethesda, MD.
Human Development & Aging–1, Dr. Anita Miller Sostek, 301–435–1260.	Feb. 12–13	9:00 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Human Development & Aging–2, Dr. Michael Micklin, 301–435–1258.	Feb. 23–24	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Human Development & Aging–3, Dr. Anita Miller Sostek, 301–435–1260.	Feb. 26–27	8:00 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Social Sciences & Population, Dr. Robert Weller, 301–435–1259.	Feb. 18–19	8:00 a.m.	Hyatt Regency Hotel, Bethesda, MD.
Biochemical Sciencies Initial Review Group			
Biochemistry, Dr. Chhanda Ganguly, 301–435–1739.	Feb. 18–20	8:30 a.m.	Georgetown Holiday Inn, Washington, DC.
Medical Biochemistry, Dr. Alexander Liacouras, 301–435–1740.	Feb. 19–20	8:00 a.m.	Wyndham Bristol Hotel, Washington, DC.
Pathobiochemistry, Dr. Zakir Bengali, 301–435–1742.	Feb. 12–13	8:00 a.m.	Georgetown Holiday Inn, Washington, DC.
Physiological Chemistry, Dr. Richard Panniers, 301–435–1741.	Feb. 19–20	8:00 a.m.	Carlton Ritz, Arlington, VA.
Biophysical and Chemical Sciences Initial Review Group			
Bio-Organic & Natural, Products Chemistry, Dr. Harold Radtke, 301–435–1728.	Feb. 26–27	9:00 a.m.	Holiday Inn, Silver Spring, MD.
Biophysical Chemistry, Dr. Donald Schneider, 301–435–1727.	Feb. 19–20	8:30 a.m.	Ramada Inn, Rockville, MD.
Medicinal Chemistry, Dr. Ronald Dubois, 301–435–1722.	Feb. 18–20	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Matallobiochemistry, Dr. John Bowers, 301–435–1725.	Feb. 19–20	8:30 a.m.	St. James Hotel, Washington, DC.
Molecular & Cellular Biophysics, Dr. Nancy Lamontagne, 301–435–1726.	Feb. 19–20	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Physical Biochemistry, Dr. Gopa Rakhit, 301–435–1721.	Mar. 2–3	8:30 a.m.	Double Tree Hotel, Rockville, MD.
Cardiovascular Sciences Initial Review Group			
Cardiovascular, Dr. Gordon Johnson, 301–435–1212.	Mar. 4–6	8:00 a.m.	Holiday Inn, Silver Spring, MD.
Cardiovascular & Renal, Dr. Anthony Chung, 301–435–1213.	Mar. 2–3	8:30 a.m.	Holiday Inn, Silver Spring, MD.
Experimental Cardiovascular Sciences, Dr. Anshumali Chaudhari, 301–435–1210.	Feb. 23–24	8:00 a.m.	Double Tree Hotel, Rockville, MD.
Hematology-1, Dr. Clark Lum, 301–435–1195.	Feb. 5–6	8:00 a.m.	Ramada Hotel, Bethesda, MD.
Hematology-2, Dr. Jerrold Fried, 301–435–1777.	Mar. 11–12	8:30 a.m.	Holiday Inn, Bethesda, MD.
Pathology A, Dr. Larry Pinkus, 301–435–1214.	Feb. 10–11	8:00 a.m.	One Washington Circle Hotel, Washington, DC.
Pharmacology, Dr. Jeanne Ketley, 301–435–1789.	Feb. 19–20	8:00 a.m.	American Inn, Bethesda, MD.
Cell Development and Function Initial Review Group			
Biological Sciences–2, Dr. Anthony Carter, 301–435–1024.	Mar. 9–10	8:30 a.m.	Georgetown Holiday Inn, Washington, DC.
Cellular Biology and Physiology–1, Dr. Gerald Greenhouse, 301–435–1023.	Feb. 4–5	8:00 a.m.	Sheraton Reston Hotel, Reston, VA.
Cellular Biology and Physiology–2, Dr. Gerhard Ehrenspeck, 301–435–1022.	Feb. 18–19	8:30 a.m.	Holiday Inn, Bethesda, MD.

Study section/contact person	February–March 1998 meetings	Time	Location
Human Embryology & Development–2, Dr. Sherry Dupere, 301–435–1021.	Feb. 5–6	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
International & Cooperative Projects, Dr. G.B. Warren, 301–435–1019.	Feb. 26–27	8:30 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Molecular Biology, Dr. Robert Su, 301–435–1025.	Feb. 12–13	8:30 a.m.	The Georgetown Inn, Washington, DC.
Molecular Cytology, Dr. Ramesh Nayak, 301–435–1026.	Feb. 5–6	8:00 a.m.	Holiday Inn, Chevy Chase, MD.
Endocrinology and Reproductive Sciences Initial Group			
Biochemical Endocrinology, Dr. Michael Knecht, 301–435–1046.	Feb. 19–20	8:30 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Endocrinology, Dr. Syed Amir, 301–435–1043.	Feb. 17–18	8:30 a.m.	Ramada Inn, Rockville, MD.
Human Embryology & Development–1, Dr. Michael Knecht, 301–435–1046.	Feb. 26–27	8:00 a.m.	Ramada Inn, Rockville, MD.
Reproductive Biology, Dr. Dennis Leszcyzynski, 301–435–1044.	Feb. 9–10	8:30 a.m.	Hyatt Regency Hotel, Bethesda, MD.
Reproductive Endocrinology, Dr. Abubakar Shaikh, 301–435–1042.	Feb. 23–24	8:00 a.m.	Woodfin Suites, Rockville, MD.
Genetic Sciences Initial Review Group			
Biological Sciences-1, Dr. Nancy Pearson, 301–435–1047.	Mar. 4–6	8:30 a.m.	St. James Hotel, Washington, DC.
Genetics, Dr. David Remondini, 301–435–1038.	Feb. 12–13	9:00 a.m.	Georgetown Holiday Inn, Washington, DC.
Genome, Dr. Cheryl Corsaro, 301–435–1045.	Feb. 12–13	9:00 a.m.	Holiday Inn, Bethesda, MD.
Mammalian Genetics, Dr. Camilla Day, 301–435–1037.	Feb. 12–13	8:30 a.m.	Embassy Suites, Chevy Chase Pavilion, Washington, DC.
Health Promotion and Disease Prevention Initial Review Group			
Nursing Research, Dr. Gertrude McFarland, 301–435–1784.	Mar. 2–3	8:30 a.m.	DoubleTree Hotel, Rockville, MD.
Immunological Sciences Initial Review Group			
Allergy & Immunology, Dr. Gene Zimmerman, 301–435–1220.	Feb. 26–27	8:30 a.m.	Holiday Inn, Bethesda, MD.
Experimental Immunology, Dr. Calbert Laing, 301–435–1221.	Feb. 12–13	8:30 a.m.	Holiday Inn Hotel, Chevy Chase, MD.
Immunobiology, Dr. Betty Hayden, 301–435–1223.	Feb. 19–20	9:00 a.m.	Holiday Inn, Chevy Chase, MD.
Immunological Sciences, Dr. Antia Corman Weinblatt, 301–435–1224.	Feb. 25–27	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Infectious Diseases and Microbiology Initial Review Group			
Bacteriology & Mycology–1, Dr. Timothy Henry, 301–435–1147.	Feb. 23–24	8:30 a.m.	Holiday Inn Hotel, Alexandria, VA.
Bacteriology & Mycology–2, Dr. William Branche, Jr., 301–435–1148.	Feb. 19–20	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Experimental Virology, Dr. Garrett Keefer, 301–435–1152.	Feb. 23–24	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Microbial Physiology & Genetics–1, Dr. Martin Slater, 301–435–1149.	Feb. 25–27	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Microbial Physiology & Genetics–2, Dr. Gerald Liddel, 301–435–1150.	Feb. 19–20	8:30 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Tropical Medicine & Parasitology, Dr. Jean Hickman, 301–435–1146.	Feb. 19–20	8:30 a.m.	Holiday Inn, Bethesda, MD.
Virology, Dr. Rita Anand, 301–435–1151.	Mar. 10–11	8:30 a.m.	Wyndham Bristol Hotel, Washington, DC.
Musculoskeletal and Dental Sciences Initial Review Group			
General Medicine A–1, Dr. Harold Davidson, 301–435–1776.	Feb. 2–3	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
General Medicine B, Dr. Shirley Hilden, 301–435–1198.	Feb. 5–6	8:30 a.m.	Holiday Inn, Chevy Chase, MD.

Study section/contact person	February–March 1998 meetings	Time	Location
Oral Biology & Medicine–1, Dr. Priscilla Chen, 301–435–1787.	Feb. 10–11	8:30 a.m.	Holiday Inn-Old Town, Alexandria, VA.
Oral Biology & Medicine–2, Dr. Priscilla Chen, 301–435–1787.	Feb. 23–24	8:30 a.m.	Holiday Inn-Old Town, Alexandria, VA.
Orthopedics & Musculoskeletal, Dr. Daniel McDonald, 301–435–1215.	Feb. 23–24	8:00 a.m.	Holiday Inn, Chevy Chase, MD.
Neurological Sciences Initial Review Group			
Neurological Sciences–1, Dr. Carl Banner, 301–435–1251.	Feb. 11–12	8:30 p.m.	Holiday Inn, Bethesda MD.
Neurological Sciences–2, Dr. Kathleen Michels, 301–435–1250.	Feb. 24–26	8:00 a.m.	Holiday, Bethesda MD.
Neurology B–1, Dr. Lawrence Stanford, 301–435–1255.	Feb. 25–26	8:30 a.m.	Governors House Hotel, Washington, DC.
Neurology C, Dr. Kenneth Newrock, 301–435–1252.	Feb. 25–26	8:30 a.m.	The Hotel George, Washington, DC.
Nutritional and Metabolic Sciences Initial Review Group			
General Medicine A–2, Dr. Mushtaq Khan, 301–435–1778.	Feb. 19–20	8:30 a.m.	Westin Hotel, Washington, DC.
Metabolism, Dr. Krish Krishnan, 301–435–1779.	Feb. 26–27	8:30 a.m.	Georgetown Holiday Inn, Washington, DC.
Nutrition, Dr. Sooja Kim, 301–435–1780.	Feb. 23–24	8:30 a.m.	Double Tree Hotel, Rockville, MD.
Oncological Sciences Initial Review Group			
Chemical Pathology, Dr. Edmund Copeland, 301–435–1715.	Feb. 25–27	8:00 a.m.	Holiday Inn, Chevy Chase, MD.
Experimental Therapeutics–1, Dr. Philip Perkins, 301–435–1718.	Feb. 19–20	8:30 a.m.	Hyatt Hotel, Key Bridge, Arlington, VA.
Experimental Therapeutics–2, Dr. Marcia Litwack, 301–435–1719.	Mar. 2–4	8:30 a.m.	The Lodge at Torrey Pines, La Jolla, CA.
Metabolic Pathology, Dr. Marcelina Powers, 301–435–1720.	Feb. 23–25	8:00 a.m.	Holiday Inn, Silver Spring, MD.
Pathology B, Dr. Martin Padarathsingh, 301–435–1717.	Mar. 2–4	8:00 a.m.	The Lodge at Torrey Pines, La Jolla, CA.
Radiation, Dr. Paul Strudler, 301–435–1716.	Feb. 23–25	8:30 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Pathophysiological Sciences Initial Review Group			
Lung Biology & Pathology, Dr. Andrea Harabin, 301–435–1017.	Feb. 25–26	8:00 a.m.	Hyatt Regency, Bethesda, MD.
Physiology, Dr. Michael Lang, 301–435–1015.	Mar. 5–6	8:30 a.m.	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Respiratory & Applied, Physiology, Dr. Everett Sinnett, 301–435–1016.	Mar. 9–10	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Sensory Sciences Initial Review Group			
Hearing Research, Dr. Joseph Kimm, 301–435–1249.	Mar. 2–3	8:30 a.m.	Embassy Square Suites, Washington, DC.
Sensor Disorders & Language, Dr. Sam Rawlings, 301–435–1243.	Feb. 11–13	8:30 a.m.	Capitol Holiday Inn, Washington, DC.
Visual Sciences A, Dr. Luigi Giacometti, 301–435–1246.	Feb. 19–20	8:30 a.m.	Ramada Inn, Rockville, MD.
Visual Sciences B, Dr. Leonard Jakubczak, 301–435–1247.	Feb. 11–12	8:30 a.m.	Radisson Barcelo Hotel, Washington, DC.
Visual Sciences C, Dr. Carole Jelsema, 301–435–1248.	Feb. 12–13	8:00 a.m.	Embassy Square Suites, Washington, DC.
Surgery, Radiology and Bioengineering Intial Review Group			
Diagnostic Radiology, Dr. Eileen Bradley, 301–435–1178.	Feb. 24–25	8:00 a.m.	Georgetown Holiday Inn, Washington, DC.
Surgery & Bioengienering, Dr. Lee Rosen, 301–435–1171.	Feb. 23–24	8:00 a.m.	Georgetown Holiday Inn, Washington, DC.

Study section/contact person	February–March 1998 meetings	Time	Location
Surgery, Anesthesiology & Trauma, Dr. Gerald Becker, 301–435–1750.	Feb. 18–19	1:00 p.m.	Georgetown Holiday Inn, Washington, DC.

The meetings will be closed in accordance with the Provisions set forth in sections 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 contstitute 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: December 19, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–33748 Filed 12–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. FR–4278–D–02]

Redelegation of Personnel Management Authority

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Secretary redelegates personnel management authority relating to HUD 2020 Management Reform.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Virginia Stephens, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, (202) 708–0622. (This is not a toll-free number.) For hearing/speech-impaired individuals, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8399.

SUPPLEMENTARY INFORMATION: The Secretary redelegates this authority in order to facilitate the selection of candidates for the approximately 1,400 merit staffing positions announced in connection with the HUD 2020 Management Reform Plan. Consistent with merit staffing principles and Union agreements, standard personnel procedures will be followed in this process. In addition, no political appointee will serve as selecting official. All selections will be made by senior level career employees. To the greatest extent practical and feasible, rating and ranking panels will consist of representatives of multiple program offices with representatives from both Headquarters and the field. A representative from HUD Unions will observe the rating and ranking process.

Accordingly, the Secretary redelegates authority as follows:

Section A. Authority Redelegated

The authority to make HUD 2020 merit staffing selections for candidates at grades GS–14 and GS–15 is redelegated to the following selecting officials for each of the Program and other offices identified below:

Office and Selecting Official

Office of Housing—Deputy Assistant Secretary for Operations

Office of Public and Indian Housing—General Deputy Assistant Secretary (Acting)

Office of Fair Housing and Equal Opportunity—General Deputy Assistant Secretary

Office of Public Affairs—Deputy Assistant Secretary for Public Affairs/Managing Editor

Office of General Counsel—Deputy General Counsel for Operations

Office of Chief Financial Officer—Deputy CFO for Finance (Director, Accounting Center)

Enforcement Center—Director

Assessment Center—Deputy General Counsel for Operations

Section 8, Financial Management Center—General Deputy Assistant Secretary, PIH (Acting)

Office of Community Planning and Development—Deputy Assistant Secretary for Economic Development

Office of Field Management, Senior Community Builder positions—Deputy Assistant Secretary for Resource Management and Operations, Administration

Office of Field Management, non-Senior Community Builder positions—Career Deputy Assistant Secretary for: Housing, CPD, PIH, FHEO, and Administration

Section B. No Authority To Further Redelegate

The authority redelegated in Section A., above, may not be further redelegated.

Section C. Expiration of Redelegation

This redelegation of authority expires on June 30, 1998.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C., Section 3535(d).

Dated: December 15, 1997.

Andrew Cuomo,

Secretary of Housing and Urban Development.

[FR Doc. 97–33648 Filed 12–24–97; 8:45 am]

BILLING CODE 4210–32–W

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

1998 Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service (Service) announces the dates and locations of the 1998 Federal Duck Stamp Contest; the public is invited to attend.

DATES: 1. The 1998 contest opens for submission July 1, 1998.

2. Persons wishing to enter this year's contest may submit entries anytime after Wednesday, July 1, but all must be postmarked no later than midnight Tuesday, September 15, 1998.

ADDRESSES: Requests for complete copies of the regulations, reproduction rights and the display and participating agreements should be addressed to: Federal Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street, N.W., Suite 2058, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mrs. Lita F. Edwards, telephone: (202) 208–4354; or fax: (202) 208–6296.

SUPPLEMENTARY INFORMATION: Location of Contest: Department of the Interior Building, Auditorium (''C'' Street entrance) 1849 C Street, N.W., Washington, D.C. The public may view the 1998 Federal Duck Stamp Contest

entries on Tuesday, November 3, 1998, from 10:00 a.m. to 2:00 p.m., in the Department of the Interior Auditorium. This year's judging will be held from November 4–5, 1998, beginning at 10:30 a.m. on Wednesday, November 4, and continuing at 9:00 a.m. on Thursday, November 5.

The following five eligible species for the 1998 duck stamp contest are as follows:

(1) American Green-winged Teal
(2) Black Duck
(3) Greater Scaup
(4) Northern Pintail
(5) Ruddy Duck

The primary author of this document is Mrs. Lita F. Edwards, U.S. Fish and Wildlife Service.

Dated: December 17, 1997.

Jamie Rappaport Clark,

Director.

[FR Doc. 97–33665 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Adopt the Bureau of Land Management (BLM) Coos Bay District Final Proposed Resource Management Plan (PRMP)/ Environmental Impact Statement (EIS), Dated September 1994, as the Resource Management Plan and Environmental Impact Statement for the 5,410 Acre Coquille Forest.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) is considering adopting the BLM's Final PRMP/EIS as the resource management plan and environmental impact statement for management of the 5,410 acre Coquille Forest. A description of the proposal is provided below. The BIA will make an independent analysis of the Final PRMP/EIS to determine its adequacy to meet the BIA's responsibilities under the National Environmental Policy Act (NEPA) in accordance with 40 CFR 1506.3(a).

The Coquille Restoration Act (P.L. 101–42), as amended by P.L. 104–208 of September 30, 1996, (110 STAT. 3009–537: 25 U.S.C. 715c) provides that ''* * * the Assistant Secretary for Indian Affairs, acting on behalf of and in consultation with the [Coquille] Tribe, is authorized to initiate development of a forest management plan for the Coquille Forest.'' Section 501.(a)(d)(5) of the Act requires that the Secretary shall manage the Coquille Forest ''* * * under applicable State and Federal forestry and environmental protection laws, and subject to critical habitat designations under the Endangered Species Act, and subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future.'' Consultation meetings with the Coquille Tribe and its members will be scheduled and carried out until February 1998.

A summary of public involvement associated with the Coos Bay District's Draft and Final Resource Management Plan/Environmental Impact Statement can be found on page ROD–5 of the BLM's Record of Decision and Resource Management Plan of May 1995, and is hereby incorporated by reference. A summary of public involvement associated with the July 1993 Draft and February 1994, Final Supplemental Environmental Impact Statement on Management of Habitat of Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl is included on pages 58–73 of the April 1994 interagency Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and is hereby incorporated by reference.

Additional public input, issue identification, and scoping efforts are described on pages S–17 and 1–6 of the Coos Bay District Final Proposed Resource Management Plan/ Environmental Impact Statement of September 1994, and are hereby incorporated by reference.

DATES: Written comments may be submitted through January 26, 1998.

ADDRESSES: Address comments to Stanley Speaks, Portland Area Office, Bureau of Indian Affairs, The Federal Building, 911 NE, 11th Avenue, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Gary Varner, Siletz Agency, P.O. Box 569, Siletz, Oregon 97380, telephone 541–444–2679. For information regarding the Bureau of Land Management, Coos Bay District Resource Management Plan and Environmental Impact Statement, contact the Coos Bay District at 541–756–0100.

SUPPLEMENTARY INFORMATION: The Coquille Forest has been created pursuant to P.L. 104–208 from existing federal lands managed by the BLM, Coos Bay District, in North Bend, Oregon. For purposes of management direction set forth in the law, the surrounding BLM lands are the ''adjacent or nearby Federal lands.'' The BLM's Final PRMP/EIS will define the objectives, scope and direction for managing the natural resources of the Coquille Forest. In addition, specific tribal goals, objectives, and cultural interests will be incorporated through consultation between the BIA and the Coquille Indian Tribe.

Dated: December 12, 1997.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 97–33724 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–067–7122–6606; CACA–35511]

Environmental Impact Statement; California

AGENCY: Bureau of Land Management.

ACTION: Notice of Extension of Public Comment Period for the Imperial Project Draft Environmental Impact Statement on the Imperial Project Proposed Gold Mining/Processing Operation, Imperial County.

SUMMARY: Notice is hereby given that the comment period of the joint Draft Environmental Impact Statement/ Impact Report (DEIS/EIR) prepared by the Bureau of Land Management and the County of Imperial for an additional 30-days.

DATES: Written comments must be postmarked no later than February 26, 1998.

ADDRESSES: Written comments should be addressed to the Area Manager, Attn: Imperial Project, El Centro Resource Area, 1661 South Fourth St., El Centro, California 92243.

FOR FURTHER INFORMATION CONTACT: Douglas Romoli (909) 697–5237.

SUPPLEMENTARY INFORMATION: The end of comment period as noted in the Draft EIS/EIR for the Imperial Project DEIS/ EIR was January 27, 1998. The comment period is now extended to February 26, 1998.

Dated: December 19, 1997.

Thomas F. Zale,

Acting Area Manager.

[FR Doc. 97–33669 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–1610–00]

Notice of Availability

AGENCY: Bureau of Land Management (BLM), Montana/Dakotas, Interior.

ACTION: Notice.

SUMMARY: In accordance with section 202 of the Federal Land Policy and Management Act of 1976, an environmental assessment has been prepared for proposed Areas of Critical Environmental Concern (ACEC) on BLM-administered surface estate in the South Dakota Resource Area, Dakotas District, North Dakota; and the Billings and Powder River Resource Areas, Miles City District, Montana. The document will amend three Resource Management Plans: Billings (1983), Powder River (1984) and South Dakota (1985). The Environmental Assessment and Draft Resource Management Plan Amendment evaluates the relevance and importance of areas nominated for ACEC designation in portions of the following counties: Carbon, Carter, Custer, Golden Valley, Musselshell, Powder River, Rosebud, Treasure, Yellowstone (Montana); Big Horn (Wyoming); and Fall River (South Dakota). The amendment is a comprehensive plan for managing the areas BLM proposes for ACEC designation.

DATES: Comments on BLM's management prescriptions for areas proposed for ACEC designation should be submitted to BLM on or before March 9, 1998.

ADDRESS: All comments should be sent to the following address: BLM, Tim Murphy, District Manager, 111 Garryowen Road, Miles City, Montana 59301.

FOR FURTHER INFORMATION CONTACT: Mary Bloom, Team Leader, at (406) 233–2826.

SUPPLEMENTARY INFORMATION: A Notice of Intent to plan was filed in the **Federal Register** on April 6, 1995. The public was asked to submit nominations, issues and alternatives. All comments received were considered in the preparation of the plan.

The environmental assessment and draft resource management plan amendment analyzes three alternatives to resolve the issues. Each alternative represents a complete management plan. The alternatives are summarized as (1) No Action, where no areas of critical environmental concern would be designated, (2) Protection For Relevant and Important Values and (3) the Preferred Alternative, which may be a previous alternative, a combination of, or a new alternative.

One area nominated, Pompeys Pillar, has already been planned for and designated in BLM's 1996 ''Pompeys Pillar Resource Management Plan Amendment and Environmental Assessment Record of Decision''. That document approved the designation and management for Pompeys Pillar Area of Critical Environmental Concern.

The Area of Critical Environmental Concern Environmental Assessment and Draft Resource Management Plan Amendment evaluates 21 areas of critical environmental concern nominations. BLM proposes designation and special management for 12 areas. Six areas did not meet the relevance and/or importance criteria. Three areas were considered but not analyzed in detail. The 12 areas proposed for designation are:

1. The *Bridger Fossil* area (575 public surface acres) in Carbon County would be designated an area of critical environmental concern. This significant fossil area would be retained in public ownership and managed to enhance and protect the paleontological resources. Management actions affecting this area are: rights-of-way, and mineral material sales and permits would be allowed with stipulations; oil and gas leasing would be allowed with a Controlled Surface Use stipulation; underground explosives for geophysical exploration for oil and gas would not be allowed, other geophysical exploration methods for oil and gas would be allowed if the method would not damage the paleontology resource; livestock grazing would be allowed; and off-road vehicle use would be limited to designated roads and trails.

2. *Castle Butte* (185 public surface acres) in Yellowstone County would be designated an area of critical environmental concern. The area would be retained in public ownership and managed to enhance and protect significant cultural resources. Management actions affecting this area are: fire would be managed with conditional fire suppression; wood product sales and geophysical exploration for oil and gas would be allowed; rights-of-way would be allowed when they avoid the significant cultural resource sites; livestock grazing and range improvements would be allowed; and off-road vehicle use would be limited to designated roads and trails.

3. The *East Pryor Mountains* (29,500 public surface acres) in Carbon County, Montana and Big Horn County, Wyoming would be designated an area of critical environmental concern. The area would be retained in public ownership and managed for its wild horse and wildlife values, and long-term conservation and recreational use for the public. Management actions affecting this area are: fire would be managed with conditional fire suppression; wood product sales, rights-of-way, livestock grazing, mineral material sales and permits, geophysical exploration for oil and gas, and oil and gas leasing would not be allowed; locatable minerals would be withdrawn from entry; and off-road vehicle use would be limited to the designated trails.

4. *Meeteetse Spires* (960 public surface acres) in Carbon County would be designated an area of critical environmental concern. The area would be retained in public ownership and managed to enhance and protect the rare plants and scenery in the area, and to help protect the public from dangerous cliffs. Management actions affecting this area are: an easement across state land (T. 8 S., R. 20 E., Section 36) would be obtained; fire would be managed with conditional fire suppression; selected timber harvests may be periodically necessary to protect the area's overall resource value; wood product sales would not be allowed; livestock grazing, except for sheep, would be allowed; rights-of-way, oil and gas leasing, and mineral material sales and permits would not be allowed; locatable minerals would be withdrawn from entry; in the sensitive plant area, geophysical exploration for oil and gas would not be allowed by any method; on the remaining area, geophysical exploration would be accessed by air only; exploration would be shot holes and above-ground shots, vibroseis would not be allowed; and off-road vehicle use would be limited to designated roads and trails.

5. *Petroglyph Canyon* (240 public surface acres) in Carbon County would be designated an area of critical environmental concern. This significant site would be retained in public ownership and managed to protect and enhance the cultural resources. Management actions affecting this area are: wood product sales, rights-of-way, oil and gas leasing and geophysical exploration would not be allowed; livestock grazing and range improvements would be allowed; and locatable minerals would be withdrawn from entry. The area would be closed to off-road vehicle use.

6. *Stark Site* (800 public surface acres) in Musselshell County would be designated an area of critical environmental concern. The area would

be retained in public ownership and managed to enhance and protect significant cultural resources. Management actions affecting this area are: fire would be managed with conditional fire suppression; wood product sales, livestock grazing and range improvements would be allowed; rights-of-way, and mineral material sales and permits would not be allowed; oil and gas leasing would be allowed with a No Surface Occupancy stipulation; the area would be closed to geophysical exploration for oil and gas on the cultural resource sites and allowed (surface methods and vibroseis) in the remainder of the area; and off-road vehicle use would be limited to designated roads and trails.

7. *Weatherman Draw* (4,268 public surface acres) in Carbon County would be designated an area of critical environmental concern. This significant cultural site would be retained in public ownership and managed to enhance and protect the cultural resources. Management actions affecting this area are: fire would be managed with conditional fire suppression; wood product sales would not be allowed; rights-of-way associated with valid existing oil or gas lease rights would be allowed with restrictions, other rights-of-way would not be allowed; livestock grazing would be allowed; range improvements would be allowed when they do not conflict with the area of critical environmental concern values; locatable minerals would be withdrawn from entry; mineral material sales and permits would not be allowed; oil and gas leasing would be allowed with a No Surface Occupancy stipulation with no waiver, exception or modification provisions; geophysical exploration for oil and gas would be closed; and off-road vehicle use would be limited to authorized use.

8. *Battle Butte* (120 public surface acres) in Rosebud County would be designated an area of critical environmental concern. This historic battlefield would be retained in public ownership and managed to enhance and protect the cultural resources. Management actions affecting the area are: fire would be managed with conditional fire suppression; livestock grazing and range improvements would be allowed; rights-of-way, coal leasing, and mineral material sales and permits would not be allowed; oil and gas leasing would be allowed with a No Surface Occupancy stipulation; geophysical exploration for oil and gas would be allowed on designated roads and trails with restrictions; and off-road vehicle use would be limited to designated roads and trails.

9. *Finger Buttes* (6,206 public surface acres) in Carter County would be designated an area of critical environmental concern. The area would be retained in public ownership and managed for its scenic values. Management actions affecting this area are: fire would be managed with conditional fire suppression; wood product sales would be allowed with restrictions; rights-of-way would avoid the area; livestock grazing and range improvements would be allowed; mineral material sales and permits and nonenergy leasable mineral leasing would not be allowed; oil and gas leasing would be allowed with a Controlled Surface Use stipulation; geophysical exploration for oil and gas would be allowed on designated roads and trails with restrictions; and off-road vehicle use would be limited to designated roads and trails.

10. *Howrey Island* (321 public surface acres) in Treasure County would be designated an area of critical environmental concern. The area would be retained in public ownership and managed for its special wildlife habitat. Management actions affecting this area are: fire would be managed with conditional fire suppression; wood product sales would be allowed with restrictions; rights-of-way would not be allowed; livestock grazing would be allowed; range improvements would be allowed when they do not degrade the area's values; and off-road vehicles would be limited to the BLM road except from February 15th to June 1st. During that time, no vehicles would be allowed, including on the BLM road.

11. *Reynolds Battlefield* (336 public surface acres) in Powder River County would be designated an area of critical environmental concern. This historic battlefield would be retained in public ownership and managed to enhance and protect the cultural resources. Management actions affecting the area are: fire would be managed with conditional fire suppression; timber sales and wood product sales would be allowed with restrictions; rights-of-way would avoid the area; livestock grazing and range improvements would be allowed; coal leasing and mineral material sales and permits would not be allowed; oil and gas leasing would be allowed with a No Surface Occupancy stipulation; geophysical exploration for oil and gas would be allowed on designated roads and trails with restrictions; and off-road vehicle use would be limited to designated roads and trails.

12. The *Fossil Cycad* area (320 public surface acres) in Fall River County, South Dakota, would be designated an area of critical environmental concern. The surface and minerals would be retained in public ownership and managed to protect and enhance significant paleontological resources. Management actions affecting this area are: fire would be managed with conditional fire suppression; timber sales, wood product sales, and geophysical exploration for oil and gas would not be allowed; rights-of-way would be allowed with stipulations; oil and gas leasing would be allowed with a No Surface Occupancy stipulation; livestock grazing would be allowed; locatable minerals would be withdrawn from entry; and off-road vehicle use would be limited to designated roads and trails.

This notice meets the requirements of 43 CFR 1610.7–2 for designation of areas of critical environmental concern.

Dated: December 16, 1997.

Timothy M. Murphy,

District Manager.

[FR Doc. 97–33719 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–360–1020–00]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Northwest California Resource Advisory Council, Ukiah, California.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Public Law 92–463) and the Federal Land Policy and Management Act (Public Law 94–579), the U.S. Bureau of Land Management's Northwest California Resource Advisory Council will meet Thursday and Friday, Feb. 5 and 6, 1998, at the BLM's Clear Lake Field Office, 2550 North State Street, Ukiah.

SUPPLEMENTARY INFORMATION: The meeting begins at 10 a.m. Feb. 5. Agenda items include discussion of a proposal to close Black Sands Beach to motor vehicle access, the status of an environmental impact statement on Healthy Rangeland Standards and Guidelines, discussion of recreation user fees, the status of planning in the Sacramento River Bend Area of Critical Environmental Concern, reports on the status of the plan amendment for South Cow Mountain, and reports from the managers of BLM's Arcata, Clear Lake and Redding field offices. Public

comments will be taken at 4 p.m. Depending on the number of persons wishing to speak, a time limit could be established.

On Friday, the council will convene at 8 a.m. at the Clear Lake Field Office and depart immediately for a field tour in the Cache Creek area. Members of the public are welcome, but they must provide their own transportation.

FOR ADDITIONAL INFORMATION: Contact Jeff Fontana, public affairs officer, at (530) 257–5381.

Jeff Fontana,

Public Affairs Officer.

[FR Doc. 97–33695 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of revision of a currently approved collection, 1010–0049.

SUMMARY: The Department of the Interior has submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (Act) the collection of information discussed below. The Act requires that OMB provide interested Federal agencies and the public an opportunity to comment on information collection requests. The Act also provides that 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.

DATES: Submit written comments by January 28, 1998.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0049), 725 17th Street, N.W., Washington, D.C. 20503. Send a copy of your comments to the Rules Processing Team, Mail Stop 4020, Minerals Management Service, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, Engineering and Operations Division, Minerals Management Service, telephone (703) 787–1600. You may obtain copies of the supporting statement and collection of information by contacting the MMS Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart B, Exploration and Development and Production Plans.

OMB Number: 1010–0049.

Abstract: Respondents provide information and maintain records on their proposed exploration or development and production activities on the Outer Continental Shelf (OCS). The MMS uses the information to ensure that OCS operations are carried out in a manner that is safe, pollution free, do not interfere with the rights of other users, and conserve the resources of the OCS. Responses to this collection of information are mandatory. The MMS will protect proprietary information in accordance with the Freedom of Information Act and 30 CFR 250.18, Data and information to be made available to the public.

Description of Respondents: Federal OCS oil and gas and sulphur lessees.

Estimated Number of Respondents: 130.

Frequency: The frequency of response is on occasion.

Estimated Annual Burden on Respondents: Reporting and recordkeeping ''hour'' burden of 269,438 hours (see chart below); no reporting and recordkeeping ''cost''.

BURDEN BREAKDOWN

	Reporting requirement	Average number per year	Burden per requirement	Annual burden hours
Citation 30 CFR 250 subpart B and related NTLs:				
31	Notify MMS of preliminary activities	10 notices	1	10
33	Submit initial exploration plan, including surveys, reports, studies, etc.	288 plans	580 hours	167,040
33	Submit revised exploration plan, including surveys, reports, studies, etc.	185 revisions	80 hours	14,800
34	Submit initial development and production plan (or development operations coordination document used in western GOM), including surveys, reports, studies, etc.	97 plans	580 hours	56,260
34	Submit revised development and production plan (or development operations coordination document used in western GOM), including surveys, reports, studies, etc.	294 revisions	82 hours	24,108
34	Submit supplemental deepwater operations plans for projects in GOM water depths greater than 1,000 feet and projects utilizing subsea production technology.	12 plans	580 hours	6,960
Total Reporting		886 responses		269,178
Citation 30 CFR 250 subpart B and related NTLs:				
Supplemental NTLs	Retain original copies of surveys, studies, reports, etc. (Note: Respondents would retain these as part of usual & customary business activities. The burden is to make them available to MMS if needed.).	130	2 hours	260
Total recordkeeping.				260

Comments: In compliance with the Paperwork Reduction Act of 1995, Section 3506 (c)(2)(A), each agency must provide notice and otherwise consult with members of the public and affected agencies concerning this collection of information. Comments are specifically solicited in order to: (a) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) evaluate the accuracy of the burden estimates for the proposed collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Submit your comments to the offices listed in the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, in order to assure maximum consideration, OMB should receive your comments by January 28, 1998.

Bureau Clearance Officer: Jo Ann Lauterbach (202) 208–7744.

Dated: November 25, 1997.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 97–33749 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information—Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service, and 13 Units of the National Park Service.

ACTION: Notice and request for comments.

SUMMARY: The National Park Service is proposing to sponsor during the summer of 1998 a project to determine how park visitors at a sample of thirteen parks feel about the recreation fee demonstration program that currently is being tested in approximately 100 projects that involve more than 100 units of the National Park System. The parks proposed to be surveyed in 1998 include:

NPS unit	Estimated number responses	Estimated burden hours
(1) Allegheny Portage Railroad National Historical Site	300	100
(2) Colonial National Historical Park	300	100
(3) Everglades National Park	300	100
(4) Frederick Douglass National Historic Site	300	100
(5) Glen Canyon National Recreation Area	300	100
(6) Golden Gate National Recreation Area	300	100
(7) Grand Canyon National Park	300	100
(8) Independence National Historical Park	400	200
(9) Mesa Verde National Park	300	100
(10) Sitka National Park	300	100
(11) Sleeping Bear Dunes National Lakeshore	300	100
(12) Yellowstone National Park	400	200
(13) Yosemite National Park	400	200
Totals	4,200	1,600

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the National Park Service is soliciting comments on the need for gathering the information in this proposed visitor study. The NPS is also asking for comments on the practical utility of the information being gathered; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

The NPS goal in conducting this survey is to identify what influences, if any, changes in park fee structures have had on the characteristics and relative mix of different types of park visitors who use the parks, on how implementing the demonstration fee program is affecting the operations of the parks from the perspective of the visitors, and on how the changes associated with the changed fee structures and any resulting changes in park operations affect the experiences of the visitors using these parks. In addition, at the three more intensively surveyed parks, the project goal is to determine how changes caused by the fee demonstration program may be impacting local and regional communities and economies. Results of the surveys proposed to be conducted at these 13 parks will be used by NPS managers in their ongoing planning and management activities to improve visitor services, protect park resources, and better serve the parks' current and future visitors. Results of the recreation fee demonstration program of which this proposed survey activity will be a part will be used by the National Park Service, the Department of the Interior, and the Congress to evaluate the outcome of the trial recreation fee demonstration program and to consider whether or not to enact legislation to establish permanent recreation fee authority for the National Park Service.

DATES: Public comments will be accepted on or before February 27, 1998.

Send Comments To: Dr. John Duffield, 3699 Larch Camp Road, Missoula, Montana 59803, phone and fax: 406–728–9510.

FOR FURTHER INFORMATION CONTACT: Dr. John Duffield at the above address.

SUPPLEMENTARY INFORMATION:

Title: Visitor and Related Survey at 13 Recreation Fee Demonstration Parks.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: Request for new clearance.

Description of Need: NPS needs information concerning park visitor demographics and visitor opinions about the fee demonstration program that the National Park Service is testing. The information proposed to be collected from visitors and park managers in these 13 parks to meet these needs is not available from existing records, sources, or observations.

Automated Date Collection: At the present time, there is no automated way to gather this information, since it includes asking visitors to react to fees, park management, and visitor services at the parks they are visiting. The intrusion on visitors is minimized by contacting them only once during their visit to the park.

Description of Respondents: A sample of visitors to each park.

Estimated Average Number of Respondents: 300 visitors per park at ten of the parks and 400 visitors per park at the other three parks.

Estimated Average Number of Responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents.

Estimated Average Burden Hours Per Response: 20 minutes at each of the 10 parks and 30 minutes at each of the remaining 3 parks.

Frequency of Response: 1 time per respondent.

Estimated Annual Reporting Burden: The total for all parks is estimated to be 1,600 hours.

Diane M. Cooke,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 97–33727 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–70–M

NPS unit	Estimated number responses	Estimated burden hours
(1) Hopewell Culture National Historical Park	800	270
(2) Canyonlands National Park, Green and Colorado Rivers	1,200	600
(3) Voyageurs National Park	600	300
(4) Perry's Victory & International Peace Memorial	400	135
(5) Great Plains Prairie Cluster parks, including:		
Agate Fossil Beds National Monument	250	85
Effigy Mounds National Monument	250	85
Homestead National Monument of America	250	85
Mount Rushmore National Memorial	250	85
Pipestone National Monument	250	85
Scotts Bluff National Monument	250	85
Wilson's Creek National Battlefield	250	85
Totals	4,750	1,900

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service is soliciting comments on the need for gathering the information in the proposed visitor studies listed above. The NPS is also asking for comments on the practical utility of the information being gathered; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

The NPS goal in conducting these surveys generally is to identify characteristics, use patterns, perceptions, preferences and opinions of visitors about management and services in these parks. Each project will have a slightly different focus. Project 1, Hopewell Culture National Historical Park, also will involve a survey mailed to community members to identify characteristics, perceptions and attitudes of people who do not visit the park. This information will help the park be more responsive to, and better serve, the local community. Projects 2 and 3, the Green and Colorado Rivers in Canyonlands National Park and park-wide in Voyageurs National Park, will obtain visitor reactions to managing conflicting uses, management strategies used in the parks, and definitions of standards for quality visitor experiences on both the Green and Colorado Rivers that flow through Canyonlands NP. Project 4, Perry's Victory and International Peace Memorial, will obtain vistor reactions to recent changes made in park management based on past research in the park. Project 5, Great Plains Prairie Cluster parks, will ask visitors to provide information that will contribute to the development of protocols for future monitoring to identify trends. Results of all the surveys at all of the parks will be used by NPS managers in their ongoing planning and management activities to improve vistor services, protect park resources, and better serve the park's current and future visitors.

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information—Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service, and 11 Units of the National Park System.

ACTION: Notice and request for comments.

SUMMARY: The Cooperative Park Studies Unit of the University of Minnesota is proposing to conduct five projects at up to eleven parks during FY 98:

DATES: Public comments will be accepted on or before February 27, 1998.

Send Comments To: Dr. David W. Lime, Senior Research Associate, Cooperative Park Studies Unit, College of Natural Resources, 115 Green Hall, University of Minnesota, 55108, phone: 612–624–2250.

FOR FURTHER INFORMATION CONTACT: David W. Lime. Voice: 612–624–2250, Fax: 612–625–5212, Email: <dlime@forestry.umn.edu>.

SUPPLEMENTARY INFORMATION:

Title: Visitor and Related Surveys at up to 11 Parks.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: Request for new clearance.

Description of Need: NPS needs information concerning park visitor demographics and visitor opinions about the services that the National Park Service provides. For Project (1), Hopewell Culture National Historical Park Visitor and Community Survey, NPS also needs information about the perceptions of people who do not visit the park to help the park be more responsive to community needs. For Projects 2&3, Canyonlands National Park (Green and Colorado Rivers) Visitor Study, and Voyageurs National Park Visitor Study, NPS also needs information about visitor perceptions of standards for achieving quality visitor experiences. For Project 4, Perry's Victory and International Peace Memorial Visitor Study, NPS also needs information about how visitors are reacting to changes made in park management based on past research in the park. For Project 5, Great Plains Prairie Cluster Visitor Studies at 7 parks, NPS also needs information about visitor perceptions of standards for achieving quality visitor experiences. The information proposed to be collected from visitors in these parks and from community residents to meet these needs is not available from existing records, sources, or observations.

Automated Data Collection: At the present time, there is no automated way to gather this information, since it includes asking visitors to react to management and services at the parks they are visiting. The intrusion on visitors is minimized by contacting them only once during their visit to the park.

Description of Respondents: Project 1: A sample of visitors to the park and a sample of individuals from Ross County, Ohio. Projects 2&3: A sample of visitors on the Green and Colorado Rivers and at Voyageurs National Park. Projects 4&5: A sample of visitors to each park.

Estimated Average Number of Respondents: Project 1: 400 visitors contacted at the park and 400 residents of Ross county. Projects 2&3: 600 at each location. Project 4: 400. Project 5: 250 at each park.

Estimated Average Number of Responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents.

Estimated Average Burden Hours Per Response: Projects 1, 4, and 5: 20 minutes. Projects 2&3: 30 minutes.

Frequency of Response: 1 time per respondent.

Estimated Annual Reporting Burden: Project 1: 270 hours. Projects 2&3: 900 hours. Project 4: 135 hours. Project 5: 85 hours at each park for a total of 595 hours.

Diane M. Cooke,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 97–33728 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

[DES 97–46]

Availability of the Draft Environmental Impact Statement for the AT&T Corporation P140 Coaxial Cable Removal Project, Soccoro County, New Mexico, Clark County, Nevada, and Kern and San Bernardino Counties, California

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 the National Park Service announces the availability of the Draft Environmental Impact Statement (DEIS). The Superintendent of Mojave National Preserve, is the Department of the Interior's designated lead federal agency official in accordance with 516 DM 2.4(A), the Bureau of Land Management, Riverside District Office, is the designated cooperating agency; and the U.S. Fish and Wildlife Service (USFWS), Ventura Office, is a coordinating agency. This notice also announces public meetings for the purpose of receiving public comments on the DEIS.

The National Park Service (NPS) and the Bureau of Land Management (BLM) received a request from AT&T Corp. to remove portions of a telecommunications system, that is non-supportive to their fiber optic network and to relinquish associated rights-of-way easements. As jurisdictional agencies of federal Iands crossed by the project, the NPS and the BLM are responsible for determining terms and conditions of any removal activity and rehabilitation actions to promote restoration of the land. AT&T owns and maintains approximately 709 miles of coaxial communications cable and equipment generally between Mojave, California and Socorro, New Mexico known as the P140 cable system consisting of underground cable, repeater huts, manholes, cable markers, other electronic equipment and access corridor. The project addresses a 220 mile portion of the system including 7.7 miles in New Mexico, 7.4 miles in Nevada, and 205.2 miles in California.

Alternatives

The DEIS describes and analyzes four alternatives in response to AT&T's request to remove cable and to terminate the associated rights-of-way. The original right-of-way grants for public and state lands in New Mexico and private and state lands in California provide AT&T a right to remove cable and equipment; so it was necessary to assume cable and equipment removal in these areas. The proposed action, and two additional action alternatives have been developed to reduce or avoid adverse effects on desert vegetation, wilderness, the desert tortoise and recreational access. The No Action alternative is included as a baseline for comparison of the action alternatives. To varying degrees all action alternatives include cable and structure removal along with rehabilitation of the access corridor and repeater hut sites.

The No Action Alternative includes no cable or structural removal nor any rehabilitation action. AT&T would retain its right-of-way easements and would continue to patrol and maintain the access corridor. The Proposed Action-Alternative A, includes the removal of 174.5 miles of cable, repeater huts and manholes along 220 miles of the right-of-way. Removal of marker posts along 174.2 miles and elimination of 39.8 miles of the access corridor and 4 miles of dual track. In addition, the proposed action includes rehabilitation actions to promote restoration and habitat recovery at the repeater hut sites and along portions of the access corridor. Alternative B, was developed to protect desert tortoise critical habitat on federal lands by not removing cable from these areas and eliminating more of the access corridor within critical habitat. Cable would be removed along 113.7 miles outside of critical habitat on federal lands, repeater huts and manholes would be removed along 174.7 miles, and 51.6 miles of the access corridor and 4 miles of dual track would be eliminated and rehabilitated. Alternative C, was developed to minimize construction related impacts on desert vegetation and desert tortoise on federal lands by not removing any cable on federal lands and by eliminating the access corridor in wilderness areas only. Cable would be removed along 72.3 miles on primarily state and private lands. Repeater huts and manholes would be removed along 220 miles, marker posts would be removed along 174.7 miles, and 5.4 miles of the access corridor and 4 miles

of dual tract would be eliminated and rehabilitated.

Environmental Consequences

In general, the Proposed Action would involve trade-offs between long term, adverse affects on desert resources as a result of cable removal activities and permanent gains or benefits associated with removal of structures and rehabilitation actions at the repeater hut sites and along the access corridor. Removal and rehabilitation activities would result in unavoidable, long term adverse effects on desert vegetation, animal species of concern, soil productivity, and visual aesthetics. Construction activities would also result in temporary adverse air quality and noise impacts. Removal of marker posts along 220 miles would enhance desert tortoise habitat by eliminating predator perches and removal of repeater huts would enhance desert aesthetics. Rehabilitation actions along the access corridor would have an unavoidable, permanent adverse effect on recreational access to open desert areas on federal land. Rehabilitation action along the access corridor and at the repeater hut sites, overall, would have a beneficial impact on desert resources. Alternative B would result in long term losses of desert vegetation and desert tortoise habitat due to 113.7 fewer miles of cable removal activities, but would affect 61 fewer miles than the Proposed action. The enhancement of desert tortoise habitat by eliminating predator perches would be the same as the proposal. Elimination of 12 more miles of the access corridor would result in a greater permanent gain to desert tortoise habitat by eliminating the vehicle related impacts, but would have greater impacts on recreation access than the proposal. The permanent enhancement of habitat values at the repeater hut sites would be the same as the proposal. The permanent visual enhancement associated with removal of aboveground structures would be the same as the proposal. Impacts of Alternative C would result in long term loss of desert vegetation and desert tortoise habitat due to 72.3 fewer miles of cable removal, but would affect 102 miles less than the proposal. The enhancement of desert tortoise habitat by eliminating predator perches along 220 miles would be the same as the proposal. Eliminating 34 fewer miles of the access corridor as compared with the proposal would result in a smaller permanent gain to desert tortoise habitat but would avoid the recreational access impacts of the proposal. The permanent enhancement of habitat values at the repeater hut sites would be the same as the proposal. The permanent visual enhancement associated with removal of the aboveground structures would be the same as the proposal.

The DEIS was prepared in order to evaluate a range of alternatives, assess the impacts of these alternatives and to provide the public with an opportunity to comment. This document will be on public review for at least 60 days. The NPS and the BLM would appreciate any comments on the project.

DATES: Comments on the Draft EIS should be received no later than March 27, 1998. Two public meetings are scheduled for Wednesday, January 14, 1998 (10:00 a.m. until 3:00 p.m.) at the Hole-in-the-Wall Visitor Center within the Mojave National Preserve; and (7:00 p.m.—9:00 p.m.) at the Holiday Inn, 1511 E. Main Street, in Barstow, California. Further information can be obtained by contacting Joan DeGraff of the NPS at (303) 969–2464.

ADDRESSES: Written comments on the Draft EIS should be submitted to Joan DeGraff National Park Service, Denver Service Center, P.O. BOX 25287, Denver, CO. 80225–0287.

SUPPLEMENTARY INFORMATION: Copies of the DEIS are available on the Internet at the NPS web site http://www.nps.gov/planning/index.html. Public reading copies of the DEIS are available for review at local NPS and BLM Offices and at local public libraries. For information on these locations contact: Joan DeGraff at (303) 969–2464.

Dated: December 19, 1997.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 97–33650 Filed 12–24–97; 8:45 am]

BILLING CODE 2310–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

Acadia National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, January 12, 1998.

The Commission was established pursuant to Public Law 99–420, Section 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park Headquarters, McFarland Hill, Bar Harbor, Maine, at 1:00 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held October 27, 1997.
2. Committee reports.
3. Old business.
4. Superintendent's report.
5. Public comments.
6. Proposed agenda and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Dated: December 18, 1997.

Len Bobinchock,

Acting Superintendent, Acadia National Park.

[FR Doc. 97–33721 Filed 12–24–97; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–288]

Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports

AGENCY: United States International Trade Commission.

ACTION: Notice of determination.

EFFECTIVE DATE: December 19, 1997.

SUMMARY: Section 7 of the Steel Trade Liberalization Program Implementation Act, as amended (19 U.S.C. 2703 note), which concerns local feedstock requirements for fuel ethyl alcohol imported by the United States from CBI-beneficiary countries, requires the Commission to determine annually the U.S. domestic market for fuel ethyl alcohol during the 12-month period ending on the preceding September 30. The domestic market estimate made by the Commission is to be used to establish the ''base quantity'' of imports that can be imported with a zero percent local feedstock requirement. The base quantity to be used by the U.S. Customs Service in the administration of the law is the greater of 60 million gallons or 7 percent of U.S. consumption as

determined by the Commission. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from the CBI-beneficiary countries.

For the 12-month period ending September 30, 1997, the Commission has determined the level of U.S. consumption of fuel ethyl alcohol to be 1.1 billion gallons. Seven percent of this amount is 80.3 million gallons (these figures have been rounded). Therefore, the base quantity for 1998 should be 80.3 million gallons.

FOR FURTHER INFORMATION CONTACT: Ms. Jean Harman (202) 205–3313 in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at (202) 205–3091.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

Background

For purposes of making determinations of the U.S. market for fuel ethyl alcohol as required by section 7 of the Act, the Commission instituted Investigation No. 332–288, Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports, in March 1990. The Commission uses official statistics of the U.S. Department of Energy to make these determinations as well as the PIERS database of the Journal of Commerce, which is based on U.S. export declarations.

Section 225 of the Customs and Trade Act of 1990 (Public Law 101–382, August 20, 1990) amended the original language set forth in the Steel Trade Liberalization Program Implementation Act of 1989. The amendment requires the Commission to make a determination of the U.S. domestic market for fuel ethyl alcohol for each year after 1989.

By order of the Commission.

Issued: December 19, 1997.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–33676 Filed 12–24–97; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: Existing Collection; Comment Request

ACTION: Extension of existing collection: Foreign Agents Registration Act Form (Registration Statement) as required by Rule 200(b) of the Act.

Office of Management and Budget approval is being sought for the information collection listed below. This collection was previously published in the **Federal Register** on September 23, 1997, allowing for a 60-day public comment period. No comments were received by the Criminal Division.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 28, 1998. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four 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 agencies 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Registration Statement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–153. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Others: Not-for-profit institutions, and individuals or households. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 respondents at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 150 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information please contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 22, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33670 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: Existing Collection; Comment Request

ACTION: Extension of existing collection: Foreign Agents Registration Act Form (Supplemental Registration Statement) as required by Rule 200(a) of the Act.

Office of Management and Budget approval is being sought for the information collection listed below. This collection was previously published in the **Federal Register** on September 23, 1997, allowing for a 60-day public comment period. No comments were received by the Criminal Division.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 28, 1998. This process is conducted in accordance with 5 CFR 3120.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention:

Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four 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 agencies 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Supplemental Registration Statement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–154. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. Form contains supplemental registration and information used in registering foreign agents under 22 U.S.C. 611 *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,200 respondents at 1.375 hours per response (2 responses annually).

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,300 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information please contact, Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 22, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33671 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: Existing Collection; Comment Request

ACTION: Extension of existing collection: Foreign Agents Registration Act Form (Exhibit A) as required by Rule 201(a)(1) of the Act.

Office of Management and Budget approval is being sought for the information collection listed below. This collection was previously published in the **Federal Register** on September 23, 1997, allowing for a 60-day public comment period. No comments were received by the Criminal Division.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 28, 1998. This process is conducted in accordance with 5 CFR 3120.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four 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 agencies 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Exhibit A.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–157. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Others: Not-for-profit institutions, and individuals or households. Form is used to register foreign agents as required by 22 U.S.C. 611, *et seq.*, and must be utilized within 10 days of date contract is made or when initial activity occurs, whichever is first.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 75 respondents at .49 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 38 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information please contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 22, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33672 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: Existing Collection; Comment Request

ACTION: Extension of existing collection: Amendment to Registration or Supplemental Registration Reports (Foreign Agents).

Office of Management and Budget approval is being sought for the information collection listed below. This collection was previously published in the **Federal Register** on September 23, 1997, allowing for a 60-day public comment period. No comments were received by the Criminal Division.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 28, 1998. This process is conducted in accordance with 5 CFR 3120.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four 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 agencies 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Amendment to Registration or Supplemental Registration Reports (Foreign Agents).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–158. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Others: Not-for-profit institutions, and individuals or households.

This Form is used in registration of foreign agents when changes are required under provisions 22 U.S.C. 611 *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 200 respondents at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information please contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 22, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33673 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: existing collection; Comment Request

ACTION: Extension of existing collection: Foreign Agents Registration Act Form (Exhibit B) as required by Rule 201(a)(2) of the Act.

Office of Management and Budget approval is being sought for the information collection listed below. This collection was previously published in the **Federal Register** on September 23, 1997, allowing for a 60-day public comment period. No comments were received by the Criminal Division.

The purpose of this notice is to allow an additional 30 days for public comment. Comments are encouraged and will be accepted until January 28, 1998. This process is conducted in accordance with 5 CFR 3120.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four 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 agencies 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Exhibit B.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–155. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Others: Not-for-profit institutions, and individuals or households.

Form is used to augment the registration statement of foreign agents as required by the provisions of 22 U.S.C. 611, *et seq.,* within 10 days of the date of a contract is made or when initial activity occurs, whichever is first.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 75 respondents at .33 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 25 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information please contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice,

Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 22, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33674 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Criminal Division

Agency Information Collection Activities: existing collection; Comment Request

ACTION: Extension of existing collection: Foreign Agents Registration Act Form (Short-Form Registration Statement) as required by Rule 202(e) of the Act.

Office of Management and Budget approval is being sought for the information collection listed below, This collection was previously published in the **Federal Register** on September 23, 1997, allowing for a 60-day public comment period. No comments were received by the Criminal Division.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 24, 1998. This process is conducted in accordance with 5 CFR 3120.10.

Written comments and/or suggestions regarding the item contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four 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 agencies 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Short-form Registration Statement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CRM–156. Criminal Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Others: Not-for-profit institutions, and individuals or households. Form is used to register foreign agents as required by 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 350 respondents at .429 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 150 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information please contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: December 22, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33675 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Extension of a Currently Approved Collection; Comment Request

ACTION: Notice of information collection under review; application for permit to import controlled substances for domestic and/or scientific purposes pursuant to 21 U.S.C. 952.

The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until February 23, 1998.

We are requesting written comments and suggestions from the public and affected agencies concerning the collection of information. Your comments should address one or more of the following four points:

1. Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies estimate of the burden of the 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.

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 Mr. Paul Hugentober, 202–307–2414, Chief, International Drug Unit, Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. If you have additional comments, suggestions, or need a copy of the information collection instrument with instructions, or additional information, please contact Mr. Paul Hugentober.

Additionally, 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, NW, Washington, DC 20530. Additional comments may be submitted to DOJ via facsimile at 202–514–1590.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes pursuant to 21 U.S.C. 952.

3. *Agency form number:* DEA Form 357; Applicable component of the Department of Justice sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None.

Title 21, CFR, 1312.12 requires any registrant who desires to import certain controlled substances into the United States to apply on DEA Form 357. Information is needed to determine the suitability for issuance of an Import Permit, ensure that import quotas are not exceeded, and provide the United Nations with information concerning legitimate traffic in narcotics.

1. An estimate of the total estimated number of respondents and the amount of time estimated for an average respondent to respond: 237 respondents at 1 response per year at 15 minutes per response.

2. An estimate of the total public burden (in hours) associated with the collection: 59.25 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: December 19, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–33654 Filed 12–24–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Parole Commission

[Public Law 94–409; 5 U.S.C. Sec. 552b]

Record of Vote of Meeting Closure

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately 9:30 a.m. on Tuesday, December 16, 1997 at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide three appeals from the National Commissioners' decisions pursuant to 28 CFR Section 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Edward F. Reilly, Jr., and John R. Simpson.

In witness whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: December 19, 1997.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 97–33845 Filed 12-23-97; 10:18 am]

BILLING CODE 4410–01–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 is soliciting comments concerning four information collections: (1) Claim for Reimbursement-Assisted Reemployment, CA–2231; (2) Vehicle Mechanical Inspection Report for Transportation Subject to Department of Transportation Requirements, WH–514, and Vehicle Mechanical Inspection Report for Transportation Subject to Department of Labor Safety Standards, WH–514a; (3) Records to be Kept by Employers (Fair Labor Standards Act); (4) Certification by School Official, CM–981. Copies of the proposed information collection requests can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 5, 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 Forkel at the U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 219–7601. The Fax number is (202) 219–6592. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA). The Act provides vocational rehabilitation services to eligible injured Federal employees which are paid from the Employees' Compensation Fund. Authority has been granted to provide amounts from the fund to reimburse the employer for a portion of the salary of reemployed disabled Federal workers. The information collected on the Form CA–2231 is used to facilitate prompt reimbursement to certain employers who employ such workers.

II. Current Actions

The Department of Labor (DOL) seeks extension of approval to collect information necessary to ensure timely and accurate payments to eligible employers for reimbursement claims.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Claim for Reimbursement—Assisted Reemployment.

OMB Number: 1215–0178.

Agency Numbers: CA–2231.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Total Respondents: 180.

Frequency: Quarterly.

Total Responses: 720.
Average Time Per Response for Reporting: ½ hour.
Estimated Total Burden Hours: 360.
Total Burden Cost (capital/startup): 0.
Total Burden Cost (operating/maintenance): $230.40.

I. Background

Section 401 of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires that farm labor contractors, agricultural employers, or agricultural associations who use any vehicle to transport a migrant or seasonal agricultural worker, ensure that such vehicle conforms to vehicle safety standards prescribed by MSPA and other applicable Federal and State safety standards. The use of the forms WH–514 and the 514a enable an applicant to verify to the Department of Labor or appropriate State agency that the vehicles used to transport such workers meet these safety standards. The WH–514 is used to verify that Department of Transportation safety standards are met for all vehicles other than passenger automobiles or station wagons, and the WH–514a is used to verify that Department of Labor safety standards are met for all vehicles including passenger automobiles or station wagons.

II. Current Actions

The Department of Labor (DOL) seeks extension of approval to collect this information in order to verify that farm labor contractors, agricultural employers, and agricultural associations have complied with applicable safety standards.
Type of Review: Extension.
Agency: Employment Standards Administration.
Title: Vehicle Mechanical Inspection Report for Transportation Subject to DOT Requirements and Vehicle Mechanical Inspection Report for Transportation Subject to DOL Safety Standards Request for Employment Information.
OMB Number: 1215–0036.
Agency Numbers: WH–514, WH–514a.
Affected Public: Business or other for profit; Farms.
Total Respondents: 1,050.
Frequency: On occasion.
Total Responses: 3,150.
Average Time Per Response: 45 minutes.
Estimated Total Burden Hours: 2,363.
Total Burden Cost (capital/startup): 0.
Total Burden Cost (operating/maintenance): 0.

I. Background

The Fair Labor Standards Act (FLSA) sets minimum wage, overtime pay, child labor and recordkeeping standards for employees engaged in interstate commerce or in the production of goods for interstate commerce and to employees in certain enterprises. The Fair Labor Standards Act requires that all employers covered by the Act make, keep and preserve records of employees and of wages, hours and other conditions and practices of employment.

Current Actions

The Department of Labor seeks extension of approval to collect this information in order to carry out its responsibility to enforce the provisions of the Fair Labor Standards Act.
Type of Review:: Extension.
Agency: Employment Standards Administration.
Title: Records to be Kept by Employers (Fair Labor Standards Act).
OMB Number: 1215–0017.
Affected Public: Individuals or households; Farms; Businesses or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal government.
Total Recordkeepers: 3.7 million.
Frequency: Weekly.
Average Time Per Recordkeeper: 1 hour.
Total Recordkeeping Hours: 819,231.
Total Burden Cost (capital/startup): 0.
Total Burden Cost (operating/maintenance): 0.

Background

In order to be a dependent who is eligible for black lung benefits, a child aged 18 to 23 must be a full-time student as described in the Black Lung Benefits Act. The form CM–981 is used to verify full-time student status.

Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to determine continued eligibility of a claimant for benefits.
Type of Review:: Extension.
Agency: Employment Standards Administration.
Title: Certification by School Official.
OMB Number: 1215–0061.
Affected Public: State, Local or Tribal Government; Business or other for-profit; not-for-profit institutions.
Total Respondents: 1,000.
Frequency: Annually.
Total Responses: 1,000.
Average Time Per Response: 10 minutes.
Total Hours: 150.
Total Burden Cost (capital/startup): 0.
Total Burden Cost (operating/maintenance): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 19, 1997.

Cecily A. Rayburn,

Director, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 97–33679 Filed 12–24–97; 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 fring 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 previsions 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 Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of the publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

Maine:

ME 970037 (Feb. 14, 1997)

Volume II

Pennsylvania:
PA970014 (Feb. 14, 1997)
Virginia:
VA970026 (Feb. 14, 1997)

Volume III

Florida:
FL970045 (Feb. 14, 1997)
Georgia:
GA970003 (Feb. 14, 1997)
GA970022 (Feb. 14, 1997)
GA970031 (Feb. 14, 1997)
GA970032 (Feb. 14, 1997)
GA970039 (Feb. 14, 1997)
GA970040 (Feb. 14, 1997)
GA970050 (Feb. 14, 1997)
GA970065 (Feb. 14, 1997)
GA970073 (Feb. 14, 1997)
GA970083 (Feb. 14, 1997)
GA970084 (Feb. 14, 1997)
GA970085 (Feb. 14, 1997)
GA970086 (Feb. 14, 1997)
GA970087 (Feb. 14, 1997)
GA970088 (Feb. 14, 1997)
North Carolina:
NC970050 (Feb. 14, 1997)
South Carolina:
SC970036 (Feb. 14, 1997)

Volume IV

Illinois:
IL970018 (Feb. 14, 1997)
Michigan:
MI970001 (Feb. 14, 1997)
MI970002 (Feb. 14, 1997)
MI970003 (Feb. 14, 1997)
MI970031 (Feb. 14, 1997)

Volume V

None.

Volume VI

None.

Volume VII

None.

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 county.

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 Service (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 19th day of December 1997.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 97–33533 Filed 12–24–97; 8:45 am]

BILLING CODE 4510–22–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Program To Prevent Smoking in Hazardous Areas

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 Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Program to Prevent Smoking in Hazardous Areas. MSHA 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.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the For Further Information Contact section of this notice.

DATES: Submit comments on or before February 27, 1998.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mr. Fesak can be reached at gfesak@msha.gov (Internet E-mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 317(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 877(c), and 30 CFR § 75.1702 prohibits persons from smoking or carrying smoking materials underground or in places where there is a fire or explosion hazard. Under the Mine Act and § 75.1702, coal mine operators are required to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as in or around oil houses, explosives magazines, etc. The Mine Act and the standard further require that the mine operator submit the program plan to MSHA for approval. The purpose of the program is to insure that a fire or explosion hazard does not occur.

II. Current Actions

It is necessary to continue this paperwork burden in order to ensure that mine operators continue to submit smoking materials search plans and that miners are continually protected from the hazards of igniting mine explosions or mine fires by the open flames of cigarette lighters and matches and smoldering tobacco products. Smoking continues to be a prevalent habit of underground coal miners when off work when engaged in surface activities. Both the accidental or intentional carrying of smoking materials underground and the deliberate disregard for the safety of other miners can only be mitigated by the systematic programs to prohibit the carrying and use of smoking materials underground as required by 30 CFR § 75.1702.

Type of Review: Extension (without change).

Agency: Mine Safety and Health Administration.

Title: Program to Prevent Smoking in Hazardous Areas.

OMB Number: 1219–0041.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc: 30 CFR 75.1702.

Total Respondents: 328.

Frequency: On occasion.

Total Responses: 328.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 164.

Estimated Total Burden Cost: $6,888.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 18, 1997.

George M. Fesak,

Director, Program Evaluation and Information Resources.

[FR Doc. 97–33677 Filed 12–24–97; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–97–49]

Agency Information Collection Activities; Proposed Collection; Comment Request; Portable Fire Extinguishers—Annual Maintenance Certification Record

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in 29 CFR 1910.157(e)(3). The Agency is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

• Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be submitted on or before February 27, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket

No. ICR–97–49, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW, Washington, D.C. 20210, telephone: (202) 219–8061. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kennedy at (202) 219–8061, ext. 100, or Barbara Bielaski at (202) 219–8076, ext. 142. For electronic copies of the Information Collection Request on the certification requirements for Portable Fire Extinguishers, contact OSHA's WebPage on the Internet at http://www.osha.gov/ and click on ''standards.''

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statue specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

The inspection certification record required in 29 CFR 1910.157(e)(3) is necessary to assure compliance with the inspection requirements for portable fire extinguishers. They are intended to assure that portable fire extinguishers have an annual maintenance check.

II. Current Actions

This notice requests Office of Management and Budget (OMB) approval of the annual inspection certification requirements contained in 29 CFR 1910.157(e)(3)—Portable Fire Extinguishers.

Type of Review: Existing Collection in Use Without an OMB Control Number.

Agency: U.S. Department of Labor, Occupational Safety and Health Administration.

Title: Portable Fire Extinguishers (29 CFR 1910.157(e)(3))—Annual Maintenance Certification Record.

OMB Number: 1218–.

Agency Number: Docket Number ICR–97–49.

Affected Public: State or local governments; Business or other for-profit.

Number of Respondents: 127,500.

Frequency: Annually.

Average Time per Response: 30 minutes (0.50 hour).

Estimated Total Burden Hours: 63,750.

Total Annualized Capital/Startup Costs: $9,180,000.

Signed at Washington, DC, this 19th day of December 1997.

John F. Martonik,

Acting Director, Directorate of Safety Standards Programs.

[FR Doc. 97–33708 Filed 12–24–97; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health: Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Maritime Advisory Committee for Occupational Safety and Health; notice of meeting.

SUMMARY: The Maritime Advisory Committee for Occupational Safety and Health, (MACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), to advise the Secretary of Labor on matters relating to occupational safety and health programs, policies, and standards in the maritime industries of the United States, is holding a meeting.

DATES: The meeting will be held January 28 and 29, 1998, beginning at 9:00 a.m. and ending at approximately 5:00 p.m.

ADDRESSES: The meeting will be held at the Ramada Hotel, Old Town, 901 North Fairfax Street, Alexandria, Virginia 22314.

Any written comments in response to this notice should be sent to the following address: OSHA, Office of Maritime Standards, Room N–3621, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Phone (202) 219–7234, fax (202) 219–7477.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Liberatore, Office of Maritime Standards, OSHA, (202) 219–7234, extension 141.

SUPPLEMENTARY INFORMATION: At this meeting, the Committee will (1) advise OSHA on the development of an Operating Plan to meet its Strategic Goal of achieving a 15% reduction in injuries and illnesses in the Shipyard Industry; (2) explore innovative outreach and training partnerships; (3) discuss maritime applications of cooperative compliance programs; and (4) receive an update of major Fiscal Year 98 OSHA initiatives.

All interested persons are invited to attend the public meetings of MACOSH, including this one at the time and place indicated above. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Theda Kenney at 202–219–8061, no later than January 15, 1998, to obtain appropriate accommodations.

MACOSH will meet as a whole and also in small focus groups. Written data, views or comments for consideration by the Committee may be submitted, preferably with 20 copies, to Larry Liberatore at the address provided above. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Members of the general public may request an opportunity to make oral presentations at the meeting. Oral presentations will be limited to statements of fact and views, and will not include any questioning of the committee members or other participants unless these questions have been specifically approved by the chairperson. Anyone wishing to make an oral presentation should notify Larry Liberatore before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chair of the Advisory Committee.

Authority: This notice is issued under the authority of section 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (19 U.S.C. 655,666), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR Part 1912.

Signed at Washington, D.C., this 17th day of December 1997.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 97–33678 Filed 12–24–97; 8:45 am]

BILLING CODE 4510–26–M

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, January 15, 1998 and Friday, January 16, 1998 at the Embassy Suites Hotel, 1250 22nd Street N.W., Washington, DC in the Consulate/Ambassador Room. The meetings are tentatively scheduled to begin at 10:00 a.m. on January 15 and at 8:30 a.m. on January 16.

At the meeting, the Commission will be reviewing a draft of its March 1998 report to the Congress. Among the topics the Commission will discuss are: improving Medicare+Choice capitation payments, risk adjustment, the adjusted community rate, PPS operating and capital updates, disproportionate share payments, moving to prospective payment systems for post-acute care, payment policy for hospital outpatient department services, physician payment policy, payment issues for special populations, and graduate medical education.

Final agendas will be mailed on January 9, 1998 and will be available on the Commission's web sites (WWW.PPRC.GOV and WWW.PROPAC.GOV) at that time.

ADDRESSES: 2120 L Street, N.W.; Suite 200; Washington, D.C. 20037. The telephone number is 202/653–7220.

FOR FURTHER INFORMATION CONTACT: Ann Johnson, Executive Assistant, at 202/653–7220.

SUPPLEMENTARY INFORMATION: If you are not on the Commission mailing list and wish to receive an agenda, please call 202/653–7220 after January 9, 1998.

Lauren LeRoy,

Executive Director.

[FR Doc. 97–33733 Filed 12–24–97; 8:45 am]

BILLING CODE 6820–BW–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317, 50–318 and 72–8]

Baltimore Gas Electric Company (Calvert Cliffs Nuclear Power Plant, Units 1 and 2, and the Independent Spent Fuel Storage Installation); Order Extending the Effectiveness of the Approval of the Transfer of Licenses

I

By Order dated October 18, 1996, the Nuclear Regulatory Commission (the Commission or NRC) approved the proposed transfer of Operating Licenses Nos. DPR–53 and DPR–69 for the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, and Material Licenses No. SNM–2505 for the Calvert Cliffs Independent Spent Fuel Storage Installation from Baltimore Gas and Electric Company (BGE) to Constellation Energy Corporation. The approval was given in response to an application filed by BGE dated April 5, 1996, for consent under Sections 50.80 and 72.50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.80 and 10 CFR 72.50). By its terms, the Order of October 18, 1996, becomes null and void if the transfer of the licenses is not consummated by December 31, 1997, unless on application and for good cause shown, such date is extended by the Commission.

II

By letter dated November 21, 1997, BGE submitted a request for an extension of the effectiveness of the Order of October 18, 1996, such that approval of the transfers would remain effective until December 31, 1998. According to this submittal, all of the necessary regulatory approvals have been obtained to permit the consummation of the merger between BGE and Potomac Electric Power Company, resulting in Constellation Energy Corporation. BGE asserts, however, that the Maryland and District of Columbia Public Service Commission attached conditions to their approvals that are inconsistent with the respective merger applications. The companies proposing to merge have filed joint requests with the Maryland and District of Columbia Commissions for rehearing of their original orders approving the merger.

According to BGE, an intervenor in the Maryland case appealed the Maryland Commission's order approving the merger to the Circuit Court in Baltimore Count, and this appeal has delayed the expected merger process. The Circuit Court affirmed the Maryland Commission's order on October 27, 1997, but the Court's order has now been appealed to the Court of Special Appeals of Maryland. The issues being appealed, and those that are contained in the requests for rehearing in both Maryland and the District of Columbia, do not change the information provided to the NRC on which its October 18, 1996, Order was based.

The staff has considered the foregoing request of November 21, 1997, and has determined that BGE has demonstrated good cause to extend the effectiveness of the Order of October 18, 1996, approving the license transfers.

III

Accordingly, pursuant to Sections 161b and 161i of the Atomic Energy Act, as amended, 42 USC §§ 2201(b) and 2201(l), *It is hereby ordered* that the effectiveness of the Order of October 18, 1996, approving the transfer of the licenses described herein is extended such that if the subject transfer of licenses is not consummated by December 31, 1998, the Order of October 18, 1996, shall become null and void.

This Order is effective upon issuance.

For further details with respect to this action, see the letter dated November 21, 1997, from BGE which is available for public inspection at the Commission's Public Document Room, the Gelman Building 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 19th day of December 1997.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–33680 Filed 12–24–97; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Consumers Energy Company; Big Rock Point Nuclear Plant Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of an exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c, regarding biennial exercise of the offsite emergency plan to Consumers Energy Company (Consumers or the licensee), for the Big Rock Point (BRP) Nuclear Plant located in Charlevoix County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed exemption would allow a one-time schedular exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c, which states that each licensee at each site

shall exercise its offsite plans biennially with full participation by each offsite authority having a role under the plan.

By letter dated July 17, 1997, as supplemented or modified by letters dated August 5 and 8, September 4, December 9, 1997, the licensee requested exemption from the above requirement to delay the 1997 offsite biennial exercise (initially scheduled for October 21, 1997, and then rescheduled to December 16, 1997) for the BRP facility until June 1998, on the basis, in part, that ''additional time would allow the Big Rock Point staff to revise the October 1997 exercise scenario to reflect actual plant configuration during decommissioning.'' Notwithstanding this request, the NRC staff proposes to grant a one-time schedular exemption for the 1997 biennial offsite exercise to be performed on or before March 31, 1998.

The State of Michigan also described its position that the offsite biennial emergency exercise should reflect actual plant conditions. As noted in a letter from the State of Michigan to the Federal Emergency Management Agency (FEMA) Region IV, dated November 25, 1997, the State feels that ''requiring the State and counties to conduct an exercise at this time, based on assumptions of an operating full-power reactor, would be unrealistic and counterproductive to all parties involved.'' The State further asserted that a ''more realistic test of local and State capabilities would be to assess response to an accident once all plans and procedures have been revised to reflect the status of the plant.'' By letter dated December 5, 1997, the State reiterated its intent to participate in an exercise of more clearly defined scope, if the exercise scenario were revised to reflect the permanently shut down and defueled condition of the BRP facility.

By letter dated December 17, 1997, FEMA informed the Commission that the current offsite emergency plan and the implementation capabilities of the associated offsite emergency staff are adequate. Further, FEMA agreed that the exercise scenario should be revised to be consistent with the defueled and permanently shut down condition of the BRP facility (as proposed by the licensee in their letter to the NRC dated August 8, 1997) and that the biennial exercise be delayed to allow all parties sufficient time to prepare and conduct the revised exercise scenario. The licensee provided a similar assessment of the adequacy of the offsite emergency plan and the capability of the offsite emergency preparedness response organizations in a letter to the Commission dated December 9, 1997.

The previous emergency preparedness exercise at BRP involving both offsite and onsite participation was successfully conducted on August 22–23, 1995. By letter dated December 13, 1995, FEMA informed the NRC Region III office that the emergency plans at BRP can be implemented and are adequate to give reasonable assurance that appropriate measures can be taken offsite to protect the health and safety of the public in the event of a radiological emergency. No deficiencies were noted during this exercise. On September 10, 1996, an onsite emergency preparedness exercise was also successfully conducted.

The schedule for future exercises will not be affected by the proposed exemption. The staff is still reviewing licensee request for exemption from certain 10 CFR Part 50 requirements for emergency planning (Consumers letter to the Commission, dated September 19, 1997). Therefore, except for the proposed schedular change for the offsite exercise, the licensee is required to comply with all NRC rules and regulations and Consumers' current emergency plan, as approved or until revised by subsequent Commission approval.

Need for the Proposed Action

The proposed exemption is needed because additional time is required for Consumers to revise the December 16, 1997, offsite exercise scenario to reflect the permanently shutdown and defueled condition of the BRP facility. Further, because the exercise scenario will be changed, additional time will be needed for FEMA and the State of Michigan to prepare appropriate exercise objectives and for the NRC staff to review the revised exercise scenario.

Environmental Impacts of the Proposed Action

The NRC evaluation of the proposed exemption from 10 CFR Part 50, Appendix E, Section IV.F.2.c, indicates that the granting of the proposed exemption will not involve any measurable environmental impacts, since the exemption deals with the exercise of the licensee's emergency preparedness plan. The BRP facility permanently ceased reactor power operations on August 30, 1997, and permanently transferred all reactor fuel to the spent fuel pool on September 20, 1997. The licensee maintains and operates the plant in a configuration necessary to support the safe storage of spent fuel and compliance with the facility operating licensee and NRC rules and regulations.

No changes are being made in the types or amounts of any radiological effluents that may be released offsite. There is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action. With regard to potential nonradiological impacts, the proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the action would be to deny the request, thereby requiring the licensee to perform the offsite exercise with a scenario that does not reflect the configuration of the BRP facility; such an action would not enhance the protection of the environment. Denial of the application would result in no change in current environmental impacts. The impacts of the proposed action and the alternative are similar.

Alternative Use of Resources

This action does not affect the use of resources, since the schedule for future exercises will not be affected by this exemption. Further, this action does not involve the use of any resources not previously considered in BRP's Environmental Report for Decommissioning, dated February 27, 1995.

Agencies and Persons Consulted

In accordance with its stated policy, on December 18, 1997, the NRC staff consulted with the Michigan State Official, David W. Minnaar, Chief, Radiological Protection Section, Drinking Water and Radiological Protection Division, Michigan Department of Environmental Quality, and FEMA Official, Ihor W. Husar, Chief, State and Local Regulatory Evaluation and Assessment Branch, Exercises Division, regarding the environmental impact of the proposed action. State and FEMA Officials support the granting of the proposed exemption and had no comments regarding environmental impacts.

Finding of No Significant Impact

On the basis of the environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission will not prepare an environmental impact statement for the proposed exemption.

For further details with respect to the proposed exemption, see licensee letters dated July 17, August 5 and 8, September 4, and December 9, 1997, which are available at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room, North Central Michigan College, 1515 Howard Street, Petosky, MI 49770.

Dated at Rockville, Maryland, this 19th day of December 1997.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 97–33681 Filed 12–24–97; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22948; File No. 812–10886]

The Sierra Variable Trust, et al.; Notice of Application

December 19, 1997.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order under Section 17(b) of the Investment Company Act of 1940 (''1940 Act''), exempting Applicants from the provisions of Section 17(a) of the 1940 Act to the extent necessary to permit the merger of two series of a registered management investment company and the combination of corresponding sub-accounts of a separate account investing therein.

SUMMARY OF APPLICATION: Applicants seek an order exempting them from the provisions of Section 17(a) of the 1940 Act to the extent necessary to permit the merger of the Trust's Short Term Global Government Fund (the ''Global Government Fund'') into the Trust's Short Term High Quality Bond Fund (the ''High Quality Bond Fund'') (the ''Merger'') and the combination of corresponding sub-accounts of the Separate Account investing therein.

APPLICANTS: The Sierra Variable Trust (''Trust''), American General Life Insurance Company (''Insurance Company'') and American General Life Insurance Company Separate Account D (''Separate Account'').

FILING DATES: The application was filed on December 5, 1997.

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 Secretary of the SEC and serving Applicants with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 13, 1997, and should be accompanied by proof of service on 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 of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o J.B. Kittredge, Esq., Ropes & Gray, One International Place, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Michael Koffler, Attorney, or Mark Amorosi, Branch Chief, Office of Insurance Products (Division of Investment Management), at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the SEC, 450 Fifth St., N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. The Trust, an open-end, management investment company, is a Massachusetts business trust. It is a series investment company currently comprised of fourteen separate investment portfolios, two of which are the High Quality Bond Fund and the Global Government Fund. Five portfolios are asset allocation portfolios (the ''Asset Allocation Portfolios'') investing in six to eight of the other funds (the ''Funds'') (the Asset Allocation Portfolios and the Funds are hereafter referred to collectively as the ''Portfolios''). The Trust issues a separate series of shares of beneficial interest in connection with each Portfolio and has registered these shares under the Securities Act of 1933 (the ''1933 Act'') on Form N1–A (File No. 33–57732).

2. The Trust has sold shares of the Portfolios to the Separate Account, which is a separate account established by the Insurance Company to receive and invest net purchase payments paid under variable annuity contracts issued by the Insurance Company (the ''Contracts''). The Separate Account is registered as a unit investment trust under the 1940 Act (File No. 811–2441). The Funds are investment options available under one form of the Contract (the ''Primary Contracts''). The Asset Allocation Portfolios are investment options currently available under a second form of the Contract (the ''Secondary Contracts''). Owners of the Contracts (''Owners'') may choose to have their net purchase payments allocated among investment divisions (''Divisions'') of the Separate Account, which Divisions correspond to the fourteen series of the Trust.

3. The Insurance Company, a stock life insurance company, is leased to sell life, accident and health insurance and annuities in the District of Columbia and 49 states. The Insurance Company is the depositor and sponsor of the Separate Account.

4. Sierra Investment Advisors Corporation (''SIAC''), an indirect, wholly owned subsidiary of Washington Mutual, Inc. (''WMI''), is the investment manager the High Quality Bond Fund and the Global Government Fund. Under an investment sub-advisory agreement with SIAC, Scudder, Stevens & Clark, Inc. (''Scudder''), an unaffiliated corporation, manages the High Quality Bond Fund and the Global Government Fund. SIAC receives a fee for its investment advisory services at an annual percentage of the average daily net assets of each Find,. Neither of these two Funds pays Scudder directly for its services, which are paid for by SIAC. Sierra Fund Administration Corporation (''SFAC'') serves as the administrator for both Funds and receives from each Fund an administrative fee equal to 0.18% of average daily net assets.

5. Applicants state that the Trustees of the Trust, including a majority of those trustees who are not interested persons of the Trust, SIAC, WMI and their affiliates or the Insurance Company, have unanimously approved a Plan of Reorganization (the ''Plan'') pursuant to which the High Quality Bond Fund and the Global Government Fund would be merged. Applicants state that the principal purposes of the Merger are (1) to eliminate a Fund for which there is limited demand in a way that provides current shareholders of the Global Government Fund with the opportunity to pursue compatible investment goals,

(2) to reduce management and transaction costs, and (3) to improve investment performance.

6. Applicants state that, pursuant to the Plan, on the closing date (''Closing Date''), the High Quality Bond Fund would acquire all of the assets and liabilities of the Global Government Fund. The net asset value of the shares of the High Quality Bond Fund issued in exchange shall equal the net asset value of the shares of the Global Government Fund then outstanding. Each Global Government Fund shareholder (which term includes both the Global Government Fund Division as well as the Asset Allocation Portfolios investing in the Global Government Fund) will receive the number of full and fractional shares of the High Quality Bond Fund equal in value at the date of the exchange to the value of such shareholder's shares of the Global Government Fund. Thereafter, the expenses borne by such shareholders will be those applicable to the High Quality Bond Fund. The shares of the High Quality Bond Fund issued pursuant to the Merger have been registered under the 1933 Act on Form N–14 (File No. 333–37637).

7. Applicants state that the Trust intends to submit the proposed Merger to shareholders for approval. Owners of a Primary Contract may provide voting instructions to the Insurance Company for the number of full or fractional shares of a Fund equal to the cash value of the Primary Contract held in the Division of the Separate Account investing in the Global Government Fund, divided by the net asset value per share. Fund shares attributable to the Secondary Contracts or to Primary Contracts for which no voting instructions are received will be voted by the Insurance Company in the same proportion as the instructions by Owners of Primary Contracts. The affirmative vote of a majority of the outstanding shares of the Global Government Fund will be required to approve the transaction.

8. Applicants also state that, contemporaneously with the Merger and subject to shareholder approval, Composite Research & Management Corporation (''Composite''), another indirect, wholly-owned subsidiary of WMI, will become the investment manager of the High Quality Bond Fund, with Composite providing the same services as are currently provided by SIAC and Scudder for a fee equal to the fee currently charged by SIAC. Murphey Favre Shareholders Services, Inc. (''MFSS''), an affiliate of Composite, would provide at the same rate the same administrative services that are currently provided by SFAC.

9. Applicants state that if Composite is approved as the investment manager for the High Quality Bond Fund and the Merger is effected, Composite and MFSS have undertaken from the date of the Merger and at least through December 31, 1998, to waive their fees and/or to bear certain expenses to the extent necessary to limit total operating expenses of the High Quality Bond Fund to the annual rate of 1.00% (which equals the annualized rate of the High Quality Bond Fund for the first six months of 1997, taking into account the waiver of certain advisory fees during this time). Neither SIAC, SFAC, Composite nor MFSS has indicated their intentions with respect to the Global Government Fund should the merger not be approved. However, assuming the SIAC/SFAC waivers remain in effect, Applicants assert that the Merger would lower the expenses for Global Government Fund shareholders from the annual rate of 1.26% (1.28% during the last complete fiscal year) to the annual rate of 0.92%, with a guarantee through December 31, 1998, that the expense ration could not exceed 1.00%.

10. Applicants assert that the High Quality Bond Fund and the Global Government Fund have substantially similar investment objectives: the High Quality Bond Fund's objective is to provide ''as high a level of current income as is consistent with prudent investment management and stability of principal.'' The Global Government Fund's objective is ''to provide high current income consistent with protection of principal.'' Applicants state that the Global Government Fund generally has a substantially higher percentage of its assets in securities of foreign issuers, has greater flexibility to invest in lower-rated securities, and is non-diversified within the meaning of the 1940 Act. The High Quality Bond Fund is diversified and may invest only in investment grade securities. Applicants maintain, however, that there is a substantial overlap in the securities eligible for purchase by both Funds and each seeks to maintain a targeted average weighted maturity of less than 3 years.

11. Applicants state that the Trustees have determined that the interests of Owners of Contract indirectly invested in the Global Government Fund and the High Quality Bond Fund will not be diluted as a result of the proposed transactions and that the Merger is in the best interests of each affected Fund and the shareholders thereof. Applicants represent that the Merger is expected to result in economies of the scale and cost savings which will be reflected in improved performance prospects. Certain expenses of the affected Funds that are incurred by each Fund, such as fees for independent auditors and custodial fees, will be reduced on a percentage basis as the Funds are combined. The larger fund also will allow the adviser the opportunity to better able to choose new investments, reinvest funds from maturing investments and manage cash flows.

12. Applicants represent that apart from the fact that the future cash value of Contracts indirectly invested in the Global Government Fund will reflect the investment performance and expenses of the High Quality Bond Fund, the Merger will have no economic impact on Contract values, fees or charges under the Contracts. Applicants also represent that the Merger will have no effect on the rights or interests of Owners, other than reducing from 9 to 8 the number of investment options available to Owners of Primary Contract and reducing by 1 the number of asset classes available to the Asset Allocation Portfolios. Applicants state that the proposed transaction will not have adverse tax consequences for the Owners.

Applicants' Legal Analysis

1. Applicants request that the Commission issue an order pursuant to Section 17(b) of the 1940 Act exempting the Merger from the provisions of Section 17(a) of the 1940 Act, to the extent necessary to permit the High Quality Bond Fund to acquire substantially all of the assets of the Global Government Fund in exchange for shares of the High Quality Bond Fund.

2. Section 17(a)(1) of the 1940 Act, in relevant part, prohibits any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from knowingly selling any security or other property to the registered investment company. Section 17(a)(2) of the 1940 Act, generally, prohibits the persons described above, acting as principal, from knowingly purchasing any security of other property from the registered investment company.

3. Section 2(a)(3) of the 1940 Act defines the term ''affiliated person,'' in relevant part, as (a) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum of more of the outstanding voting securities of such other person; (b) any person 5 per centum of more of whose outstanding voting securities are directly or indirectly owned, controlled

or held with power to vote, by such person; and (c) any person directly or indirectly controlling, controlled by, or under common control with, such other persons.

4. Applicants state that because the Insurance Company, through the Separate Account, technically owns 100% of the outstanding shares of each Fund, it is arguably an affiliate of each Portfolio. In this case, each Fund may be an affiliated person of an affiliated person (*i.e.*, the Insurance Company) and transactions between the Funds may be subject to the prohibition of Section 17(a) of the 1940 Act. Applicants also state that an affiliation between the Funds also may arise if they are deemed to be under common control. Since the Funds are part of the same investment company, they each have common directors and officers as well as a common investment adviser. If the Funds are considered to be under common control, they could be affiliated persons of one another.

5. Section 17(b) of the 1940 Act provides that the Commission may, upon application, grant an order exempting any transaction from the prohibitions of Section 17(a) if the evidence establishes that (a) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in the registration statement and reports filed under the Act; and (c) the proposed transaction is consistent with the general purposes of the 1940 Act.

6. Applicants represent that the terms of the proposed Merger as set forth in the Plan, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicants also represent that the proposed Merger is consistent with the policies of the High quality Bond Fund and the Global Government Fund as recited in the Trust's current registration statement and reports filed under the 1940 Act, and with the general purposes of the 1940 Act. Applicants state that the Merger does not present any of the conditions or abuses that the 1940 Act was designed to mitigate or eliminate.

7. Applicants state that the Board of Trustees of the Trust, including a majority of the disinterested Trustees, has reviewed and approved the terms of the Merger as set forth in the Plan, including the consideration to be paid or received by all parties. Applicants also state that they have independently determined that the proposed Merger will be in the best interests of the shareholders of each affected Fund and of the Owners indirectly invested in each affected Fund and that the consummation of the Merger will not result in the dilution of the current interests of any shareholder or Owner.

8. Applicants state that in determining whether to recommend approval of the Plan to shareholders and Owners, the Board of Trustees of the Trust, including a majority of disinterested Trustees, inquired into a number of matters and considered various factors, as described in the application. The Trustees noted, in particular, the potential benefits to shareholders and Owners, the substantially similar investment objectives of the affected Funds, the terms and conditions of the Plan which might affect the price of shares (or Owner interests) to be exchanged, and the direct or indirect costs to be incurred by the affected Funds or shareholders or Owners invested in such Funds. The Board of Trustees also considered the recent trend of declining annuity contract purchase payments and increased redemptions, as well as expectations of future payments under the variable annuity contracts which permit allocation to the global Government Fund. Applicants state that the Board of Trustees believes action is necessary to provide Owners certain benefits and to avoid certain adverse consequences to the Owners. Applicants also state that, in addition to anticipated lower expenses, a merger of the Global Government Fund and the High Quality Bond Fund should result in a larger portfolio which can be managed more effectively.

9. Applicants state that the proposed Merger will not in any way affect the price of outstanding shares of the High Quality Fund, nor will it in any way affect the Contract values or interests of Owners indirectly invested therein. Under the Plan, the transfer of assets of the Global Government Fund to the High Quality Bond Fund, and the issuance of shares of the High Quality Bond Fund in exchange therefor, will be made on the basis of the relative net asset values of the affected Funds on the Closing Date.

10. Applicants represent that the aggregate value of shares to be issued to the Global Government Fund Division under the Plan will exactly equal the aggregate value of shares held by that Division immediately prior to the proposed Merger. The aggregate value of all Owner's outstanding units of interest of the Global Government Fund Division will not change on the Closing Date as a result of the Merger and the aggregate value of such units supporting the cash value of each Owner indirectly invested in that Division immediately prior to the Merger will remain unchanged immediately after the Merger. The same is true for Divisions owning Global Government Fund shares through the Asset Allocation Portfolios. Applicants state that Composite, WMI or one of its affiliates will pay all of the Trust's direct and indirect expenses of the Merger.

11. Rule 17a–8 under the 1940 Act exempts from Section 17(a) mergers, consolidations or purchases or sales of substantially all of the assets involving registered investment companies which may be affiliated persons, or affiliated persons of affiliated persons, solely by reason of having a common investment adviser, common directors and/or common officers. Because of the potential affiliations noted above, the Funds may not be able to rely on rule 17a–8. Applicants state, however, that the Trustees have evaluated the relevant considerations and have determined that the Plan will comply with the conditions that rule 17a–8 requires.

Conclusion

Applicants submit that, for all of the reasons summarized above, the terms of the proposed Merger as set forth in the Plan, including the consideration to be paid and received, are reasonable and fair to the Trust, to the affected Funds and to shareholders and Owners invested therein and do not involve overreaching on the part of any person concerned. Furthermore, the proposed Merger will be consistent with the policies of each of the affected Funds as recited in the Trust's registration statement and reports filed under the 1940 Act and with the general purposes of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–33713 Filed 12–24–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39462; File No. SR–Amex–97–47]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc. Relating to a Fee Rebate

December 17, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 16, 1997, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is issuing a one-time credit against the Exchange's monthly Floor Facility Fee for those members who were charged such fee during 1997 (the fee is at a rate of $1,400.00 per annum for regular and option principal members and $700.00 per annum for limited trading permit holders).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As the Exchange has had a rewarding year from a financial perspective, it has decided to issue a one-time credit against its monthly Floor Facility Fee for those members who were charged such fee during 1997 (the fee is at a rage of $1,400.00 per annum for regular and option principal members and $700.00 per annum for limited trading permit holders).

2. Statutory Basis

This Exchange represents that proposed rule change is consistent with section 6(b) of the Act,[2] in general, and furthers the objectives of Section 6(b)(4)[3] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among the Exchange's members and other persons using its facilities.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and subparagraph (e) of Rule 19b–4 thereunder.[5]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the American Stock Exchange. All submissions should refer to File No.SR–Amex–97–47 and should be submitted by January 20, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–33711 Filed 12–24–97; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78f(b).

[3] 15 U.S.C. 78f(b)(4).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4.

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39448; File No. SR–MBSCC–97–6]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to Trade Restrictions Between Accounts and Transfer of Trades

December 15, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 15, 1997, MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') and on September 24, 1997, amended the proposed rule change (File No. SR–MBSCC–97–6) as described in Items I and II below, which items have been prepared primarily by MBSCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend MBSCC's rules to incorporate previously approved procedures regarding trade restrictions between accounts and transfer of trades.

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

MBSCC publishes a manual known as the Clearing Source Book (''Source Book''). The Source Book is designed to be a self-instructional tool for MBSCC participants that offers guidance about MBSCC services, procedures, forms, schedules, and regulations. It is referred to in the rules of MBSCC as the ''Procedures.''

In 1996, the Commission approved a proposed rule change to the Source Book relating to trade restrictions between accounts.[3] Upon subsequent review, MBSCC realized it inadvertently omitted this Source Book section from the rules of MBSCC. The proposed rule change will add a new Article II, Section 3 to MBSCC's rules to restrict participants with multiple accounts from submitting to the settlement balance order (''SBO'') system trades between those accounts as well as between a participant's account and the account of a related participant. The SBO settlement netting process was not intended for such trades, and the implementation of these trading restrictions is designed to help prevent MBSCC's clearance and settlement process from being inappropriately influenced. However, MBSCC will waive the restrictions upon a showing by a participant that its trades will not be effected for an improper purpose. In all instance, participants may record these trades on a trade-for-trade basis.

To provide participants with operational and administrative flexibility, the Source book provides that, subject to contraside approval, MBSCC participants may transfer trades from one account to another or may change the type of trades recorded within a specific account under specified circumstances.[4] The proposed rule change will add Article II, Section 4, to MBSCC's rules to mirror this provision. Where participants are parties to an acquisition, merger, or reorganization, this process assists participants when they must assume obligations or transfer trades. It also aids participants generally in facilitating transfers through a uniform and streamlined process as compared to a multistep cancellation and rebooking procedure.

MBSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[5] and the rules and regulations thereunder because it clarifies the rules of MBSCC relating to trade restrictions between accounts and transfer of trades and thereby should facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed rule change were solicited or received. MBSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions. The proposed rule facilitates a uniform and streamlined process by clarifying the rules of MBSCC relating to trade restrictions and transfer of trades and thus should foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because the procedures incorporated in the proposed rule change were previously approved by the Commission, they have no substantive effect on participants, and they eliminate inconsistencies between MBSCC's rules and Source Book.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR–MBSCC–97–6 and should be submitted by January 20, 1998.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–MBSCC–97–6) be and hereby is approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–33716 Filed 12–24–97; 8:45 am]

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[2] The Commission has modified the text of the summaries prepared by MBSCC.

[3] Securities and Exchange Act Release No. 37205 (May 13, 1996), 61 FR 24989 (File No. SR–MBSCC–95–8).

[4] Since its inclusion in the October 1992 edition of the Source Book, the transfer of trade process has been an unchanged component of MBSCC's procedures. Source book Chapter III, Account Structure.

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39461; File No. SR–PCX–97–35]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by the Pacific Exchange Inc., Relating to Listing and Trading Standards for Portfolio Depositary Receipts

December 17, 1997.

I. Introduction

On August 25, 1997, the Pacific Exchange Inc., (''PCX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2], a proposed rule change to add Commentary to Rule 5.3(b) and add Rule 8.300 of PCX's rules relating to the listing and trading of Portfolio Depositary Receipts (''PDRs'').

The proposed rule change together with the substance of the proposal, was published for comment in the **Federal Register** on October 14, 1997.[3] No comments were received on the proposal. This order approves the proposal.

II. Background and Description

The Exchange proposes to adopt new Comnmentary to Rule 5.3(b) and new Rule 8.300 to accommodate the trading of PDRs, *i.e.*, securities which are interests in a unit investment trust (''Trust'') holding a portfolio of securities linked to an index. Each Trust will provide investors with an instrument that (i) closely tracks the underlying portfolio of securities, (ii) trades like a share of common stock, and (iii) pays holders of the instrument periodic dividends proportionate to those paid with respect to the underlying portfolio of securities, less certain expenses (as described in the Trust prospectus).

Under the proposal, the Exchange may list and trade, or trade pursuant to unlisted trading privileges (''UTP''), PDRs based on one or more stock indexes or securities portfolios. PDRs based on each particular stock index or portfolio shall be designated as a separate series and identified by a unique symbol. The stocks that are included in an index or portfolio on which PDRs are based shall be selected by the Exchange, or by such other person as shall have a proprietary interest in and authorized use of such index or portfolio, and may be revised as deemed necessary or appropriate to maintain the quality and character of the index or portfolio. As discussed in more detail below, PCX intends to trade two existing PDRs currently traded on the American Stock Exchange (''Amex'')—Standard & Poor's Depositary Receipts (''SPDRs'') and Standard & Poor's MidCap 400 Depositary Receipts (''MidCap SPDRs'')—pursuant to UTP upon approval of these listing standards. PCX is not asking for permission to list SPDRs or MidCap SPDRs at this time, but rather will trade SPDRs and MidCap SPDRs pursuant to UTP once the generic listing standards set forth herein are approved. Pursuant to Rule 12f–5 under the Act, in order to trade a particular class or type of security pursuant to unlisted trading privileges, PCX must have rules providing for transactions in such class or type of security. The Amex has enacted listing standards for PDRs, and PCX's proposed rule change is designed to create similar standards for PDR listing and/or trading on PCX.

If at a later time PCX and the issuer of the product desire to list SPDRs and MidCap SPDRs or any other PDRs on the Exchange, the Exchange will request Commission approval for that listing in a separate proposed rule the change filed pursuant to Section 19(b) of the Act.[4] Additionally, in the event a new PDR is listed on another exchange using listing standards that are different than current PCX listing standards or the PCX listing standards proposed in this filing, the PCX will file a proposed rule change pursuant to Section 19(b) of the Act to adopt the listing standard before it trades that PDR pursuant to unlisted trading privileges.

Criteria for Initial and Continued Listing

In connection with an initial listing, the Exchange proposes that, for each Trust of PDRs, the Exchange will establish a minimum number of PDRs required to be outstanding at the time of commencement of Exchange trading, and such minimum number will be filed with the Commission in connection with any required submission under Rule 19b–4 for each Trust. If the Exchange trades a particular PDR pursuant to UTP, the Exchange will follow the listing exchange's determination of the appropriate minimum number.

Because the Trust operates on an open-end type basis, and because the number of PDR holders is subject to substantial fluctuations depending on market conditions, the Exchange believes it would be inappropriate and burdensome on PDR holders to consider suspending trading in or delisting a series of PDRs, with the consequent termination of the Trust, unless the number of holders remains severely depressed during an extended time period. Therefore, twelve months after the formation of a Trust and commencement of Exchange trading, the Exchange will consider suspension of trading in, or removal from listing of, a Trust when, in its opinion, further dealing in such securities appears unwarranted under the following circumstances:

(a) If the Trust on which the PDRs are based has more than 60 days remaining until termination and there have been fewer than 50 record and/or beneficial holders of the PDRs for 30 or more consecutive trading days; or

(b) If the index on which the Trust is based is no longer calculated; or

(c) If such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

A Trust shall terminate upon removal from Exchange listing and its PDRs will be redeemed in accordance with provisions of the Trust prospectus. A Trust may also terminate under such other conditions as may be set forth in the Trust prospectus. For example, the sponsor of the Trust (''Sponsor''), following notice to PDR holders, shall have discretion to direct that the Trust be terminated if the value of securities in such Trust falls below a specified amount.

Trading of PDRs

Dealings in PDRs on the Exchange will be conducted pursuant to the Exchange's general agency-auction trading rules. The Exchange's general dealing and settlement rules will apply, including its rules on clearance and settlement of securities transactions and its equity margin rules. Other generally applicable Exchange equity rules and procedures will also apply, including, among others, rules governing the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 39188 (October 2, 1997), 62 FR 53373.

[4] The Commission notes that PCX, if it were to file a proposed rule change to list and trade a new PDR, would have to request the appropriate exemptions for the new product under the Investment Company Act of 1940 (''Investment Company Act'') (such as those exemptions requested for SPDRs and MidCap SPDRs), such an exemption from Investment Company Act Section 22(d) and Rule 22c–1 thereunder to allow the PDR to trade in the secondary market.

priority, parity and precedence of orders and the responsibilities of specialists.[5]

With respect to trading halts, the trading of PDRs will be halted, along with the trading of all other listed or traded stocks, in the event the ''circuit breaker'' thresholds are reached.[6] In addition, for PDRs tied to an index, the triggering of futures price limits for the Standard & Poor's 500 Composite Price Index (''S&P 500 Index''), Standard & Poor's 100 Composite Price Stock Index (''S&P 100 Index''), or Major Market Index (''MMI'') futures contracts will not in itself, result in a halt in PDR trading or a delayed opening. However, the Exchange could consider such an event, along with other factors, such as a halt in trading in S&P 100 Index Options (''OEX''), S&P 500 Index Options (''SPX''), or MMI Options (''XMI''), in deciding whether to halt trading in PDRs.

The Exchange will issue a circular to members informing them of Exchange policies regarding trading halts in such securities. The circular will make clear that, in addition to other factors that may be relevant, the Exchange may consider factors such as those set forth in Rule 7.11 the Exchange's rule governing trading halts for index options in exercising its discretion to halt or suspend trading. For a PDR based on an index, these factors would include whether trading has been halted or suspended in the primary market(s) for any combination of underlying stocks accounting for 20% or more of the applicable current index group value, or whether other unusual conditions or circumstance detrimental to the maintenance of a fair and orderly market are present.

Disclosure

Proposed Rule 8.300(c) requires that members and member organizations provide to all purchasers of each series of PDRs a written description of the terms and characteristics of such securities, in a form approved by the Exchange, not later than the time a confirmation of the first transaction in such series of PDRs is delivered to such purchaser. In this regard, a member or member organization carrying an omnibus account for a non-member broker-dealer will be required to inform such non-member that execution of an order to purchase PDRs for such omnibus account will be deemed to constitute an agreement by the non-member to make such written description available to its customers on the same terms as are directly applicable to member and member organizations. The written description must be included with any sales material on that series of PDRs that a member provides to customers or the public. Moreover, other written materials provided by a member or member organization to customers or the public making specific reference to a series of PDRs as an investment vehicle must include a statement in substantially the following form: ''A circular describing the terms and characteristic of [the series of PDRs] is available from your broker. It is recommended that you obtain and review such circular before purchasing [the series of PDRs]. In addition, upon request you may obtain from your broker a prospectus for [the series of PDRs].'' Additionally, as noted above, the Exchange requires that members and member organizations provide customers with a copy of the prospectus for a series of PDRs upon request.

With respect to disclosure, because SPDRs and MidCap SPDRs will be traded pursuant to UTP and will not be listed on PCX at this time, PCX does not intend to create its own product description to satisfy the requirements of proposed Rule 8.300(c) which requires members to provide to purchasers, a written description of the terms and characteristics of SPDRs and MidCap SPDRs in a form approved by the Exchange. Instead, the PCX will deem a member or member organization to be in compliance with this requirement if the member delivers either (i) the current product description produced by the Amex from time to time, or (ii) the current prospectus for the SPDR or MidCap SPDR, as the case may be.[7] It will be the member's responsibility to obtain these materials directly from Amex for forwarding to purchasers in the time frames prescribed by PCX and Commission rules. The PCX will notify members and member organizations of this requirement in a notice to members.

SPDRs and MidCap SPDRs Generally

As discussed above, rules to accommodate the trading of PDRs generally on Amex, along with Amex's trading of SPDRs and MidCap SPDRs, were previously approved by the Commission.[8] The information provided below is intended to provide a description of how SPDRs and MidCap SPDRs are created and traded and is almost identical to that discussed in the original Amex Approval Order. The Sponsor of each series of PDRs traded on the Amex is PDR Services Corporation, a wholly-owned subsidiary of the Amex. The PDRs are issued by a Trust in a specified minimum aggregate quantity (''Creation Unit'') in return for a deposit consisting of specified numbers of shares of stock plus a cash amount.

The first Trust to be formed in connection with the issuance of PDRs was based on the S&P 500 Index, known as SPDRs. SPDRs have been trading on the Amex since January 29, 1993. The second Trust to be formed in connection with the issuance of PDRs was based on the S&P MidCap 400 index,[9] known as MidCap SPDRs.[10] The Sponsor of the two Trusts has entered into trust agreements with a trustee in accordance with Section 26 of the Investment Company Act. PDR Distributors, Inc. (''Distributor'') acts as underwriter of both SPDRs and MidCap SPDRs on an agency basis. The Distributor is a registered broker-dealer, a member of the National Association of Securities Dealers, Inc., and a wholly-owned subsidiary of Signature Financial Group, Inc.[11]

SPDR and MidCap SPDR Creation

All orders to create SPDRs or MidCap SPDRs in creation unit size must be placed with the Distributor, and it is the responsibility of the Distributor to transmit such orders to the Trustee.[12]

[5] PCX Rule 9.2(a) will also apply to transactions in PDRs, including SPDRs and MidCap SPDRs. That rule provides, in part, that every member and member firm shall use due diligence to learn the essential facts relative to every customer, every order, every account accepted or carried by such member or member firm.

[6] See Securities Exchange Act Release No. 38221 (January 31, 1997), 62 FR 5871 (February 7, 1997) and not 7 therein.

[7] PCX plans to notify its members in an information circular that it is their responsibility to inform customers of the nature and terms of SPDRs and MidCap SPDRs prior to recommending their purchase. The circular also states that members must deliver a SPDR or MidCap SPDR product description to all purchasers of the products and that they must provide the prospectus upon request.

[8] See Securities Exchange Act Release No. 31591 (December 11, 1992), 57 FR 60253 (December 18, 1992) (''Amex Approval Order'').

[9] The S&P MidCap 400 Index is a capitalization-weighted index of 400 actively traded securities that includes issues selected from a population of 1,700 securities, each with a year-end market-value capitalization of between $200 million and $5 billion. The issues included in the Index cover a broad range of major industry groups, including industrials, transportation, utilities, and financials.

[10] See Securities Exchange Act Release No. 35534 (March 24, 1995), 60 FR 16686 (March 31, 1995) (''Amex MidCap Approval Order'').

[11] The Commission recently approved rule change proposals covering the trading and listing of PDRs on the Chicago Stock Exchange (''CHX'') and the Cincinnati Stock Exchange (''CSE''), including SPDRs and MidCap SPDRs. See Securities Exchange Act Release Nos. 39076 (September 15, 1997), 62 FR 49270 (September 19, 1997) (''CHX approval order); 39268 (October 22, 1997), 62 FR 56211 (October 29, 1997) (''CSE approval order'').

[12] To be eligible to place orders to create MidCap SPDRs as described below, an entity or person

Continued

Payment with respect to creation orders placed through the Distributor will be made by (1) the ''in-kind'' deposit with the Trustee of a specified portfolio of securities that is formulated to mirror, to the extent practicable, the component securities of the underlying index or portfolio, and (2) a cash payment sufficient to enable the Trustee to make a distribution to the holders of beneficial interests in the Trust on the next dividend payment date as if all the securities had been held for the entire accumulation period for the distribution (''Dividend Equivalent Payment''), subject to certain specified adjustments. The securities and cash accepted by the Trustee are referred to, in the aggregate, as a ''Portfolio Deposit.'' [13] Upon receipt of a Portfolio Deposit in payment for a creation order placed through the Distributor as described above, the Trustee will issue a specified number of SPDRs or MidCap SPDRs, which aggregate numbers are referred to as a ''Creation Unit.'' Currently, a Creation Unit will be made up of 25,000 MidCap SPDRs or 50,000 SPDRs.[14] Individual SPDRs or MidCap SPDRs can then be traded in the secondary market like other equity securities. Portfolio Deposits are expected to be made primarily by institutional investors, arbitragers, and the Exchange specialist. The price of SPDRs and MidCap SPDRs will be based on a current bid/offer market. The minimum fraction for trading in SPDRs and MidCap SPDRs on Amex is 1/64ths. The PCX has proposed this same minimum variation for the trading of SPDRs and MidCap SPDRs on PCX.

The Trustee or Sponsor will make available (1) on a daily basis, a list of the names and required number of shares for each of the securities in the current Portfolio Deposit; (2) on a minute-by-minute basis throughout the day, a number representing the value (on a per SPDR or MidCap SPDR basis) of the securities portion of a Portfolio Deposit in effect on such day; and (3) on a daily basis, the accumulated dividends, less expenses, per outstanding SPDR or MidCap SPDR.[15]

Redemption of SPDRs and MidCap SPDRs

SPDRs and MidCap SPDRs in Creation Unit size aggregations will be redeemable in kind by tendering them to the Trustee. While holders may sell SPDRs and MidCap SPDRs in the secondary market at any time, they must accumulate at least 50,000 (or multiples thereof) to redeem SPDRs or 25,000 (or multiples thereof) to redeem MidCap SPDRs through the Trust. SPDRs and MidCap SPDRs will remain outstanding until redeemed or until the termination of the Trust. Creation Units will be redeemable on any business day in exchange for a portfolio of the securities held by the Trust identical in weighting and composition to the securities portion of a Portfolio Deposit in effect on the date a request is made for redemption, together with a ''Cash Component'' (as defined in the Trust prospectus), including accumulated dividends, less expenses, through the date of redemption. The number of shares of each of the securities transferred to the redeeming holder will be the number of shares of each of the component stocks in a Portfolio Deposit on the day a redemption notice is received by the Trustee, multiplied by the number of Creation Units being redeemed. Nominal service fees may be charged in connection with the creation and redemption of Creation Units. The Trustee will cancel all tendered Creation Units upon redemption.[16]

Distribution of SPDRs and MidCap SPDRs

The SPDR Trust and the MidCap SPDR Trust pay dividends quarterly. The regular quarterly ex-dividend date for SPDRs and MidCap SPDRs is the third Friday in March, June, September, and December, unless that day is a New York Stock Exchange holiday, in which case the ex-dividend date will be the preceding Thursday. Holders of SPDRs and MidCap SPDRs on the business day preceding the ex-dividend date will be entitled to receive an amount representing dividends accumulated through the quarterly dividend period preceding such ex-dividend date net of fees and expenses for such period. The payment of dividends will be made on the last Exchange business day in the calendar month following the ex-dividend date (''Dividend Payment Date''). On the Dividend Payment Date, dividends payable for those securities with ex-dividend dates falling within the period from the ex-dividend date most recently preceding the current ex-dividend date will be distributed. The Trustee will compute on a daily basis the dividends accumulated within each quarterly dividend period. Dividend payments will be made through DTC and its participants to all such holders with fund received from the Trustee.

The MidCap SPDR Trust intends to make the DTC DRS available for use by MidCap SPDR holders through DTC participants brokers for reinvestment of their cash proceeds. The DTC DRS is also available to holders of SPDRs. Because some brokers may choose not to offer the DTC DRS, an interested investor would have to consult his or her broker to ascertain the availability of dividend reinvestment through that broker. The Trustee will use the cash proceeds of MidCap SPDR holders participating in the reinvestment to obtain the Index securities necessary to create the requisite number of SPDRs.[17] Any cash remaining will be distributed pro rata to participants in the dividend reinvestment.

III. Discussion

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5).[18] The Commission believes that providing for the exchange-trading on PCX of PDRs, in general, and SPDRs and MidCap SPDRs, in particular, will offer investors an efficient way of participating in the securities markets. Specifically, the

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either must be a participant in the Continuous Net Settlement. (''CNS'') system of the National Securities Clearing Corporation (''NSCC'') or a Depository Trust Company (''DTC'') participant. Upon acceptance of an order to create MidCap SPDRs, the Distributor will instruct the Trustee to initiate the book-entry movement of the appropriate number of MidCap SPDRs to the account of the entity placing the order. MidCap SPDRs will be maintained in book-entry form at DTC.

[13] A Portfolio Deposit also will include a cash payment equal to a pro rata portion of the dividends accrued on the Trust's portfolio securities since the last dividend payment by the Trust, plus or minus an amount designed to compensate for any difference between the net asset value of the Portfolio Deposit and the underlying Index caused by, among other things, the fact that a Portfolio Deposit cannot contain fractional shares.

[14] The Trust will issue SPDRs in exchange for ''Portfolio Deposits'' of all of the S&P 500 Index securities, weighted according to their representation in the Index. The Trust is structured so that the net asset value of an individual SPDR should equal one-tenth of the value of the S&P 500 Index.

[15] The Trustee of the SPDR Trust will have the right to vote any of the voting stocks held by the Trust, and will vote such stocks of each issuer in the same proportion as all other voting shares of that issuer voted. Therefore, SPDR holders will not be able to directly vote the shares of the issuers underlying the SPDRs.

[16] An investor redeeming a Creation Unit will receive Index securities and cash identical to the Portfolio Deposit required of an investor wishing to purchase a Creation Unit on that particular day. Since the Trust will redeem in kind rather than for cash, the Trustee will not be forced to maintain cash reserves for redemptions. This should allow the Trust's resources to be committed as fully as possible to tracking the underlying index, enabling the Trust to track the Index more closely than other basket products that must allocate a portion of their assets for cash redemptions.

[17] The creation of PDRs in connection with the DTC DRS represents the only circumstances under which PDRs can be created in other than Creation Unit size aggregations.

[18] 15 U.S.C. 78f(b)(5).

Commission believes that the trading on PCX of PDRs, in general, and SPDRs and MidCap SPDRs pursuant to UTP, in particular, will provide investors with increased flexibility in satisfying their investment needs by allowing them to purchase and sell a low-cost security replicating the performance of a broad portfolio of stocks at negotiated prices throughout the business day, and by increasing the availability of SPDRs and MidCap SPDRs as an investment tool. The Commission also believes that PDRs will benefit investors by allowing them to trade securities based on unit investment trusts in secondary market transactions.[19] Accordingly, as discussed below, the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act that Exchange rules facilitate transactions in securities while continuing to further investor protection and the public interest.[20]

As the Commission noted in the orders approving SPDRs and MidCap SPDRs for listing and trading on Amex,[21] the Commission believes that the trading on PCX of a security like PDRs in general, and SPDRs and MidCap SPDRs in particular, which replicate the performance of a broad portfolio of stocks, could benefit the securities markets by, among other things, helping to ameliorate the volatility occasionally experienced in these markets. The Commission believes that the creation of one or more products where actual portfolios of stocks or instruments representing a portfolio of stocks, such as PDRs, can trade at a single location in an auction market environment could alter the dynamics of program trading, because the availability of such single transaction portfolio trading could, in effect, restore the execution of program trades to more traditional block trading techniques.[22]

An individual SPDR has a value approximately equal to one-tenth of the value of the S&P 500 Index, and an individual MidCap SPDR has a value of approximately one-fifth of the value of the S&P MidCap 400 Index, making them more available and useful to individual retail investors desiring to hold a security replicating the performance of a broad portfolio of stocks. Accordingly, the Commission believes that trading of SPDRs and Mid-Cap SPDRs on PCX will provide retail investors with a cost efficient means to make investment decisions based on the direction of the market as a whole and may provide market participants several advantages over existing methods of effecting program trades involving stocks.

The Commission also believes that PDRs, in general, and SPDRs and MidCap SPDRs, in particular, will provide investors with several advantages over standard open-end S&P 500 Index and S&P MidCap 400 Index mutual fund shares. In particular, investors will have the ability to trade PDRs continuously throughout the business day in secondary market transactions at negotiated prices.[23] In contrast, pursuant to Investment Company Act Rule 22c–1,[24] holders and prospective holders of open-end mutual fund shares are limited to purchasing or redeeming securities of the fund based on the net asset value of the securities held by the fund as designated by the board of directors.[25] Accordingly, PDRs in general, and SPDRs and MidCap SPDRs in particular, will allow investors to (1) respond quickly to changes in the market; (2) trade at a known price; (3) engage in hedging strategies not currently available to retail investors; and (4) reduce transaction costs for trading a portfolio of securities.

Although PDRs in general, and SPDRs and MidCap SPDRs in particular, are not leveraged instruments, and, therefore, do not possess any of the attributes of stock index options, their prices will still be derived and based upon the securities held in their respective Trusts. In essence, SPDRs are equity securities that are priced off a portfolio of stocks based on the S&P 500 Index and MidCap SPDRs are equity securities that are price off a portfolio of stocks based on the S&P MidCap 400 Index. Accordingly, the level of risk involved in the purchase or sale of a SPDR or MidCap SPDR (or a PDR in general) is similar to the risk involved in the purchase or sale of traditional common stock, with the exception that the pricing mechanism for SPDRs and MidCap SPDRs (and PDRs in general) is based on a basket of stocks. Nonetheless, the Commission has several specific concerns regarding the trading of these securities. In particular, PDRs raise disclosure, market impact, and secondary market trading issues that must be addressed adequately. As discussed in more detail below, and in the Amex Approval Order,[26] the Commission believes PCX adequately addresses these concerns.

The Commission believes that the PCX proposal contains several provisions that will ensure that investors are adequately apprised of the terms, characteristics, and risks of trading PDRs. As noted above, the proposal contains four aspects addressing disclosure concerns. First, PCX members must provide their customers trading PDRs with a written explanation of any special characteristics and risks attendant to trading such PDR securities (such as SPDRs or MidCap SPDRs), in a form approved by PCX. As discussed above, PCX's filing states that SPDRs and MidCap SPDRs product descriptions should be obtained from Amex.[27] The

[19] The Commission notes, however, that unlike open-end funds where investors have the right to redeem their fund shares on a daily basis, investors could only redeem PDRs in creation unit share sizes. Nevertheless, PDRs would have the added benefit of liquidity from the secondary market and PDR holders, unlike holders of most other open-end funds, would be able to dispose of their shares in a secondary market transaction.

[20] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[21] See supra notes 8 and 10.

[22] Program trading is defined as index arbitrage or any trading strategy involving the related purchase or sale of a ''basket'' or group of fifteen or more stocks having a total market value of $1 million or more.

[23] Because of potential arbitrage opportunities, the Commission believes that PDRs will not trade at a material discount or premium in relation to their net asset value. The mere potential for arbitrage should keep the market price of a PDR comparable to its net asset value, and therefore, arbitrage activity likely will be minimal. In addition, the Commission believes the Trust will tract the underlying index more closely than an open-end index fund because the Trust will accept only in-kind deposits, and, therefore, will not incur brokerage expenses in assembling its portfolio. In addition, the Trust will redeem in kind, thereby enabling the Trust to invest virtually all of its assets in securities comprising the underlying index.

[24] Investment Company Act Rule 22c–1 generally requires that a registered investment company issuing a redeemable security, its principal underwriter, and dealers in that security, may sell, redeem, or repurchase the security only at a price based on the net asset value next computed after receipt of an investor's request to purchase, redeem, or resell. The net asset value of a mutual fund generally is computed once daily Monday through Friday as designated by the investment company's board of directors. The Commission granted SPDRs and MidCap SPDRs an exemption from this provision in order to allow them to trade at negotiated prices. In the secondary market. The Commission notes that PCX would need to apply for a similar exemption in the instance that it wishes to list and trade a new PDR because the exemptions are specific to SPDRs and MidCap SPDRs.

[25] *Id.*

[26] See supra note 8.

[27] The Commission notes that, in the context of a proposed change by the Chicago Stock Exchange (''CHX'') to add rules for listing and trading of PDRs in general, and to trade SPDRs and MidCap SPDRs pursuant to UTP, Amex commented on CHX's proposed method regarding the delivery of the SPDR and the MidCap SPDR product descriptions, and reserved the right to charge CHX members for supplying the product description should the task become burdensome to Amex. Amex did not object to the underlying policy of CHX members obtaining the product description from Amex. See CHX Approval Order, supra note 11.

Commission believes that it is reasonable under the Act to allow PCX to require its members to obtain the product description for SPDRs and MidCap SPDRs from Amex.[28] Amex might decide to impose a reasonable charge for this service.[29] The Commission also notes that Amex states that the SPDR and MidCap SPDR product descriptions are only available from Amex, not the Distributor, and therefore PCX members cannot obtain them from the Distributor.

Second, members and member organizations must include this written product description with any sales material relating to the series of PDRs that is provided to customers or the public. Third, any other written materials provided by a member or member organization to customers or the public referencing PDRs as an investment vehicle must include a statement, in a form specified by PCX, that a circular and prospectus are available from a broker upon request.

Fourth, a member or member organization carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase a series of PDRs for such omnibus account will be deemed to constitute agreement by the non-member to make the written product description available to its customers on the same terms as member firms. Accordingly, the Commission believes that investors in PDR securities, in general, and SPDRs and MidCap SPDRs, in particular, will be provided with adequate disclosure of the unique characteristics of the PDR instruments and other relevant information pertaining to the instruments. Finally, PCX's rule 9.2(a), Diligence as to Accounts, will apply to the trading of PDRs, including transactions in SPDRs and MidCap SPDRs.[30]

The Commission believes PCX has adequately addressed the potential market impact concerns raised by the proposal. First, PCX's proposal permits listing and trading of specific PDRs only after review by the Commission. Second, PCX has developed policies regarding trading halts in PDRs. Specifically, the exchange would halt PDR trading if the circuit breaker parameters under PCX Rule 7.11 were reached.[31] In addition, in deciding whether to halt trading or conduct a delayed opening in PDRs, in general, and SPDRs and MidCap SPDRs, in particular, PCX represents that it will be guided by, but not necessarily bound to, relevant stock index option trading rules. Specifically, consistent with PCX Rule 7.11, PCX may consider whether trading has been halted or suspended in the primary market(s) for any combination of underlying stocks accounting for 20% or more of the applicable current index group value or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

The Commission believes that the trading of PDRs in general on PCX should not adversely impact U.S. securities markets. As to the trading of SPDRs and MidCap SPDRs pursuant to UTP, the Commission notes that the corpus of the SPDR Trust is a portfolio of stocks replicating the S&P 500 Index, a broad-based capitalization-weighted index consisting of 500 of the most actively-traded and liquid stocks in the U.S. The corpus of the MidCap SPDR Trust is a portfolio of stocks replicating the S&P MidCap 400 Index, also a broad-based, capitalization-weighted index consisting of 400 actively traded and liquid U.S. stocks. In fact, as described above, the Commission believes SPDRs and MidCap SPDRs may provide substantial benefits to the marketplace and investors, including, among others, enhancing the stability of the markets for individual stocks.[32] Accordingly, the Commission believes that SPDRs and MidCap SPDRs do not contain features that will make them likely to impact adversely the U.S. securities markets, and that the addition of their trading on PCX pursuant to UTP could produce added benefits to investors through the increased competition between other market centers trading the product.

Finally, the Commission notes that PCX has submitted surveillance procedures for the trading of PDRs, specifically SPDRs and MidCap SPDRs, and believes that those procedures, which incorporate and rely upon existing PCX surveillance procedures governing equities, are adequate under the Act.

The Commission finds that PCX's proposal contains adequate rules and procedures to govern the trading of PDR securities, including trading SPDRs and MidCap SPDRs pursuant to UTP. Specifically, PDRs are equity securities that will be subject to the full panoply of PCX rules governing the trading of equity securities on PCX, including, among others, rules governing the priority, parity and precedence of orders and the responsibilities of specialists. In addition, PCX has developed specific listing and delisting criteria for PDRs that will help to ensure that the markets for PDRs will be deep and liquid. As noted above, PCX's proposal provides for trading halt procedures governing PDRs. Finally, the Commission notes that PCX has stated that Rule 9.2(a), Diligence as to Accounts, will apply to the trading of PDRs in general, and SPDRs and MidCap SPDRs, in particular.

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[33] that the proposed rule change (SR–PCX–97–35) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[34]

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[28] The Commission notes that the exemptions granted by the Commission under the Investment Company Act that permit the secondary market trading of SPDRs and MidCap SPDRs are specifically conditioned upon the customer disclosure requirements described above. Accordingly, PCX rules adequately ensure its members must deliver the current product description to all investors in SPDRs and MidCap SPDRs.

[29] The Commission notes that Amex would need to file a proposed rule change under Section 19(b) of the Act in the event it decides to charge a fee for supplying the SPDR or MidCap SPDR product descriptions. The Commission notes that reasonable fees would have to be imposed on the member firms rather than the customers entitled to receive the prospectus or the product description.

[30] See supra note. 5.

[31] In addition, for PDRs tied to an index, the triggering of futures price limits for the S&P 500 Index, S&P 100 Index, or MMI futures contracts will not, in itself, result in a halt in PDR trading or a delayed opening. However, the Exchange could consider such an event, along with other factors, such as a halt in trading in OEX, SPX, or MMI options, in deciding whether to halt trading in PDRs.

[32] Even though PDR transactions may serve as substitutes for transactions in the cash market, and possibly make the order flow in individual stocks smaller than would otherwise be the case, the Commission acknowledges that during turbulent market conditions the ability of large institutions to redeem or create PDRs could conceivably have an impact on price levels in the cash market. In particular, if a PDR is redeemed, the resulting long stock position could be sold into the market, thereby depressing stock prices further. The Commission notes, however, that the redemption or creation of PDRs likely will not exacerbate a price movement because PDRs will be subject to the equity margin requirements of 50% and PDRs are non-leveraged instruments. In addition, as noted above, during turbulent market conditions, the Commission believes PDRs and SPDRs and MidCap SPDRs, in particular, will serve as a vehicle to accommodate and ''bundle'' order flow that otherwise would flow to the cash market, thereby allowing such order flow to be handled more efficiently and effectively. Accordingly, although PDRs and SPDRs and MidCap SPDRs could, in certain circumstances, have an impact on the cash market, on balance we believe the product will be beneficial to the marketplace and can actually aid in maintaining orderly markets.

[33] 15 U.S.C. 78s(b)(2).

[34] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–33712 Filed 12–24–97; 8:45 am]

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SECURITIES AND EXCANAGE COMMISSION

[Release No. 34–39469; File No. SR–PCX–97–45]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to ASAP Membership Requirements

December 19, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 10, 1997,[3] the Pacific Exchange, Inc. (''PCX'' or ''Echange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-reuglaory organization. The Exchange has designated this proposal as non-controversial pursuant to Rule 19b-4(e)(b) under the Act.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On November 3, 1997, the Exchange filed with the Commission a proposed rule change (PCX–97–42) containing the same substance as the present filing. That filing was submitted pursuant to Section 19(b)(3)(A)(iii) of the Act and Rule 19b-4(6) thereunder. The filing was withdrawn on November 6, 1997. *See* letter from Michael D. Pierson, Senor Attorney, Regulatory Policy, PCX, to Michael A. Walinskas, Division of Market Regulation, SEC, date November 6, 1997. Regarding the present filing (PCX–97–45), on November 21, 1997, the Exchange filed Amendment No. 1 with the Commission. Amendments No. 1 constitute a substantive change in the proposal in that it redesignates the proposal as a ''non-controversial'' rule filing under Rule 19b–4(e)(6) rather than Rule 19b–(e)(5). *See* letter from Michael D. Pierson, Senior Attorney, Regulatory Policy, PCX, to Victoria Berberi-Doumar, Division of Market Regulation, Commission, dated November 21, 1997. On December 17, 1997. the Exchange filed Amendment No. 2 with the Commission. Amendment No. 2 modified the text of the rule to clarify the proposed change.

[4] The Exchange has represented that the proposed rule change will not significantly affect the protection of investors or the public interest, and will not impose any significant burden on competition. *See*, letter from Michael D. Pierson, Senior Attorney, Regulatory Policy, PCX, to Vitoria Berberi-Doumar, Division of Market Regulation, SEC, date December 17, 1997.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

PCX is proposing to amend its rules on Automated System Access Privilege (''ASAP'') Memberships.[5] The text of teh proposed rule change is available at the Office of Secretary, Amex, 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 the and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be exaimed 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 Exchange is proposing to modify Rule 1.14 in two respects. First, Rule 1.14(a)(3) currently provides that telephone access is prohibited to ASAP Members, except by special exemption granted by the Board of Governors. The Exchange is proposing to eliminate this provision, so that ASAP Members may place orders over the telephone with Floor Brokers without first obtaining an exemption from the Board of Governors.

Second, the Exchange is proposing to add a provision to Rule 1.14 stating that at least 80% of an ASAP Member's total PCX trade (per calendar quarter) and at least 80% of an ASAP Member's total PCX volume (per calandar quater) must be executed electronically through POETS on P/COAST. The 80% requirements will apply to option contracts and equity securities individually. The proposed rule futher states that the Board of Governors may grant exemptions to the 80% requirements on a case-by-case basis.

Currently, under PCX Rules. 1.14(a)(3) and (1)(5), as ASAP Member may receive access to P/COAST and POETS (and other systems approved by the Board of Governors), but may not have telephone access to the Trading Floors without and exemption from the Board of Governors. Thus, currently, the only orders that an ASAP Member may send directly to the Trading Floors are orders entered electronically (unless and exemption has been granted). The rule change will codify a limited exemption to the current requirement that, in general ASAP Members may only enter orders electronically. Specifically, it will allow up to 20% of an ASAP Member's PCX orders to be executed by telephone. The Exchange believes that codifying this limited exemption will make the ASAP Membership program more attractive to investors and thus will promote a greaer use of electronic entry orders on the Exchange. It will also assure that Members holding ''electronic'' memberships are entering the vast majority of their PCX trades electronically.

The Exchange believes the proposal will make the Exchange's program for electronic membership more viable, and as such, will allow the Exchange to be more competive in attracting order flow to the Exchange.

2. Statutory Basis

The proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(4), in particular, in that its designed to facilitate in securities and promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has asserted that the proposed rule change (i) will not significantly affect the protection of investors or the public interest, (ii) will not impose any significant burden on competition, and (iii) will not become operative for 30 days after the date of

[5] ASAP Memberships are governed by PCX Rule 1.14. Rule 1.14 sets for the terms and conditons of the Exchange's program for Electronic. Access Membership. The rule provides that ASAP Members must be registered broker-dealers subject to the Exchange's disciplinary jurisdiction, and must pay an annual fee. The Rule further provides that such Members are entitled to access to Pacific Computerized Order Access sySTem (''P/COAST''), Pacific Options Exchange Trading System (''POETS''), and other systems approved by the Board of Governors.

this filing. The proposed rule change was originally submitted to the Commission on November 11, 1997. However, the submission of substantive Amendments No. 1 and No. 2 on November 21, and December 17, 1997, respectively, delay the statutorily required implementation date to January 16, 1998.[6] For the foregoing reasons the rule filing will become operative as a ''non-controversial'' rule change pursuant to Rule 19b–4(e)(6) under the Act.[7]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–97–45 and should be submitted by January 20, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

[6] The Commission notes that any substantive amendment to a proposed rule change filed under Section (e)(6) of Rule 19b–4 causes the 30 day delayed implementation period to be restarted from the date of the filing of the amendment. In addition, the Commission has waived the requirement that the Exchange notify the Commission of its intent to file this proposed rule change five business days prior to the filing. *See* Securities Exchange Act Release No. 35123 (December 20, 1994), 59 FR 66692 (December 28, 1994).

[7] 17 CFR 240.19b–4(e)(6).

[8] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–33714 Filed 12–24–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39466; File No. SR–PHLX 97–49]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Philadelphia Stock Exchange, Inc., Relating to Exchange Approval of Member Advertising

December 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 13, 1997, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization (''SRO''). On December 15, 1997, the Exchange filed Amendment No. 1 to the rule proposal. 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

Pursuant to Rule 19b–4 of the Act, the PHLX proposes to amend Phlx Rule 605 to require member or foreign currency option participant organizations for which the Phlx is the designated examining authority (''DEA''): (1) To receive Exchange consent prior to using the Internet to provide market quotations or to advertise to the general public; (2) to receive prior Exchange consent before making use of radio or television broadcasts for any business purpose or broadcasting Exchange quotations on radio or television programs or via public telephone reports; and (3) to submit the text of all commercials or program materials about securities or investing sponsored by the firm on radio, television, public telephone or on the Internet, promptly following the program in which it was used. Further, the commentary to the rule which states that the provisions of the rule do not apply to advertisements, market letters and sales literature relating to options as defined in Rule 1049 would be deleted so that the rule would apply to all products traded on the Exchange, including options. The Exchange filed Amendment No. 1 to make clear that print advertisements are also subject to prior Exchange review and approval under the new proposed language of PHLX Rule 605. The Amendment changed the proposed new language of the rule to reflect this change. The text of the proposed rule change, as amended, is below. Brackets represent deletions; italics represent additions.

Rule 605

Advertisements, Market Letters, Research Reports and Sales Literature

(a) No member, foreign currency option participant, member organization or foreign currency option participant organization shall issue any advertisement, market letter, research report, telemarketing script or sales literature unless such member, foreign currency option participant or a general partner or holder of voting stock in such organization shall have endorsed his approval prior to publication or distribution thereof on an exact copy thereof bearing the name of the person who wrote such material. Such copy so endorsed shall be made part of the permanent records of such member or foreign currency option participant organization and shall be retained for three years, two years in an easily accessible location.

(b) Member or foreign currency option participant organizations for which the Exchange is the designated examining authority (''DEA'') desiring to broadcast Exchange quotations on radio or television programs, or in public telephone market reports, or make use of radio or television broadcast or print advertising for any business purpose, or to make use of the Internet for the purpose of providing market quotations or advertising to the general public must first obtain the consent of the Exchange by submitting an outline of the program material to the Exchange.

(c) The text of all commercials, advertisements and program material (except lists of market quotations) about securities or investing sponsored by Exchange designated member or foreign currency option participant organizations on radio, television, or public telephone reports, or on the Internet, or program material supplied to these media must be sent to the Exchange promptly following the program in which it is used.

[Commentary: The provisions of this rule do not apply to advertisements, market letters and sales literature relating to options as defined in Rule 1049.]

Supplementary Material: No change.

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 SRO included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The SRO 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 Exchange proposes to amend PHLX Rule 605, Advertisements, Market Letters, Research Reports and Sales Literature, in order to assure that the Exchange has the opportunity to review and approve advertisements, including market quotation reports, which are disseminated over the Internet, radio, television and via public telephone prior to their dissemination. Exchange Rule 605 currently requires prior approval only by the member/participant or its general partner or voting stock holder. The Exchange has recently become aware of certain Internet advertisements by at least one of its members which it believes may not comply with the communication guidelines contained in the Supplementary Material to PHLX Rule 605. The Exchange therefore, believes that prior Exchange approval is warranted. The rule will be amended to apply to members and foreign currency options participants for which the Exchange is the DEA so that firms for which another SRO is the DEA will not have to be burdened by duplication of approvals.

The revised language will apply to advertisements, broadcasts of Exchange market quotations or broadcasts for any other business purpose, which could even include advertisements for brokers or traders. It will also specify that it applies to advertisements and broadcasts that are disseminated over radio, television, public telephone and the Internet.

Another new requirement under the proposed rule will be that these firms must also supply to the Exchange the text of all commercials and program material (except lists of market quotations) about securities or investing promptly following the program in which it is used. This will assure that the approved text is actually the one that was publicly disseminated. Finally, the Commentary to Rule 605 which made the rule specifically not applicable to options will be deleted. The Exchange believes that the requirements imposed under this rule are equally important for option advertising as for advertising of any other type of securities.

2. Basis

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices and to protect investors and the public interest by assuring that the Exchange reviews its designated firms' advertisements

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX 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 PHLX 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 submission should file six copies thereof with the Secretary, Securities and Exchange Commissions, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to File No. SR–PHLX–97–49 and should be submitted by January 20, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H.McFarland,

Deputy Secretary.

[FR Doc. 97–33715 Filed 12–24–97; 8:45 am]

BILLING CODE 8010–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Technical Corrections to the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Technical corrections to the Harmonized Tariff Schedule of the United States.

SUMMARY: The United States Trade Representative (USTR) is making technical corrections to the Harmonized Tariff Schedule of the United States (HTS) as set forth in the annex to this notice, pursuant to authority granted by Congress to the President in section 604 of the Trade Act of 1974 and delegated by the President to the USTR in Presidential Proclamation No. 6969 of January 27, 1997 (62 FR 4415). These modifications will correct errors in prior proclamations, so that the intended tariff treatment is accorded.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Barbara Chattin, Director for Tariff Affairs (202) 395–5097, or Catherine Field, Senior Counsel for Multilateral Affairs, (202) 395–3432.

Explanation of Proposed Changes

This notice makes several technical corrections to the Harmonized Tariff Schedule of the United States (HTS) to remedy omissions, misspellings, or other problems included in previously issued proclamations, or to make conforming changes in HTS provisions previously proclaimed to reflect previous modifications to the HTS. The

modification made in each paragraph is explained in turn.

The action designated as 1. conforms certain provisions for goods returned from Canada or Mexico after alterations or repairs with U.S. obligations under the NAFTA. This modification is effective as of the date of entry into force of the NAFTA, i.e., January 1, 1994.

The action designated as 2.(a) modifies an HTS category to allow duty-free entry of a product enumerated in the Intermediate Chemicals for Dyes appendix to the HTS, as provided for in Schedule XX as annexed to the Marrakesh Protocol to the Agreement Establishing the World Trade Organization (WTO Agreement). The special duty rate symbol ''L'' must appear in the HTS tariff category containing an intermediate chemical enumerated in this HTS appendix for Customs to allow duty-free entry upon claims therefor by importers. This action is effective as of the date of entry into force of the WTO Agreement, i.e., January 1, 1995.

Actions 2. (b) and (c) realign language in particular HTS legal notes to ensure that the tariff treatment intended under the NAFTA is achieved. The modification corrects an error incorporated in a previous proclamation and is effective as of the date of that erroneous modification. The correction ensures that particular provisions dealing with textile and apparel differentiate between originating goods (including ''products of'' Canada or Mexico) and non-originating goods (including ''imports from'' these countries—potentially applicable to transshipped third-country goods as well as other goods not substantially transformed into NAFTA originating goods) under the terms of HTS general note 12.

The actions designated as 2.(d) and 2.(e) correct typographical or spelling errors and are effective as of the date the particular HTS categories were established or modified.

The action is section 3.(a) make a conforming change (reflecting a renumbering of an HTS category) in one NAFTA tariff shift rule in general note 12(t), and reinsert another tariff shift rule that previously was erroneously deleted, effective as of the date of the prior action or deletion, respectively.

Actions designated as 3.(b) and 3.(c) make conforming changes that reflect in one set of HTS provisions the previous, but unrecognized, modifications to other provisions. The changes are effective as of the date of the previous modifications to these corresponding HTS provisions.

The action designated as 3.(d) corrects the omission of a conforming change from Proclamation 6857 of December 11, 1995. The cited note to subchapter II of chapter 98 should have been modified to reflect a World Customs Organization (WCO) change in the status of the note. The WCO elevated additional U.S. note 1 to section XV from its prior status as a U.S. note to the status of international-level note 3 to section XV. As a result of this WCO action the note is now included in the annex to the Harmonized System Convention.

The action designated as 4. corrects an omission from Proclamation 6982 of April 1, 1997, which modified the scope of duty-free treatment accorded under the pharmaceuticals appendix to the HTS.

Section 5. corrects 3 typographical errors in the **Federal Register** notice that was published and was effective on April 28, 1997, which made certain changes in NAFTA rules of origin set forth in general note 12 to the HTS.

The actions in section 6. correct an omission and errors in Proclamation 7007 of May 30, 1997, which modified duty-free treatment under the GSP for least-developed beneficiary developing countries. The first action provides such treatment to a subheading created in the proclamation, and the second action deletes from the list of HTS subheadings that were designated for the new GSP treatment certain tariff categories that were already eligible for GSP benefits.

The action designated as 7. corrects the advertent deletion of a preexisting duty suspension provision from the HTS and recognize the goods covered under the former duty suspension now fall in another provision of chapter 84. As a result of this prior change in classification, the duty suspension provision of chapter 99 must be amended to reflect the permanent tariff subheading now applicable to these goods. The continuation of the duty suspension (which had been scheduled to continue through the close of 2000) allows the subject products to continue to enter the customs territory free of duty.

The actions designated as 8. correct errors in dates in provisions of the cited proclamation so that future proclaimed actions could be administered as intended.

Actions designated as 9. (a) and (b) correct two errors in staging tables in the HTS. The staging table for general rates of duty contained erroneous 1997 and 1998 duty rates for subheading 2620.90.20, in that the two rates shown in the staging table should have been reversed. Thus, as presently proclaimed, the 1997 duty rate is too low and the 1998 duty rate would increase before returning to the scheduled 1999 stage; it was intended that the 1998 and 1999 rates be the same. This notice also corrects the inadvertent omission of the final staged Canada rate under the NAFTA for subheading 8529.90.88. As presently proclaimed, the 1997 duty rate of ''0.5% (CA)'' would not be eliminated as scheduled on January 1, 1998.

Actions designated as 9. (c) through (h) correct previously proclaimed provisions of the general notes to the HTS to update statutory references and thereby reflect the amendments to title V of the Trade Act of 1974 concerning the Generalized System of Preferences (GSP). Some of these provisions deal with the freely associated states (see general note 10), because the statute implementing the compacts of free association imposed certain criteria of the GSP program as limitations on imports.

The action designated as 10. corrects omissions from Proclamation 6914 of August 28, 1966, which modified the allocation of tariff-rate quotas for certain cheeses from the EC 15. For the enumerated cheese quota notes, Proclamation 6914 modified the notes by changing the references to ''EC 12'' to read ''EC 15'' but did not provide for the increased quota access for the years 1999 and 2000 as set forth in Proclamation 6763 of December 23, 1994.

Ambassador Charlene Barshefsky,

United States Trade Representative.

Annex

Corrections: The HTS is modified as set forth below with respect to goods entered, or withdrawn from warehouse for consumption, on or after the effective dates specified for the enumerated actions:

1. Effective on January 1, 1994, U.S. note 3 to subchapter II of chapter 98 of the HTS is modified by redesignating subdivision (d) as subdivision (e), and by inserting the following new subdivision in alphabetical sequence:

''(d) For the purposes of subheadings 9802.00.40 and 9802.00.50, the rates of duty in the ''Special'' subcolumn of column 1 followed by the symbol ''CA'' or ''MX'' in parentheses shall apply to any goods which are returned to the United States after having been repaired or altered in Canada or in Mexico, respectively, whether or not such goods are goods of Canada or goods of Mexico under the terms of general note 12 to the tariff schedule.''

2. Effective on January 1, 1995, the HTS is modified as follows:

(a) For subheading 2922.49.37, the Rates of Duty 1—Special subcolumn is modified by inserting, in alphabetical sequence, the

symbol ''L'' in the parentheses following the ''Free'' rate of duty in such subcolumn.

(b) In the additional U.S. notes to HTS section XI listed below, the expression ''articles the product of Canada'' is deleted at each instance and the expression ''Imports from Canada'' is inserted in lieu thereof.

additional U.S. note 3(a); additional U.S. note 4(c)
additional U.S. note 3(f); additional U.S. note 5(a)
additional U.S. note 4(a); additional U.S. note 5(c)

(c) In the additional U.S. notes to HTS section XI listed below, the expression ''articles the product of Mexico'' is deleted at each instance and the expression ''imports from Mexico'' is inserted in lieu thereof.

additional U.S. note 3(b); additional U.S. note 4(b)
additional U.S. note 3(c); additional U.S. note 4(d)
additional U.S. note 3(d); additional U.S. note 5(b)
additional U.S. note 3(e); additional U.S. note 5(d)
additional U.S. note 3(g)

(d) The article description for HTS heading 9817.29.01 is modified by deleting ''3701.90.32'' and by inserting in lieu thereof ''3707.90.32''.

(e) The Intermediate Chemicals for Dyes Appendix to the HTS is modified by deleting the chemical name ''Banzamine, 2, 6–dichloro–4–nitro'' and by inserting ''Benzamine, 2, 6–dichloro–4–nitro'' in lieu thereof, and by deleting the chemical name ''Benzeneamine, 2–(triflouromethyl)–'' and by inserting ''Benzeneamine, 2–(triflouromethyl)–'' in lieu thereof.

3. Effective on January 1, 1996, the HTS is modified as follows:

(a) The tariff classification rules (''TCRs'') in subdivision (t) of general note 12 to the HTS are modified by deleting from chapter rule 1 to chapter 61 and from chapter rule 1 to chapter 62 the subheading number ''5407.60'' and by inserting in lieu thereof ''5407.61''.

(b) The article description for HTS subheading 6303.92.10 is modified by deleting ''5407.60.11, 5407.60.21 or 5407.60.91'' and by inserting in lieu thereof ''5407.61.11, 5407.61.21 or 5407.61.91''.

(c) The article description for HTS subheading 9017.20.50 is modified by deleting ''8456.90.20'' and by inserting in lieu thereof ''8456.99.10''.

(d) U.S. note 3(d) to subchapter II of chapter 98 is modified by deleting ''additional U.S. note 1'' and inserting ''note 3'' in lieu thereof.

4. Effective April 1, 1997, for subheading 2933.59.95, the Rates of Duty 1—special subcolumn is modified by inserting, in alphabetical sequence, the symbol ''K'' in the parentheses following the ''Free'' rate of duty in such subcolumn.

5. Effective April 28, 1997, general note 12 to the HTS is modified as follows:

(a) by numbering the tariff classification rule to chapter 82 that reads ''A change to subheadings 8202.39 through 8202.99 from any other chapter.'' as TCR 4 to that chapter;

(b) by modifying TCR 231 for chapter 84 by deleting ''tariff items,'' and by inserting in lieu thereof ''tariff item, ''; and

(c) by deleting from TCR 90 for chapter 85 ''8428.12.62'' and by inserting in lieu thereof ''8528.12.62''.

6. Effective May 31, 1997:

(a) For HTS subheading 0802.90.98, the Rates of Duty 1—Special subcolumn is modified by inserting, immediately before the symbol ''CA'' in parentheses, the symbol ''A+,''; and

(b) Section (c) to Annex II to Presidential Proclamation 7007 is modified by deleting HTS subheadings 0802.90.90, 2901.29.50, 8607.19.03, 9603.10.50 and 9603.10.60.

7. Effective July 1, 1997, section B of Annex I to Presidential Proclamation 7011 of June 30, 1997, is modified by deleting the text of paragraph (68) and by inserting in lieu thereof the following: 'Heading 9902.84.77 is modified by deleting ''8477.10.80'' and by inserting in lieu thereof ''8477.10.70''.'

8. Effective on the date of publication of this notice in the **Federal Register**, section A(5) of Annex II to Presidential Proclamation 6969 is modified as follows:

(a) by deleting, from subparagraph (a) of such section, the expression ''April 1, 1998, through March 31, 1999, inclusive'' and by inserting ''April 1 in any year through March 31, inclusive'' in lieu thereof; and

(b) by deleting, from subparagraph (b) of such section, the expression ''April 1, 1999, through March 31, 2000, inclusive'' and by inserting ''April 1, 2000, through March 31, 2001, inclusive'' in lieu thereof.

9. Effective January 1, 1998:

(a) Section D of the Annex to Proclamation 6763 is modified by striking from the column headed ''1998'' for subheading 2620.90.20 the duty rate of ''18.5¢/kg on tungsten content + 4%'' and by inserting the duty rate ''17.6¢/kg on tungsten content + 4%'' in lieu thereof; and

(b) Subheading 8529.90.88 is modified by striking from the ''Special'' rates of duty subcolumn the rate ''0.5% (CA)'' and by inserting in alphabetical sequence in the parenthetical expression following the duty rate of ''Free'' in such subcolumn the symbol ''CA,''.

(c) General note 3(iv)(C) is modified by deleting ''sections 503(b) and 504(c) and by inserting ''sections 503(a)(2), 503(a)(3) and 503(c)'' in lieu thereof.

(d) General note 4(a) is modified by deleting ''section 502(a)(3) of the Trade Act of 1974 (19 U.S.C. 2462(a)(3)'' and by inserting ''section 507(2) of the Trade Act of 1974 (19 U.S.C. 2467(2)'' in lieu thereof.

(e) General note 4(b)(i) is modified by deleting ''section 504(c)(6)'' and by inserting ''section 502(a)(2)'' in lieu thereof, by deleting ''section 504(c)'' and by inserting ''section 503(c)(2)(A)'' in lieu thereof, and by deleting ''19 U.S.C. 2464(c)'' and by inserting ''19 U.S.C. 2463(c)(2)(A)'' in lieu thereof.

(f) The last paragraph of general note 4(c) is modified by deleting ''section 503(a)(3)'' and by inserting ''section 507(2)'' in lieu thereof.

(g) General note 10(e)(i)(A) is modified by deleting ''section 504(c)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2464(c)(1)(A)'' and by inserting ''sections 503(c)(2)(A)(i)(I) and 503(c)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(A)(i)(I) and 503(c)(2)(A)(ii)'' in lieu thereof.

(h) General note 10(f) is modified by deleting ''section 504(c)(3) of the Trade Act of 1974 (19 U.S.C. 2464(c)(3)'' and by inserting ''section 503(c)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(F)'' in lieu thereof.

10. Effective on January 1 in each of the following years, the enumerated additional U.S. notes to chapter 4 of the HTS are each modified by deleting the existing quantitative limitation set forth therein for the EC 15 and by inserting in lieu thereof the new quantitative limitation set forth in this table:

	1999	2000
(a) Additional U.S. note 17 to chapter 4 ...	2,729,000	2,779,000
(b) Additional U.S. note 18 to chapter 4 ...	1,096,333	1,263,000
(c) Additional U.S. note 19 to chapter 4 ...	337,333	354,000
(d) Additional U.S. note 21 to chapter 4 ...	3,965,333	4,082,000

Additional information regarding these technical modifications can be obtained by contacting the above-named officials of the USTR at the number noted above.

[FR Doc. 97–33752 Filed 12–24–97; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Comments for Multilateral Negotiations in the World Trade Organization on Expansion of the List of Pharmaceutical Products Receiving Zero Duties

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) is requesting written public comments with respect to expansion of the list of pharmaceuticals subject to reciprocal duty elimination by certain members of the World Trade Organization (WTO). The specific information being sought is described in the background section below.

DATES: Public comments are due by noon, January 30, 1998.

ADDRESSES: Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Barbara Chattin, Director for Tariff Negotiations, USTR, (202–395–5097).

SUPPLEMENTARY INFORMATION: The Chairman of the TPSC invites written comments from the public on the expansion of the list of pharmaceutical products receiving duty-free treatment from certain members of the World Trade Organization, specifically additions to the lists of pharmaceutical active ingredients, prefixes and suffixes that could be associated with an active ingredient in order to designate its salt, ester or hydrate form, or chemical intermediates intended for the manufacture of pharmaceutical active ingredients. Negotiations will take place during 1998 in the WTO with a view to adding new pharmaceuticals to the zero duty list. Any amendments to the list of pharmaceuticals will be subject to approval by all participants in the negotiations.

Background

During the Uruguay Round of multilateral trade negotiations, the United States and 16 trading partners agreed to reciprocal elimination of duties on approximately 7,000 pharmacuticals on January 1, 1995. Participants also recognized the need to periodically update the zero duty list of pharmaceuticals in order to keep pace with the dynamic nature of the industry. As a result of multilateral negotiations in the World Trade Organization (WTO) during 1996, the United States and other participants in the negotiations eliminated duties on an additional 750 pharmaceuticals on April 1, 1997.

The results of the Uruguay Round agreement on pharmaceuticals and the subsequent update by WTO members is reflected in the Pharmaceutical Appendix to the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS can be purchased from the United States Government Printing Office. An electronic version of HTSUS can be found at www.usitc.gov. the Pharmaceutical Appendix of the HTSUS consists of three tables. Table 1 lists active pharmaceutical ingredients and dosage-form products by their International Nonproprietary Names (INNs) from the World Heatlh Organization (WHO). Currently, the items in Table 1 are drawn from the INN lists 1–73 of the WHO. Prefixes and suffixes that can be associated with an INN in Table 1 are contained in Table 2. Chemical intermediates intended for the manufacture of pharmaceuticals are listed in Table 3. Working with appropriate industry associations and private sector advisory groups, the interagency TPSC committee led by USTR is in the process of preparing negotiating positions. Comments are requested for pharmaceutical items which would be in the interest of the United States to add to the existing WTO agreement.

Negotiators will be reviewing the more recent INN lists (e.g., 74–78) in the updating exercise. Comments pertaining to the pharmaceutical active ingredients covered by INN list 74 and higher need only provide the INN name and reference the appropriate WHO list. Otherwise, the following information must be supplied for each pharmaceutical active ingredient or chemical intermediate to provide the technical basis for reviewing the submissions: (1) The precise chemical name; (2) the Chemical Abstracts Service (CAS registry number; (3) a diagram of the molecular structure; and (4) the six-digit Harmonized System classification number. Submissions of chemical intermediates also must provide the INN and chemical name of the active ingredient into which it is incorporated, the CAS number of this active ingredient, and a diagram of the molecular structure of this active ingredient. A suggested format for presenting this information is attached. In addition, submissions of chemical intermediates must demonstrate that the product meets the following conditions; (1) The chemical is a sole-pharmaceutical use intermediate; (2) some portion of the intermediate is incorporated in the final active ingredient molecule, regardless of what proportion the intermediate represents in the final molecule of the active ingredient; and (3) the intermediate is used in producing an active ingredient that has reached at least Phase III of clinical trials of the Food and Drug Administration (or other national equivalent). Comments pertaining to the additions to the list of prefixes or suffixes for salt, ester or hydrate forms of an INN active ingredient should state a rationale for the nomination. Only comments containing all of the above information will be considered in developing U.S. positions for the negotiations.

Persons submitting written comments should provide a statement, in twenty copies, by noon, January 30, 1998 to Gloria Blue, Executive Secretary, TPSC, Office of the U.S. Trade Representative, Room 503, 600 17th Street, NW., Washington, D.C. 20508. In addition, a helpful supplement to the written statement would be to provide a disk containing as much of the technical details of the submission as possible, either in a spreadsheet format or in a word processing table format. The disk should have a label identifying the software used and the submitter. Non-confidential information received will be available for public inspection by appointment in the USTR Reading Room, Room 101, Monday through Friday, 10:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. For an appointment call Brenda Webb on 202–395–6186. Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

HS code (6-digit)	CAS number	Chemical name (e.g., chemical abstracts index name

Molecular structure

For all chemical intermediates, the following information is provided on the pharmaceutical active ingredient into which the intermediate is incorporated.

INN of active ingredient	CAS number of active ingredient	Chemical name of active ingredient

Molecular structure of active ingredient

[FR Doc. 97–33751 Filed 12–24–97; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3501, *et seq.*) this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information

was published in 62 FR 52611, October 8, 1997.

DATES: Comments on this notice must be received on or before January 28, 1998.

FOR FURTHER INFORMATION CONTACT: Carol A. Woods, Air Carrier Fitness, Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 400 Seventh St. SW., Washington, DC 20590 at (202) 366–2340.

SUPPLEMENTARY INFORMATION: Office of the Secretary.

Title: Aircraft Accident Liability Insurance.

OMB Control Number: 2106–0030

Affected Public: U.S. and foreign air carriers.

Type of Request: Extension of a previously approved collection.

Form(s): OST Form 6410, OST Form 6411.

Abstract: 14 CFR Part 205 contains the minimum requirements for air carrier accident liability insurance to protect the public from losses, and directs that certificates evidencing appropriate coverage must be filed with the Department.

Estimated Annual Burden Hours: 2,763 hours.

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.

Comments to OMB are best assured of having their full effect if OMB receives them within 30 days of publication.

Issued in Washington, DC, on December 18, 1997.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 97–33689 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on January 8, 1998, at 1 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Room 810, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9683; fax (202) 267–5075; e-mail Jean.Casciano@faa.dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on January 8, 1998, at the Federal Aviation Administration, 800 Independence Avenue, SW., Room 810, Washington, DC, 1 p.m. The purpose of the meeting is to review and discuss a proposed new task—Prevention of Fuel Tank Explosions.

Attendance is open to the interested public but will be limited to the space available. The public may participate by teleconference by calling 202–493–4180, pass code 2222. Written statements from the public may be presented to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on December 22, 1997.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 97–33861 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–03–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 Akron-Canton Regional Airport, Akron, OH

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 Akron-Canton Regional 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 January 28, 1998.

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. Frederick J. Krum, Director of Aviation of the Akron-Canton Regional Airport Authority Board at the following address: Akron-Canton Regional Airport, 5400 Lauby Road, P.O. Box 9, North Canton, Ohio 44720–1598.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Akron-Canton Regional Airport Authority Board under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence C. King, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (313–487–7293). 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 Akron-Canton Regional 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 21, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by Akron-Canton Regional Airport Authority Board 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 March 6, 1998.

The following is a brief overview of the application.

PFC Application No.: 98–03–C–00–CAK.

Level of the proposed PFC: $3.00.

Proposed charge effective date: October 1, 1999.

Proposed charge expiration date: February 1, 2003.

Total estimated PFC revenue: $2,481,900.00.

Brief description of proposed projects: (1) Acquire wheel loader with snow blade; (2) overlay access road and taxiways; (3) seal coat aircraft parking aprons; (4) stormwater drainage improvement; (5) Runway 1–19 and Taxiway ''A'' and ''B'' rehabilitation. 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 Akron-Canton Regional Airport Authority Board.

Issued in Des Plaines, Illinois, on December 17, 1997.

Benito De Leon,

Manager, Planning/Programming Branch Airports Division, Great Lakes Region.

[FR Doc. 97–33759 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Feberal Aviation Administration

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Rhinelander-Oneida County Airport, Rhinelander, WI

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 use the revenue from a PFC at Rhinelander-Oneida County 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 January 28, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Joseph Brauer, Manager of the Rhinelander-Oneida County Airport at the following address: Rhinelander-Oneida County Airport, 3375 Airport Road, Rhinelander, Wisconsin 54501–9178.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Rhinelander and County of Oneida under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy M. Nistler, Assistant Manager, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450, 612–713–4350. 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 use a PFC at Rhinelander-Oneida County Airport under the provisions of the Aviation Safety an Capacity Expansion Act of 1990 (Title IX of the Part 158 if the Federal Aviation Regulations (14 CFR Part 158).

On December 8, 1997, the FAA determined that the application to use the revenue from a PFC submitted by the City of Rhinelander and County of Oneida 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 apart, no later than March 10, 1998.

The following is a brief overview of the application.

PFC application number: 98–04–U–00–RHI.

Level of the PFC: $3.00.

Actual charge effective date: June 1, 1996.

Estimated charge expiration date: January 1, 2001.

Total approved net PFC revenue: $525,301.

Brief description of proposed project: Terminal Building Improvements.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Part 135 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 Rhinelander-Oneida County Airport.

Issued in Des Plaines, Illinois on December 17, 1997.

Benito De Leon,

Management, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 97–33758 Filed 12–24–97; 8:45 am]

BILLING CODE 4910–13–M

federal register

Monday
December 29, 1997

Part II

Department of the Treasury

Internal Revenue Service

26 CFR Part 54

Department of Labor

Pension Welfare Benefits Administration

29 CFR Part 2590

Department of Health and Human Services

Health Care Financing Administration

45 CFR Subtitle A, Parts 144 and 146

Application of HIPAA Group Market Portability Rules to Health Flexible Spending Arrangements; Final Rule

Application of HIPAA Group Market Rules to Individuals Who Were Denied Coverage Due to a Health Status-Related Factor; Final Rule

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2590

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

45 CFR Subtitle A, Parts 144 and 146

Application of HIPAA Group Market Portability Rules to Health Flexible Spending Arrangements

AGENCIES: Internal Revenue Service, Department of the Treasury; Pension and Welfare Benefits Administration, Department of Labor; Health Care Financing Administration, Department of Health and Human Services.

ACTION: Clarification of regulations.

SUMMARY: This document clarifies that it is appropriate to treat benefits under certain health flexible spending arrangements as excepted benefits for purposes of the group market portability provisions added by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

FOR FURTHER INFORMATION CONTACT: Russ Weinheimer, Internal Revenue Service, Department of the Treasury, at (202) 622–4695; Amy Scheingold, Pension and Welfare Benefits Administration, Department of Labor, at (202) 219–4377; or Joan Kral, Health Care Financing Administration, Department of Health and Human Services, at (410) 786–9539.

Customer service information. Individuals interested in obtaining a copy of the Department of Labor's booklet entitled ''Questions and Answers: Recent Changes in Health Care Law,'' may call the following toll-free number: 1–800–998–7542. This information is also available on the Department's website at: http://www.dol.gov/dol/pwba

SUPPLEMENTARY INFORMATION:

I. Purpose

This document addresses the application of certain portability provisions added by the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104–191 (HIPAA), to flexible spending arrangements (FSAs). The Departments of the Treasury, Labor, and Health and Human Services (the Departments) have concluded that it is appropriate to treat benefits under certain health FSAs as excepted benefits under sections 9831 and 9832(c) of the Internal Revenue Code of 1986 (Code), sections 732 and 733(c) of the Employee Retirement Income Security Act of 1974 (ERISA), and sections 2721 and 2791(c) of the Public Health Service Act (PHS Act).

II. Background

HIPAA Group Market Portability Provisions

HIPAA provides measures to improve portability and continuity with respect to group health plan coverage provided in connection with employment. These provisions include limitations on preexisting condition exclusions, rules prohibiting discrimination on the basis of any health status-related factor, and rules requiring special enrollment. These provisions are generally effective for group health plans and group health insurance coverage for plan years beginning on or after July 1, 1997. The Departments of the Treasury, Labor, and Health and Human Services (the Departments) issued regulations implementing these group market provisions at 26 CFR 54.9801–1T through 54.9801–6T, 54.9802–1T, 54.9831–1T (formerly 54.9804–1T), 54.9833–1T (formerly 54.9806–1T); 29 CFR part 2590; and 45 CFR parts 144 and 146 (made available to the public on April 1, 1997 and published in the **Federal Register** on April 8, 1997, 62 FR 16893).

The HIPAA portability provisions in section 9801 of the Internal Revenue Code of 1986 (Code), section 701 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 2701 of the Public Health Service Act (PHS Act), and the implementing regulations impose limits on the maximum preexisting condition exclusion period that may be imposed by a group health plan or a group health insurance issuer. In general, neither a group health plan nor a group health insurance issuer may impose more than a 12-month preexisting condition exclusion for individuals enrolling in the plan or coverage, although a plan or issuer can impose an 18-month preexisting condition exclusion for late enrollees. In either case, the exclusion period must be reduced by the amount of an individual's prior ''creditable coverage.'' Plans and issuers subject to the HIPAA requirements generally must also issue certificates of creditable coverage for an individual to use as proof of creditable coverage for subsequent coverage.

In general, these group market portability provisions apply to group health plans (generally plans sponsored by employers or employee organizations, or both) and health insurance issuers providing coverage under a group health plan, effective for plan years beginning after June 30, 1997, except that the obligation to provide certain information relating to creditable coverage became effective as early as June 1, 1997. However, the group market portability provisions do not apply to certain excepted benefits. For example, the group market portability provisions do not apply to certain types of supplemental coverage provided under a separate policy, certificate, or contract of insurance. In general, if benefits under a plan or coverage are excepted benefits, then plans and issuers do not have to provide certificates for the coverage, and the coverage may not qualify as creditable coverage.

Health Flexible Spending Arrangements

Under proposed Treasury Regulations, a health FSA generally is a benefit program that provides employees with coverage under which specified, incurred expenses may be reimbursed (subject to reimbursement maximums and any other reasonable conditions) and under which the maximum amount of reimbursement that is reasonably available to a participant for a period of coverage is not substantially in excess of the total premium (including both employee-paid and employer-paid portions of the premium) for the participant's coverage. Coverage and reimbursements provided to an individual under a group health plan that is a health FSA and that conforms to the generally applicable rules for accident or health plans qualify for the same tax-favored treatment that generally is extended to coverage and reimbursements under employer-provided accident or health plans.[1] Health FSA reimbursements typically provide coverage for medical care expenses not otherwise covered by the employer's primary group health plan.

A health FSA is permitted to operate under a cafeteria plan described in section 125 of the Code. Pursuant to the rules of section 125, an employee can elect to reduce the employee's salary in order to pay for health FSA coverage without the employee having to include that portion of the salary in gross income. Commonly, the maximum benefit payable under a health FSA for any year is equal to the amount of the

[1] See Q&A–7, prop. Treas. Reg., proposed 26 CFR 1.125–2 (54 FR 9460, 9502, March 7, 1989).

employee's salary reduction election for the year, plus any additional employer contribution for the year.

III. Clarification

This document clarifies the conditions under which it is appropriate to treat benefits under a health FSA as excepted benefits. Specifically, benefits under a health FSA are excepted benefits if the maximum benefit payable for the employee under the health FSA for the year does not exceed two times the employee's salary reduction election under the health FSA for the year (or, if greater, the amount of the employee's salary reduction election under the health FSA for the year, plus $500), the employee has other coverage available under a group health plan of the employer for the year, and the other coverage is not limited to benefits that are excepted benefits.

The effect of treating benefits under a health FSA as excepted benefits is that the health FSA is not subject to the group market portability provisions. Accordingly, there would be no requirement under section 9801 of the Code, section 701 of ERISA, or section 2701 of the PHS Act and the implementing regulations to issue a certificate of creditable coverage for such a health FSA. In addition, coverage that consists solely of coverage under such a health FSA does not constitute creditable coverage.

Group health plans, issuers, and other entities subject to the group market portability provisions of HIPAA may rely on this document in treating benefits under health FSAs described in the first paragraph of this section III as excepted benefits.

Dated: December 18, 1997.

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

Signed at Washington, DC, this 19th day of December, 1997.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration, U.S. Department of Labor.

Dated: December 18, 1997.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 97–33602 Filed 12–24–97; 8:45 am]

BILLING CODE 4830–01–P; 4510–29–P; 4120–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2590

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

45 CFR Subtitle A, Parts 144 and 146

Application of HIPAA Group Market Rules to Individuals Who Were Denied Coverage Due to a Health Status-Related Factor

AGENCIES: Internal Revenue Service, Department of the Treasury; Pension and Welfare Benefits Administration, Department of Labor; Health Care Financing Administration, Department of Health and Human Services.

ACTION: Clarification of regulations.

SUMMARY: This document addresses certain issues arising under the group market portability provisions added by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) with respect to employees (or their dependents) who, until the effective date of the HIPAA nondiscrimination provisions, were denied coverage under a group health plan, including group health insurance coverage, because of a health status-related factor.

FOR FURTHER INFORMATION CONTACT: Russ Weinheimer, Internal Revenue Service, Department of the Treasury, at (202) 622–4695; Amy Scheingold, Pension and Welfare Benefits Administration, Department of Labor, at (202) 219–4377; or Joan Kral, Health Care Financing Administration, Department of Health and Human Services, at (410) 786–9539.

Customer service information. Individuals interested in obtaining a copy of the Department of Labor's booklet entitled ''Questions and Answers: Recent Changes in Health Care Law,'' which includes information on the nondiscrimination provisions of HIPAA, may call the following toll-free number: 1–800–998–7542. This information is also available on the Department's website at: http://www.dol.gov/dol/pwba.

SUPPLEMENTARY INFORMATION:

I. Purpose

This document addresses certain issues arising under the group market portability provisions added by the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191 (HIPAA), with respect to employees (or their dependents) who, until the effective date of the HIPAA nondiscrimination provisions, were denied coverage under a group health plan, including health insurance coverage offered in connection with a group health plan, because of a health status-related factor. Under those provisions and the implementing regulations, neither a group health plan nor group health insurance coverage can continue to exclude such individuals from enrolling in the plan or coverage. This document clarifies certain rights of these individuals.

II. Background

HIPAA contains provisions designed to improve portability and continuity with respect to group health plan coverage provided in connection with employment. These provisions include limitations on preexisting condition exclusions, rules prohibiting discrimination on the basis of any health status-related factor, and rules requiring special enrollment. These provisions are generally effective for group health plans and group health insurance coverage for plan years beginning on or after July 1, 1997. The Departments of the Treasury, Labor, and Health and Human Services (the Departments) issued interim final regulations implementing these group market provisions at 26 CFR 54.9801–1T through 54.9801–6T, 54.9802–1T, 54.9831–1T (formerly 54.9804–1T), 54.9833–1T (formerly 54.9806–1T); 29 CFR part 2590; and 45 CFR parts 144 and 146 (made available to the public on April 1, 1997 and published in the **Federal Register** on April 8, 1997, 62 FR 16893).

The HIPAA portability provisions in section 9801 of the Internal Revenue Code of 1986 (Code), section 701 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 2701 of the Public Health Service Act (PHS Act), and the implementing regulations impose limits on the maximum preexisting condition exclusion period that may be imposed by a group health plan or group health insurance issuer. In general, neither a group health plan nor a group health insurance issuer may impose more than a 12-month preexisting condition exclusion for individuals enrolling in the plan or

coverage, although the plan or issuer can impose an 18-month preexisting condition exclusion for late enrollees. In either case, the exclusion period must be reduced by the amount of an individual's prior ''creditable coverage.'' Most, but not all, types of health coverage are creditable coverage.

The nondiscrimination provisions in section 9802 of the Code, section 702 of ERISA, and section 2702 of the PHS Act and the implementing regulations provide that neither a group health plan nor a health insurance issuer offering group health insurance coverage may establish rules for eligibility (including continued eligibility) of any individual to enroll under the terms of the plan based on any health status-related factor. Health status-related factors include health status, medical condition, claims experience, receipt of health care, medical history, genetic information, evidence of insurability (including conditions arising out of acts of domestic violence), and disability.

Under these nondiscrimination provisions, an employee (and any dependent of the employee) cannot be denied coverage under a group health plan or group health insurance coverage based on a health status-related factor on or after the effective date of HIPAA. The interim final regulations clarify that an employee or dependent cannot be required to pass a physical examination as a condition of enrollment, even if the individual is a late enrollee.[1]

III. Clarification

Although the interim final regulations make clear that group health plans and group health insurance issuers cannot continue to exclude employees (and their dependents) from coverage based on a health status-related factor, questions have arisen concerning the application of the HIPAA group market portability rules to individuals who previously were denied coverage based on a health status-related factor. This document clarifies the circumstances under which these individuals cannot be treated as late enrollees for purposes of applying a preexisting condition exclusion period.

Any individual to whom coverage has not been made available before the effective date of HIPAA because of a health status-related factor, and who enrolls when first eligible on or after the effective date of the HIPAA nondiscrimination provisions (which are generally effective on the first day of the first plan year beginning on or after July 1, 1997), may not be treated as a late enrollee for purposes of section 9801(a) of the Code, section 701(a) of ERISA, or section 2701(a) of the PHS Act or the implementing regulations.[2] This includes any individual who failed to apply for coverage before the effective date of the HIPAA nondiscrimination provisions because it was reasonable to believe that an application for coverage would have been futile due to a plan provision that discriminated on the basis of a health status-related factor. These rules apply whether or not the plan offers late enrollment.[3] These rules do not change the special enrollment rules that prohibit treating a special enrollee as a late enrollee.

These rules are illustrated by the following example:

Example: (i) Employee *A* is an active employee of Employer *X*. A was hired on May 3, 1992. *X* maintains a group health plan with a plan year beginning on January 1. Under the terms of the plan, employees and their dependents are allowed to enroll when the employee is first hired and on each January 1, but only if they can pass a physical examination. *A*'s application to enroll in May of 1992 was denied because *A* had diabetes and could not pass a physical examination. *A* has not applied since then because *A* has reasonably believed that the application would be denied because *A* has diabetes.

(ii) In this *Example*, effective January 1, 1998, *X*'s plan cannot deny coverage to *A* based on a health status-related factor. If *A* enrolls effective January 1, 1998, *A* may not be treated as a late enrollee for the purpose of determining the maximum period of any preexisting condition exclusion that may be imposed by the plan with respect to *A* (or for the purpose of determining *A*'s enrollment date).

HIPAA provides that no enforcement action can be taken against a plan or issuer with respect to a violation of the group market rules before January 1, 1998 if the plan or issuer has sought to comply in good faith with such rules. The preamble to the interim final regulations extended this good faith period with respect to the nondiscrimination provisions until further regulations are issued by the Departments. Compliance with the terms of this document is considered good faith for this purpose.

Dated: December 18, 1997.

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

Signed at Washington, DC, this 19th day of December 1997.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration, U.S. Department of Labor.

Dated: December 18, 1997.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 97–33603 Filed 12–24–97; 8:45 am]

BILLING CODE 4830–01–P; 4510–29–P; 4120–01–P

[1] Note, however, that under section 1532 of the Taxpayer Relief Act of 1997, Pub. L. 105–34 (enacted after interim final regulations were published), certain church plans may require evidence of good health of certain individuals without violating the nondiscrimination requirements of HIPAA. This document does not apply to those church plans under those circumstances.

[2] For related rules to determine the individual's enrollment date, see the interim final regulations at 26 CFR 54.9806–1T(a)(3), 29 CFR 2590.736(a)(3), and 45 CFR 146.125(a)(3).

[3] For a definition of late enrollment, see the interim final regulations at 26 CFR 54.9801–3(a)(2)(iv), 29 CFR 2590.701–3(a)(2)(iv), 45 CFR 146.111(a)(2)(iv).

federal register

Monday
December 29, 1997

Part III

Department of Education

Training Program for Federal TRIO Programs (Training Program); Notice Inviting Applications for New Awards Under the Training Program for Federal TRIO Programs for Fiscal Year (FY) 1998

DEPARTMENT OF EDUCATION

[CFDA No. 84.103A]

Training Program for Federal TRIO Programs (Training Program); Notice Inviting Applications for New Awards Under the Training Program for Federal TRIO Programs for Fiscal Year (FY) 1998

Purpose of Programs: (a) To provide Federal financial assistance to train the staff and leadership personnel employed in, or preparing for employment in, projects under the Federal TRIO Programs.

Eligible Applicants: Institutions of higher education; and public and nonprofit private agencies and organizations.

SUPPLEMENTARY INFORMATION: *Priorities:* Under 34 CFR 75.105(c)(2) and 642.34(a) the Secretary gives competitive preference to applications that meet one or more of the following priorities. The Secretary awards up to 8 ⅓ points to an application that provides effective training in one or more of the following subjects:

(1) Student financial aid.

(2) General project management for new directors.

(3) Legislative and regulatory requirements for the operation of the Federal TRIO Programs.

(4) The design and operation of model programs for projects funded under the Federal TRIO Programs.

(5) Retention and graduation strategies.

(6) Counseling.

(7) Reporting student and project performance.

(8) Coordinating project activities with other available resources and activities.

Deadline for Transmittal of Applications: February 20, 1998.

Applications Available: December 22, 1997.

Available Funds: The estimated amount of funds available for this program is based on the FY 1998 Appropriation Act for the Department.

Estimated Range of Awards: $170,000–$280,000.

Estimated Average Size of Awards: $250,000.

Estimated Number of Awards: 16.

Note: The Department is not bound by any of the estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

FOR FURTHER INFORMATION CONTACT: Patricia S. Lucas, Federal TRIO Programs, U.S. Department of Education, 600 Independence Avenue, S.W., The Portals Building, Suite 600 D, Washington, DC 20202–5249. Telephone: (202) 708–4804 or by Internet to TRIO @ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Services (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., Braile, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package. Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; on the internet Gopher Server (at gopher://gcs.ed.gov/); or on the World Wide Web (at http://gcs.ed.gov). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

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To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S., Government Printing Office toll free at 1–888–293–6498.

Program Authority: 20 U.S.C. 1070d–1d.

Dated: December 18, 1997.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 97–33690 Filed 12–24–97; 8:45 am]

BILLING CODE 4000–01–P

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FEDERAL REGISTER PAGES AND DATES, DECEMBER

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●191–399	(869–032–00115–4)	51.00	July 1, 1997
●400–629	(869–032–00116–2)	33.00	July 1, 1997
●630–699	(869–032–00117–1)	22.00	July 1, 1997
●700–799	(869–032–00118–9)	28.00	July 1, 1997
●800–End	(869–032–00119–7)	27.00	July 1, 1997
33 Parts:			
●1–124	(869–032–00120–1)	27.00	July 1, 1997
●125–199	(869–032–00121–9)	36.00	July 1, 1997
●200–End	(869–032–00122–7)	31.00	July 1, 1997
34 Parts:			
●1–299	(869–032–00123–5)	28.00	July 1, 1997
●300–399	(869–032–00124–3)	27.00	July 1, 1997
●400–End	(869–032–00125–1)	44.00	July 1, 1997
●**35**	(869–032–00126–0)	15.00	July 1, 1997
36 Parts			
●1–199	(869–032–00127–8)	20.00	July 1, 1997
●200–299	(869–032–00128–6)	21.00	July 1, 1997
300–End	(869–032–00129–4)	34.00	July 1, 1997
●**37**	(869–032–00130–8)	27.00	July 1, 1997
38 Parts:			
●0–17	(869–032–00131–6)	34.00	July 1, 1997
●18–End	(869–032–00132–4)	38.00	July 1, 1997
●**39**	(869–032–00133–2)	23.00	July 1, 1997
40 Parts:			
●1–49	(869–032–00134–1)	31.00	July 1, 1997
●50–51	(869–032–00135–9)	23.00	July 1, 1997
52 (52.01–52.1018)	(869–032–00136–7)	27.00	July 1, 1997
52 (52.1019–End)	(869–032–00137–5)	32.00	July 1, 1997
●53–59	(869–032–00138–3)	14.00	July 1, 1997
60	(869–032–00139–1)	52.00	July 1, 1997
●61–62	(869–032–00140–5)	19.00	July 1, 1997
●63–71	(869–032–00141–3)	57.00	July 1, 1997
●72–80	(869–032–00142–1)	35.00	July 1, 1997
●81–85	(869–032–00143–0)	32.00	July 1, 1997
86	(869–032–00144–8)	50.00	July 1, 1997
●87-135	(869–032–00145–6)	40.00	July 1, 1997
●136–149	(869–032–00146–4)	35.00	July 1, 1997
●150–189	(869–032–00147–2)	32.00	July 1, 1997
●190–259	(869–032–00148–1)	22.00	July 1, 1997
●260–265	(869–032–00149–9)	29.00	July 1, 1997
●266–299	(869–032–00150–2)	24.00	July 1, 1997
●300–399	(869–032–00151–1)	27.00	July 1, 1997
●400–424	(869–032–00152–9)	33.00	[5] July 1, 1996
●425–699	(869–032–00153–7)	40.00	July 1, 1997
●700–789	(869–032–00154–5)	38.00	July 1, 1997
●790–End	(869–032–00155–3)	19.00	July 1, 1997
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
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●102–200	(869–032–00158–8)	17.00	July 1, 1997
201–End	(869–032–00159–6)	15.00	July 1, 1997
42 Parts:			
●1–399	(869–028–00163–7)	32.00	Oct. 1, 1996
●400–429	(869–032–00161–8)	35.00	Oct. 1, 1997
●430–End	(869–028–00165–3)	44.00	Oct. 1, 1996
43 Parts:			
●1–999	(869–028–00166–1)	30.00	Oct. 1, 1996
●1000–end	(869–028–00167–0)	45.00	Oct. 1, 1996
●**44**	(869–028–00168–8)	31.00	Oct. 1, 1996
45 Parts:			
●1–199	(869–032–00166–9)	30.00	Oct. 1, 1997
●200–499	(869–032–00167–7)	18.00	Oct. 1, 1997
●500–1199	(869–032–00168–5)	29.00	Oct. 1, 1997
●1200–End	(869–028–00172–6)	36.00	Oct. 1, 1996
46 Parts:			
●1–40	(869–028–00173–4)	26.00	Oct. 1, 1996
●41–69	(869–028–00174–2)	21.00	Oct. 1, 1996
●70–89	(869–032–00172–3)	11.00	Oct. 1, 1997
●90–139	(869–028–00176–9)	26.00	Oct. 1, 1996
●140–155	(869–028–00177–7)	15.00	Oct. 1, 1996
●156–165	(869–028–00178–5)	20.00	Oct. 1, 1996
●166–199	(869–028–00179–3)	22.00	Oct. 1, 1996
●200–499	(869–032–00177–4)	21.00	Oct. 1, 1997
●500–End	(869–032–00178–2)	17.00	Oct. 1, 1997
47 Parts:			
●0–19	(869–028–00182–3)	35.00	Oct. 1, 1996
●20–39	(869–032–00180–4)	27.00	Oct. 1, 1997
●40–69	(869–028–00184–0)	18.00	Oct. 1, 1996
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●80–End	(869–028–00186–6)	39.00	Oct. 1, 1996
48 Chapters:			
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49 Parts:			
●1–99	(869–032–00191–0)	31.00	Oct. 1, 1997
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●400–999	(869–028–00199–8)	49.00	Oct. 1, 1996
●1000–1199	(869–028–00200–5)	23.00	Oct. 1, 1996
●1200–End	(869–028–00201–3)	15.00	Oct. 1, 1996
50 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1997. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1996 to June 30, 1997. The volume issued July 1, 1996, should be retained.