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WASHINGTON, DC

WHEN: April 15, 1997 at 9:00 am

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RESERVATIONS: 202–523–4538

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Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

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

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Rules and Regulations

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Tuesday, April 1, 1997

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. FV96–916–3–IFR]

Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule revises the handling requirements for California nectarines and peaches by modifying the grade, size, maturity, and container requirements for fresh shipments of these fruits, beginning with 1997 season shipments. This rule enables handlers to continue shipping fresh nectarines and peaches meeting consumer needs in the interest of producers, handlers, and consumers of these fruits.

DATES: Effective April 1, 1997. Comments which are received by May 1, 1997, will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, Room 2523–S, Washington, DC 20090–6456; or by facsimile at 202–720–5698. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection at the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California, 93721; telephone: (209) 487–5901; or Kenneth Johnson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, Room 2523–S, Washington, DC 20090-6456; telephone: (202) 720–2861. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Marketing Order Nos. 916 and 917 (7 CFR parts 916 and 917) regulating the handling of nectarines and peaches grown in California, hereinafter referred to as the "orders". The orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act".

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

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

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

Under the orders, grade, size, maturity, container and pack requirements are established for fresh shipments of California nectarines and peaches. Such requirements are in effect on a continuing basis. The Nectarine Administrative Committee (NAC) and the Peach Commodity Committee (PCC) met December 4, 1996, and unanimously recommended that these handling requirements be revised prior to the 1997 season, which begins April 1. The changes (1) authorize continued use of a container first used in 1996; (2) authorize shipments of "CA Utility" quality fruit during the 1997 season; (3) clarify container tolerances for mature and well matured fruit; and (4) revise varietal maturity and size requirements to reflect recent growing conditions.

The committees meet prior to and during each season to review the rules and regulations effective on a continuous basis for California nectarines and peaches under the orders. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information, as well as information from other sources, and determines whether modification, suspension, or termination of the rules and regulations would tend to effectuate the declared policy of the Act.

Container Requirements (Nectarines and Peaches)

Sections 916.52 and 917.41 of the nectarine and peach orders, respectively, provide authority to fix the size, capacity, weight, dimensions, markings, or pack of the container or containers that may be used in the packaging and handling of these fruits. Section 916.350 specifies container and pack requirements for fresh nectarine shipments. Section 917.442 specifies container and pack requirements for fresh peach shipments. Included in these sections are requirements that all containers be marked with specific information (e.g., the name of the handler, and the maturity, size, and variety of the fruit) and that such markings be applied to the outside ends of the container.

Prior to the 1996 season, the NAC and PCC recommended that a new container, permitted to be marked on its lid, be approved for nectarine and peach

shipments during the 1996 season only. The revised requirements became effective on April 1, 1996. The NAC and PCC then reviewed the impact of the use of this container at the conclusion of the 1996 season.

The new container is recyclable and reusable. The design of some styles of the container, which has cooling slots in all of its sides, is such that the markings cannot be placed on the outside ends of the container. Furthermore, in order to ensure and facilitate its reuse, container markings on the permanent outside ends of the new container are not desirable. Instead, placement of markings on the disposable lid is preferable. Thus, markings on the new container have been permitted for either the lid or the outside ends.

In the 1996 season, approximately 450,000 recyclable, reusable boxes were used by nectarine and peach handlers. This represents approximately 1 percent of the total number of packages of nectarines and peaches shipped in that season. Users of the recyclable, reusable boxes reported good acceptance by retailers and expect increased demand for their use in the coming years. Industry sources reported the boxes will likely be used for other commodities as awareness and acceptance of the boxes increase. It was also noted that the nectarine and peach industries could improve their competitive edge by continued and increased use of the new recyclable, reusable plastic box.

The NAC and PCC believe that continuing to permit container markings to be placed either on the container lid or the outside ends will continue to facilitate the use of this plastic, reusable, and recyclable container. Authorizing the continued use of this container will allow handlers to reduce their container costs through the continued reuse of the container. Such reduced container costs could result in increased returns to producers as well.

When the container requirements for nectarines and peaches were changed on April 1, 1996, the revised provisions did not specify that the change was effective only for the 1996 season. Thus, no changes in the regulatory text of §§ 916.350 and 917.442 are necessary.

Quality Requirements (Nectarines and Peaches)

Sections 916.52 and 917.41 authorize the establishment of grade and quality requirements for nectarines and peaches. Prior to the 1996 season, § 916.356 required nectarines to meet a modified U.S. No. 1 grade. Specifically, nectarines were required to meet U.S. No. 1 grade requirements, except there was a slightly tighter requirement for scarring and a more liberal allowance for misshapened fruit. Under § 917.459, peaches were also required to meet the requirements of a U.S. No. 1 grade, except there was a more liberal allowance for open sutures not serious damage.

This rule revises paragraph (a)(1) of § 916.356 and paragraph (a)(1) of § 917.459 to permit shipments of nectarines and peaches meeting "CA Utility" quality requirements during the 1997 season. ("CA Utility" fruit is lower in quality than that meeting the modified U.S. No. 1 grade requirements.) Shipments of nectarines and peaches meeting "CA Utility" quality requirements were first permitted during the 1996 season for that season only. By unanimous vote, the NAC and PCC recommended that fruit meeting "CA Utility" quality requirements be permitted to be shipped for an additional year. The NAC and PCC will continue to monitor retailer and consumer perceptions of "CA Utility" nectarines and peaches in-house to determine whether such fruit should continue to be marketed.

Preliminary studies conducted by the NAC and PCC indicate that some consumers, retailers, and foreign importers found the lower quality fruit acceptable in some markets. Shipments of "CA Utility" nectarines represented 1.1 percent of all nectarine shipments, or approximately 210,000 boxes in 1996. Shipments of "CA Utility" peaches represented 1.9 percent of all peach shipments in 1996, or approximately 365,000 boxes.

Dr. Dennis Nef, California State University, Fresno, studied samples of culled fruit at handler facilities in the 1995 and 1996 seasons. Results from the 1996 season were compared to the 1995 season. Preliminary data indicates that a smaller percentage of culled nectarines and peaches met the marketing order grade (modified U.S. No. 1) and size requirements in 1996 than in 1995. In 1995, approximately 8 percent of the nectarines in the cull stream met those requirements, while in 1996, approximately 1 percent of the nectarines in the cull stream met those requirements. In 1995, approximately 7 percent of the peaches in the cull stream met the order's grade and size requirements, while in 1996, approximately 1 percent of the peaches in the cull stream met those requirements. (The "cull stream" includes all fruit which is removed from the packing line by the handler's quality control personnel and not placed in a container for shipment.) The decrease in the amount of fruit in the cull stream seems to indicate a greater utilization of available fruit rather than its disposal. With the option of packing "CA Utility" quality fruit, it appears that the handlers' quality control personnel were less inclined to be overly critical and to exclude acceptable modified U.S. No. 1 fruit. However, not all of this increased utilization can be attributed to the implementation of "CA Utility" quality requirements. The 1995 season, which was the first in which cull data was obtained, was plagued by adverse weather and hail storms. The damage inflicted by the storms created conditions which decreased the quality of available nectarines and peaches and increased somewhat the percentage of fruit in the cull stream which would have met marketing order requirements. It is probable that the implementation of "CA Utility" quality requirements increased the utilization of fruit which might have been disposed of otherwise. Such utilization benefitted producers, handlers, and consumers. For that reason, the NAC and PCC recommended that "CA Utility" quality requirements be continued for the 1997 season. The NAC and PCC will continue to monitor the impact of shipping "CA Utility" nectarines and peaches to determine whether such shipments continue to be in the interests of producers, handlers, and consumers.

In conforming changes, paragraph (d) of § 916.350 and paragraph (d) of § 917.442 are revised to continue the requirement that "CA Utility" quality fruit be labeled as such. This marking requirement was in effect during the 1996 season, and is intended to enable customers to differentiate between the different qualities of available fruit.

Clarification of Container Tolerances (Nectarines and Peaches)

As previously indicated, the orders require that, except for "CA Utility" quality fruit, nectarines or peaches meet most of the requirements of the U.S. No. 1 grade; these include the requirement that such fruit is "mature." ("CA Utility" fruit is also required to be "mature.") A second, higher maturity standard of "well matured" is also defined in the rules and regulations for both nectarines and peaches.

For those grade factors included in the U.S. Standards for Grades of Nectarines or Peaches (standards), tolerances are provided for fruit that fail to meet those factors to allow for variations incident to proper grading and handling. Tolerances are specified for both entire lots of fruit and for individual containers in the lot.

The container tolerances in the standards are applicable to both mature and well-matured nectarines and

peaches since those tolerances are not modified by the orders' rules and regulations. However, the NAC and PCC voted to clarify the requirements for affected parties. Clarifying these container tolerances will not have a regulatory impact on nectarine and peach handlers because these tolerances are the same as those applied in past seasons.

Maturity Requirements (Nectarines and Peaches)

Both orders provide (in §§ 916.52 and 917.41) authority to establish maturity requirements. The minimum maturity level currently specified for nectarines and peaches is "mature" as defined in the standards. Additionally, both orders' rules and regulations provide for a higher, "well matured" classification. For most varieties, "well matured" fruit determinations are made using maturity guides (e.g., color chips). These maturity guides are reviewed each year by the Shipping Point Inspection Service (SPI) to determine whether they need to be changed based on the most recent information available on the characteristics of each variety.

These maturity guides established under the handling regulations of the California tree fruit marketing orders have been codified in the Code of Federal Regulations prior to 1996. Those guides appeared in Table 1 of §§ 916.356 and 917.459, respectively. Those tables were inadvertently removed in 1996. This rule adds those Tables to the handling regulations under the respective marketing orders.

The requirements in the 1997 handling regulation are the same as those that appeared in the 1996 handling regulation with a few exceptions. Those exceptions are explained in this rule.

Nectarines

Requirements for "well matured" nectarines are specified in paragraph (a)(1) of § 916.356. This rule adds TABLE 1 of paragraph (a)(1)(i) of § 916.356 for nectarines to add maturity guides for 12 nectarine varieties. Specifically, an addition to the maturity guides was recommended for Earliglo, May Jim, Red Glo, Royal Glo, and Zee Grand nectarine varieties at a maturity guide of I; Big Jim, Early Red Jim, Late Red Jim, May Lion, and Red Fred nectarine varieties at a maturity guide of J; and Kay Diamond and Ruby Diamond nectarine varieties at a maturity guide of L.

TABLE 1 of paragraph (a)(1)(i) of § 916.356 contains the current maturity guides for the following eight nectarine varieties: Autumn Delight, Fairlane, Moon Grand, Red Diamond, Sparkling June, Spring Diamond, Summer Diamond, and Summer Lion. The current maturity guide for these eight varieties is M, which is changed to L. The M maturity guide is no longer deemed suited to nectarine varieties currently in production by SPI, while the L maturity guide more accurately reflects the background color of modern nectarine varieties under production at this time. For this reason, the NAC recommended these maturity requirements based on SPI's continuing review of individual maturity characteristics and identification of the appropriate maturity guide corresponding to the "well matured" level of maturity for nectarine varieties in production.

Paragraph (a)(1) of § 916.356 is revised to remove 14 nectarine varieties which are no longer in production. The NAC routinely reviews the status of nectarine varieties listed in these maturity guides. The most recent review revealed that 13 of the nectarine varieties currently listed in the maturity guide have not been in production since the 1993 season. Typically, the NAC recommends removing a variety after non-production for three seasons or if trees of that variety are known to have been pulled out because a maturity guide for an obsolete variety is no longer needed. The varieties removed include the Clinton-Strawberry, Desert Dawn, Early Star, Gee Red, Granderli, Hi Red, Larry's Grand, Late Tina Red, Mayfair, May Red, Red June, Stan Grand, and 61–61 nectarine varieties.

TABLE 1 of paragraph (a)(1)(i) of § 916.356 corrects the identification of the Red Lion nectarine variety. The name "Red Lion" has been changed to "August Lion." For that reason, all references to Red Lion have been changed to August Lion. In addition, three nectarine varieties are currently incorrectly identified as June Glo, May Glo, and Spring Brite. The correct spelling of these three varieties is Juneglo, Mayglo, and Spring Bright, respectively.

Peaches

Paragraph (a)(1) of § 917.459 specifies maturity requirements for fresh peaches being inspected and certified as being "well matured."

TABLE 1 of paragraph (a)(1)(i) of § 917.459 includes maturity guides for the Kingcrest peach variety to be regulated at the H maturity guide, the Red Dancer peach variety to be regulated at the I maturity guide, and the Early Elegant Lady peach variety to be regulated at the L maturity guide.

TABLE 1 of paragraph (a)(1)(i) of § 917.459 contains the maturity guide assignment for the Summer Lady peach variety from the M maturity guide to the L maturity guide. The M maturity guide is no longer deemed suited to peach varieties currently in production by SPI, while the L maturity guide more accurately reflects the background color of modern peach varieties under production at this time. For this reason, the PCC recommended these maturity requirements based on SPI's continuing review of individual maturity characteristics and identification of the appropriate maturity guide corresponding to the "well matured" level of maturity for peach varieties in production.

The maturity requirements for these peach varieties are based on the PCC's continuing review of their individual maturity characteristics, and the identification of the appropriate color chip corresponding to the "well matured" level of maturity for each such variety.

Paragraph (a)(1)(i) of § 917.459 is also revised to remove 19 peach varieties which are no longer in production. The PCC routinely reviews the status of peach varieties listed in these maturity guides. The most recent review revealed that 19 of the peach varieties currently listed in the maturity guide have not been in production since the 1993 season. Typically, the PCC recommends removing a variety after non-production for three seasons or if trees of that variety are known to have been pulled out because a maturity guide for an obsolete variety is no longer needed. The varieties removed include the Armgold, Bella Rosa, Bonjour, Desertgold, Early Fairtime, Early Royal May, Fortyniner, Jody Gaye, June Crest, Mardigras, Morning Sun, Preuss Suncrest, Prima Fire, Royal April, Sun Lady, Toreador, Treasure, Windsor, and 50–178 peach varieties.

TABLE 1 of paragraph (a)(1)(i) includes changes to the spelling of two varieties of peaches. Previously, the Judy Elberta and Mary Ann varieties appeared on TABLE 1. However, the spelling of these two names needs to be corrected to read "July Elberta" and "Mary Anne."

Size Requirements (Nectarines and Peaches)

Both orders provide (in §§ 916.52 and 917.41) authority to establish size requirements. Size regulations allow fruit to stay on the tree for a greater length of time. This increased growing time not only improves maturity and, therefore, the quality of the product, but also the size of the fruit. Increased size results in increases in the number of packed boxes of nectarines per acre. Acceptable size fruit also provides greater consumer satisfaction, more repeat purchases, and, therefore,

increases returns to producers. Varieties recommended for specific size regulation have been reviewed and recommendations are based on the characteristics of the variety to attain minimum size. The NAC and PCC conduct studies each season on the range of sizes reached by the regulated varieties and determine whether revisions in the size requirements are appropriate.

Nectarines

Section 916.356 specifies size requirements for fresh nectarines in paragraphs (a)(2) through (a)(9). This rule revises § 916.356 to establish variety-specific size requirements for 10 nectarine varieties that were produced in commercially-significant quantities of more than 10,000 packages for the first time during the 1996 season. This rule also modifies the variety-specific size requirements for five varieties of nectarines.

For example, one of the varieties being added to the variety-specific size requirements is the Kay Glo variety. Studies of the size ranges attained by the Kay Glo variety revealed that .5 percent of that variety met the smallest size, size 96, while 1.6 percent met the largest size, size 40. Approximately 45 percent of the nectarines of the Kay Glo variety met the next larger size, size 50.

A review of other varieties with the same harvesting period indicated that Kay Glo was comparable to those varieties in its size ranges. Thus, the recommendation to place the Kay Glo nectarine variety in the variety-specific size regulation at a size 88 is appropriate. Historical variety data such as this provides the NAC with the information necessary to recommend the appropriate sizes at which to regulate various nectarine varieties.

Paragraph (a)(3) of § 916.356 is revised to include the Grand Sun nectarine variety; paragraph (a)(4) is revised to include the Arctic Star, Kay Glo, Prima Diamond II, and Prince Jim nectarine varieties; and paragraph (a)(6) in § 916.356 is revised to include the Arctic Pride, Arctic Sweet, Diamond Ray, and Honey Kist nectarine varieties.

This rule also amends § 916.356 to remove six nectarine varieties from the variety-specific size requirements specified in the section because less than 5,000 packages of each of these varieties were produced during the 1996 season. Paragraph (a)(4) of that section is revised to remove the Mike Grand nectarine variety. Paragraph (a)(6) is revised to remove the Early Sungrand, Nectarine 23, Prima Diamond III, Tasty Gold, and Tom Grand nectarine varieties.

Paragraph (a)(4) of § 916.356 is also revised to include the Arctic Glo and Red Glo nectarine varieties which were inadvertently removed from the variety-specific size requirement prior to the 1996 season.

In a conforming change, paragraphs (a)(3), (a)(4), and (a)(6) of § 916.356 are also revised to correct the spelling of the Mayglo, Juneglo, and Spring Bright nectarine varieties, respectively. Paragraph (a)(6) is also revised to include the Autumn Lion variety in place of the Red Lion variety.

Nectarine varieties removed from the nectarine variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (a)(7), (a)(8), and (a)(9) of § 916.356.

The NAC recommended these changes in the minimum size requirements based on a continuing review of the sizing and maturity relationships for these nectarine varieties, and consumer acceptance levels for various sizes of fruit. This rule is designed to establish minimum size requirements for fresh nectarines consistent with expected crop and market conditions.

Peaches

Section 917.459 specifies size requirements for fresh peaches in paragraphs (a)(2) through (a)(6), and paragraphs (b) and (c). This rule amends § 917.459 to establish variety-specific size requirements for nine peach varieties that were produced in commercially-significant quantities of more than 10,000 packages for the first time during the 1996 season.

For example, one of the varieties being added to the variety-specific size requirements is the August Lady variety. Studies of the size ranges attained by the August Lady variety revealed that none of that variety met the smallest size, size 96, while 36 percent of the peach the August Lady variety met the largest size, size 30.

A review of other varieties of the same harvesting period indicated that August Lady was comparable to those varieties in its size ranges. Thus, the recommendation to place the August Lady peach variety in the variety-specific size regulation at a size 72 is appropriate. Historical variety data such as this provides the PCC with the information necessary to recommend the appropriate sizes at which to regulate various peach varieties.

In § 917.459, paragraph (a)(5) is revised to include the Rich Mike, Sweet Gem, and Sweet Scarlet peach varieties; and paragraph (a)(6) is revised to include the August Lady, Autumn Flame, Red Sun, Scarlet Snow, Snow Diamond, Summer Zee, and Vista peach varieties.

This rule also amends § 917.459 to remove one peach variety from the variety-specific size requirements specified in that section, because less than 5,000 packages of this variety were produced during the 1996 season. In § 917.459, paragraph (a)(5) is revised to remove the Regina peach variety.

In a conforming change, paragraph (a)(6) of § 917.459 is also revised to correct the spelling of the Mary Anne peach variety.

Peach varieties removed from the variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (b) and (c) of § 917.459.

The PCC recommended these changes in the minimum size requirements based on a continuing review of the sizing and maturity relationships for these peach varieties, and the consumer acceptance levels for various sizes fruit. This rule is designed to establish minimum size requirements for fresh peaches consistent with expected crop and market conditions.

This rule reflects the committees' and the Department's appraisal of the need to revise the handling requirements for California nectarines and peaches, as specified. The Department's determination is that this rule will have a beneficial impact on producers, handlers, and consumers of California nectarines and peaches.

This rule establishes handling requirements for fresh California nectarines and peaches consistent with expected crop and market conditions, and will help ensure that all shipments of these fruits made each season will meet acceptable handling requirements established under each of these orders. This rule will also help the California nectarine and peach industries provide fruit desired by consumers. This rule is designed to establish and maintain orderly marketing conditions for these fruits in the interest of producers, handlers, and consumers.

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

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

There are approximately 300 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 1,800 producers of these fruits in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000. Small agricultural service firms, which includes handlers, are defined as those whose annual receipts are less than $5,000,000. A majority of these handlers and producers may be classified as small entities.

Under §§ 916.52 and 917.41 of the orders, grade, size, maturity, container and pack requirements are established for fresh shipments of California nectarines and peaches. Such requirements are in effect on a continuing basis. This rule revises current requirements to: (1) Authorize continued use of a container first used in 1996; (2) authorize shipments of "CA Utility" quality fruit during the 1997 season; (3) clarify container tolerances for mature and well matured fruit; and (4) revise varietal maturity and size requirements to reflect recent growing conditions.

Section 916.350 (c) and § 917.442 (c) currently authorize the use of a recyclable, reusable plastic container for the 1996 season only. This rule authorizes the continued use of such a container beyond the 1996 season. This rule also continues to permit markings on such containers to be placed on the disposable lids rather than on the outside ends of the containers. Use of this container will continue to offer a cheaper and more environment-friendly alternative to currently-used disposable boxes. In addition, use of this container is advocated by retailers who desire to decrease their costs of disposing of packing boxes. Approximately 450,000 recyclable, reusable boxes were used by handlers of nectarines and peaches during the 1996 season, representing more than 1 percent of total nectarine shipments of 19,561,227 boxes and peach shipments of 19,481,624 boxes.

The increased use of this container is expected to result in decreased handling costs for handlers, and thereby improve returns to producers. Generally, under current industry practices, handlers' costs of packaging nectarines and peaches are passed onto producers by handlers via a deduction from total returns. Such costs include pre-cooling of received fruit, costs of boxes, costs of packing materials, costs of palletizing packed boxes, cold storage, inspection costs, etc. A decrease in the cost of boxes, then, has the potential for decreased handling costs passed on to all producers.

In §§ 916.350 and 917.442 of the orders regulating nectarines and peaches, respectively, use of lower-quality nectarines and peaches was authorized for shipment as "CA Utility" as an experiment for the 1996 season only. This rule permits the continued use of "CA Utility" quality fruit for the 1997 season while further data is obtained. During the 1996 season, the Department authorized the use of nectarines and peaches which were of lower quality than the minimum permitted for previous seasons. During 1996, there were 210,443 boxes of nectarines and 365,761 boxes of peaches packed as "CA Utility," or 1.1 percent and 1.9 percent, respectively. Continued availability of "CA Utility" quality fruit is expected to have a positive impact on producers, handlers, and consumers by permitting more nectarines and peaches into fresh market channels, without adversely impacting the market for higher quality fruit.

This rule also clarifies the container tolerances for mature and well-matured nectarines and peaches. Under the orders, the container tolerances in the standards have been applied to mature and well matured fruit, although the tolerances were not specifically detailed in the standards or the marketing orders' rules and regulations. Thus, this is a clarifying change which will have no practical impact on growers or handlers.

Sections 916.356 and 917.442 for nectarines and peaches, respectively, currently establish minimum maturity levels. This rule makes annual adjustments to the maturity requirements for several varieties of nectarines and peaches. Maturity requirements are based on maturity measurements generally using maturity guides (e.g., color chips). Such maturity guides provide producers and handlers with objective tools for measuring the maturity of different varieties of nectarines and peaches. Such maturity guides are reviewed annually to determine the appropriate guide for each nectarine and peach variety. These annual adjustments reflect changes in the maturity patterns of nectarines and peaches as experienced over the previous seasons' inspections. Adjustments in the guides ensure that fruit has met an acceptable level of ripeness, thus ensuring consumer satisfaction and benefitting nectarine and peach growers and handlers.

Currently, in § 916.356 for nectarines and § 917.459 for peaches, minimum sizes for various varieties of nectarines and peaches are established. This rule makes annual adjustments to the minimum sizes authorized for various varieties of nectarines and peaches beginning with the 1997 season. Minimum size regulations are put in place to allow fruit to stay on the tree for a greater length of time. This increased growing time not only improves maturity, but also improves fruit size. Increased fruit size increases the number of packed boxes per acre to the benefit of both producers and handlers. Increased fruit size also provides greater consumer satisfaction and, therefore, more repeat purchases by consumers. Repeat purchases and consumer satisfaction benefit producers and handlers alike. Such adjustments to minimum sizes of nectarines and peaches are recommended each year by the NAC and PCC based upon historical data regarding sizes which the different varieties attain.

This rule clarifies some of the orders' requirements and relaxes others. Accordingly, this action does not impose any additional reporting and recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule. However, as previously stated, nectarines and peaches under the orders have to meet certain requirements set forth in the standards issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627). Standards issued under the Agricultural Marketing Act of 1946 are otherwise voluntary.

In addition, the committees' meetings were widely publicized throughout the nectarine and peach industries and all interested parties were invited to attend the meetings and participate in committee deliberations on all issues. Like all committee meetings, the December 4, 1996, meetings were public meetings and all entities, both large and small, were able to express views on these issues. The committees themselves are composed of producers, the majority of whom are small entities. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

After consideration of all relevant matters presented, the information and recommendations submitted by the committees, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) California nectarine and peach producers and handlers should be apprised of this rule as soon as possible, since early shipments of these fruits are expected to begin about April 1; (2) this rule relaxes grade requirements for nectarines and peaches and size requirements for several nectarine and peach varieties; (3) California nectarine and peach handlers are aware of these revised requirements recommended by the committees at public meetings, and they will need no additional time to comply with such requirements; and (4) the rule provides a 30-day comment period, and any written comments received will be considered prior to any finalization of this interim final rule.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are amended as follows:

1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

2. Section 916.350 is amended by revising paragraph (d) to read as follows:

§ 916.350 California Nectarine Container and Pack Regulation.

* * * * *

(d) During the period April 1 through October 31, 1997, each container or package when packed with nectarines meeting CA Utility requirements, shall bear the words "CA Utility," along with all other required container markings, in letters of ¾ inch minimum height on the visible display panel. Consumer bags or packages must also be clearly marked on the bag or package as "CA Utility" along with other required markings.

* * * * *

3. Section 916.356 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(iii), (a)(3) introductory text, (a)(4) introductory text, (a)(5) introductory text, and (a)(6) introductory text, and adding a new Table 1 to paragraph (a)(1)(i) with a note immediately following it to read as follows:

§ 916.356 California Nectarine Grade and Size Regulation.

(a) * * *

(1) Any lot or package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: Provided, That nectarines 2 inches in diameter or smaller, shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: Provided further, that an additional tolerance of 25 percent shall be permitted for fruit that is not well formed, but not badly misshapened: Provided further, That during the period April 1 through October 31, 1997, any handler may handle nectarines if such nectarines meet "CA Utility" quality requirements. The term "CA Utility" means that not more than 30 percent of the nectarines in any container meet or exceed the requirements of the U.S. No. 1 grade and that such nectarines are mature and are:

(i) * * *

Table 1

TABLE 1

Column A variety	Column B maturity guide
Alshir Red	J
Ama Lyn	G
Apache	G
April Glo	H
Arm King	B
August Glo	L
August Lion	J
August Red	J
Aurelio Grand	F
Autumn Delight	L
Autumn Grand	L
Big Jim	J
Bob Grand	L
Del Rio Rey	G
Earliglo	I
Early Diamond	J
Early May	F
Early May Grand	H
Early Red Jim	J
Early Sungrand	H
Fairlane	L
Fantasia	J
Firebrite	H
Flamekist	L

TABLE 1—Continued

Column A variety	Column B maturity guide
Flaming Red	K
Flavor Grand	G
Flavortop	J
Flavortop I	K
Gold King	H
Grand Diamond	L
Grand Stan	F
Independence	H
July Red	L
Juneglo	H
June Grand	G
Kay Diamond	L
Kent Grand	L
King Jim	L
Kism Grand	J
Late Le Grand	L
Late Red Jim	J
Le Grand	H
Maybelle	F
May Diamond	I
May Fire	H
Mayglo	H
May Grand	H
May Jim	I
May Kist	H
May Lion	J
Mid Glo	L
Mike Grand	H
Moon Grand	L
Niagara Grand	H
Pacific Star	G
P–R Red	L
Red Diamond	L
Red Delight	I
Red Fred	J
Red Free	L
Red Glen	J
Red Glo	I
Red Grand	H
Red Jim	L
Red June	G
Red May	J
Regal Grand	L
Rio Red	L
Rose Diamond	J
Royal Delight	F
Royal Giant	I
Royal Glo	I
Ruby Diamond	L
Ruby Grand	J
Ruby Sun	J
Scarlet Red	K
September Grand	L
September Red	L
Sheri Red	J
Sierra Star/181–119	G
Son Red	L
Sparkling June	L
Sparkling May	J
Sparkling Red	L
Spring Bright	L
Spring Diamond	L
Spring Grand	G
Spring Red	H
Springtop	B
Star Bright	G
Star Brite	J
Star Grand	H
Summer Beaut	H
Summer Blush	J

TABLE 1—Continued

Column A variety	Column B maturity guide
Summer Bright	J
Summer Diamond	L
Summer Fire	L
Summer Grand	L
Summer Lion	L
Summer Red	L
Summer Star	G
Sunburst	J
Sun Diamond	I
Sunfre	F
Sun Grand	G
Super Star	G
Tasty Free	J
Tasty Gold	H
Tom Grand	L
Zee Glo	J
Zee Grand	I

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed above.

(ii) * * *

(iii) Container tolerances. A package may contain not more than double any specified tolerance except that at least two defective specimens may be permitted in any package: Provided, That the averages for the entire lot are within the tolerances specified in this part.

* * * * *

(3) Any package or container of Mayglo variety nectarines on or after May 6 of each year, or Earliglo, Early Diamond, Grand Sun, Johnny's Delight, May Jim, or May Kist variety nectarines, unless:

* * * * *

(4) Any package or container of Arctic Glo, Arctic Rose, Arctic Star, Early May, June Brite, Juneglo, Kay Glo, May Diamond, May Grand, May Lion, Pacific Star, Prima Diamond II, Prince Jim, Red Delight, Red Glo, Rose Diamond, Royal Glo, Sparkling May, Star Brite, or Zee Grand variety nectarines unless:

* * * * *

(6) Any package or container of Alshir Red, Alta Red, Arctic Pride, Arctic Queen, Arctic Sweet, August Glo, August Lion, August Red, Autumn Delight, Big Jim, Bob Grand, Diamond Ray, Early Red Jim, Fairlane, Fantasia, Firebrite, Flame Glo, Flamekist, Flaming Red, Flavor Grand, Flavortop, Flavortop I, Grand Diamond, Honey Kist, How Red, July Red, Kay Diamond, King Jim, Kism Grand, Late Red Jim, Mid Glo, Moon Grand, Niagara Grand, P–R Red, Prima Diamond IV, Prima Diamond VII, Prima Diamond VIII, Red Diamond, Red Fred, Red Free, Red Glen, Red Jim, Rio Red, Royal Giant, Ruby Diamond, Ruby Grand, Scarlet Red, September Grand, September Red, Sparkling June, Sparkling Red, Spring Bright, Spring Diamond, Spring Red, Summer Beaut, Summer Blush, Summer Bright, Summer Diamond, Summer Fire, Summer Grand, Summer Lion, Summer Red, Summer Star, Sunburst, Sun Diamond, Super Star, White Jewels (Arctic Snow), Zee Glo, 80P–1135, or 424–195 variety nectarines unless:

* * * * *

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

4. Section 917.442 is amended by revising paragraph (d) to read as follows:

§ 917.442 California Peach Container and Pack Regulation.

* * * * *

(d) During the period April 1 through November 23, 1997, each container or package when packed with peaches meeting CA Utility requirements, shall bear the words "CA Utility," along with all other required container markings, in letters of 3/4 inch minimum height on the visible display panel. Consumer bags or packages must also be clearly marked on the bag or package as "CA Utility" along with other required markings.

* * * * *

5. Section 917.459 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(iii), (a)(5) introductory text, and (a)(6) introductory text, and adding a new Table 1 to paragraph (a)(1)(i) with a note immediately following it to read as follows:

§ 917.459 California Peach Grade and Size Regulation.

(a) * * *

(1) Any lot or package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: Provided, that an additional 25 percent tolerance shall be permitted for fruit with open sutures which are damaged, but not seriously damaged: Provided, That during the period April 1 through November 23, 1997, any handler may handle peaches if such peaches meet "CA Utility" quality requirements. The term "CA Utility" means that not more than 30 percent of the peaches in any container meet or exceed the requirements of the U.S. No. 1 grade and that such peaches are mature and are:

(i) * * *

TABLE 1

Column A variety	Column B maturity guide
Angelus	I
Ambercrest	G
August Sun	I
Autumn Crest	I
Autumn Gem	I
Autumn Lady	H
Autumn Rose	I
Belmont (Fairmont)	I
Berenda Sun	I
Blum's Beauty	G
Cardinal	G
Cal Red	I
Carnival	I
Cassie	H
Coronet	E
Crimson Lady	J
Crown Princess	J
David Sun	I
Diamond Princess	J
Early Coronet	D
Early Delight	H
Early Elegant Lady	L
Early May Crest	H
Early O'Henry	I
Early Top	G
Elberta	B
Elegant Lady	L
Fairtime	G
Fancy Lady	J
Fay Elberta	C
Fayette	I
Fire Red	I
First Lady	D
Flamecrest	I
Flavorcrest	G
Flavor Queen	H
Flavor Red	G
Franciscan	G
Goldcrest	H
Golden Crest	H
Golden Lady	F
Honey Red	G
John Henry	J
July Elberta	C
July Lady	G
June Lady	G
June Pride	J
June Sun	H
Kearney	I
Kern Sun	H
Kingcrest	H
Kings Lady	I
Kings Red	I
Lacey	I
Mary Anne	G
May Crest	G
May Lady	G
May Sun	I
Merrill Gem	G
Merrill Gemfree	G
O'Henry	I
Pacifica	G
Parade	I
Pat's Pride	D
Prima Lady	J
Prime Crest	H
Queencrest	G
Ray Crest	G
Red Cal	I
Red Dancer (Red Boy)	I

TABLE 1—Continued

Column A variety	Column B maturity guide
Redglobe	C
Redhaven	G
Red Lady	G
Redtop	G
Regina	G
Rich Lady	J
Rich May	H
Rio Oso Gem	I
Royal Lady	J
Royal May	G
Ruby May	H
Ryan Sun	I
Scarlet Lady	F
September Sun	I
Sierra Crest	H
Sierra Lady	I
Sparkle	I
Springcrest	G
Spring Lady	H
Springold	D
Sugar Lady	J
Summer Lady	L
Summerset	I
Suncrest	G
Topcrest	H
Tra Zee	J
Willie Red	G
Zee Lady	L

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed above.

(ii) * * *

(iii) Container tolerances. The contents of individual packages in the lot are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified in this part:

(A) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages shall have not more than double the tolerance specified.

(B) For packages which contain 10 pounds or less, individual packages are not restricted as to the percentage of defects.

* * * * *

(5) Any package or container of Babcock, Crimson Lady, Crown Princess, David Sun, Early May Crest, Flavorcrest, Golden Crest, Honey Red, June Lady, June Sun, Kern Sun, Kingcrest, Kings Red, May Crest, May Sun, Merrill Gemfree, Queencrest, Ray Crest, Redtop, Rich May, Rich Mike, Snow Brite, Snow Flame, Springcrest, Spring Lady, Sugar May, Sweet Gem, or Sweet Scarlet variety of peaches unless:

* * * * *

(6) Any package or container of Amber Crest, August Lady, August Sun, Autumn Crest, Autumn Flame, Autumn Gem, Autumn Lady, Autumn Rose, Belmont (Fairmont), Berenda Sun, Blum's Beauty, Cal Red, Carnival, Cassie, Champagne, Diamond Princess, Early Elegant Lady, Early O'Henry, Elegant Lady, Fairtime, Fancy Lady, Fay Elberta, Fire Red, Flamecrest, John Henry, July Sun, June Pride, Kaweah, Kings Lady, Lacey, Late Ito Red, Mary Anne, O'Henry, Prima Gattie, Prima Lady, Red Dancer, Red Sun, Rich Lady, Royal Lady, Ryan Sun, Scarlet Snow, September Snow, September Sun, Sierra Lady, Snow Ball, Snow Diamond, Snow Giant, Snow King, Sparkle, Sprague Last Chance, Sugar Giant, Sugar Lady, Summer Lady, Summer Sweet, Summer Zee, Suncrest, Tra Zee, Vista, White Lady, or Zee Lady variety of peaches unless:

* * * * *

Dated: March 24, 1997.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 97–8346 Filed 3–28–97; 11:32 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Executive Office for Immigration Review

8 CFR Parts 3, 208 and 236

[INS 1788–96; AG Order No. 2071–97]

RIN 1115–AE47

Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures; Correction

AGENCY: Immigration and Naturalization Service and Executive Office for Immigration Review.

ACTION: Correction to interim regulation.

SUMMARY: This document contains corrections to the interim regulation, published Thursday, March 6, 1997 (62 FR 10312), relating to inspection and expedited removal of aliens, detention and removal of aliens, conduct of removal proceedings, and asylum procedures.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin (703) 305–0470 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The interim regulation that is the subject of these corrections amends the regulations of the Immigration and Naturalization Service (INS) and Executive Office for Immigration Review (EOIR) to implement the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) governing expedited and regular removal proceedings, handling of asylum claims, and other activities involving the apprehension, determination, hearing of claims and ultimately the removal of inadmissible and deportable aliens. This rule also incorporates a number of changes which are part of the Administration's reinvention and regulation streamlining effort.

Need for Correction

As published, the interim regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on March 6, 1997 of the interim regulation (INS No. 1788–96; AG ORDER No. 2071–97), which was the subject of FR Doc. 97–5250, is corrected as follows:

§ 3.1 [Corrected]

1. On page 10330 in the third column, in § 3.1(b)(7), line 4, the words "and 8 CFR part 240, subpart E" are deleted.

§ 3.23 [Corrected]

2a. On page 10333, in the third column, in § 3.23(b)(4)(ii), lines 1 and 2, the words "in asylum proceedings or" are deleted and in lines 4 through 6, the words "in asylum proceedings pursuant to § 208.2(b) of this chapter or" are deleted.

2b. On page 10334, in the first column, in § 3.23(b)(4)(ii), lines 5 and 6, the words "pursuant to § 208.2(b) of this chapter or" are deleted.

§ 3.26 [Corrected]

3. On page 10334, in the third column, in § 3.26(c), paragraph (2), the words "or the alien's counsel of record" are added before the period at the end of the paragraph.

§ 208.2 [Corrected]

4. On page 10337, in the third column, in § 208.2(b)(2)(i), line 2, the words "Except as provided in this section," are added before the word "Proceedings" and the capital "P" in "Proceedings" is changed to a lower case "p."

§ 235.4 [Corrected]

5a. On page 10358, in the first column, in § 235.4, line 1, the letter "(a)" is deleted.

5b. On page 10358, in the first column, in § 235.4, paragraph (b), the letter "(b)" is deleted and the text of that paragraph is moved to § 240.1 as a new paragraph (d) with the following heading: "(d) *Withdrawal of application for admission.*"

§ 236.1 [Corrected]

6a. On page 10360; in the third column, in § 236.1 paragraph (c)(1) is redesignated as paragraph (c)(1)(i) and a new paragraph (c)(1)(ii) is added to read as follows:

§ 236.1 Apprehension, custody, and detention.

* * * * *

(c)(1)(i) * * *

(ii) While the Transition Period Custody Rules remain in effect, this paragraph and paragraph (d) of this section shall be subject to those Rules.

* * * * *

6b. On page 10360, in the third column, in § 236.1(c), paragraph (2), the following is added at the end of the paragraph: "Such an officer may also, in the exercise of discretion, release an alien in deportation proceedings pursuant to the authority in section 242 of the Act (as designated prior to April 1, 1997), except as otherwise provided by law.

6c. On page 10361, in the first column, in § 236.1(d)(1), line 13, after the phrase "236 of the Act" the following phrase is added: "(or section 242(a)(1) of the Act as designated prior to April 1, 1997 in the case of an alien in deportation proceedings)."

Rosemary Hart,

Federal Register Liaison Officer.

[FR Doc. 97–8105 Filed 3–31–97; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 205

RIN 0580–AA50

Clear Title—Protection for Purchasers of Farms Products

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This document makes final an interim rule amending regulations relating to the establishment and management of statewide central filing systems as they pertain specifically to the filing of "effective financing statements" for "farm products" as defined in section 1324 of the Food Security Act of 1985 (7 U.S.C. 1631) by allowing electronic filing of effective financing statements without the prior signature of the debtor provided State law authorizes such a filing. The interim rule brought the regulations into conformity with Sections 662 and 663 of the Federal Agriculture Improvement and Reform Act of 1996.

EFFECTIVE DATE: October 22, 1996.

FOR FURTHER INFORMATION CONTACT: Gerald E. Grinnell, Industry Analysis Staff, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, STOP 3647, Room 3052, South Building, 1400 Independence Avenue S.W., Washington, D.C. 20250–3647, (202) 720–7455. Kimberly D. Hart, Esquire, Trade Practices Division, Office of the General Counsel, STOP 1413, Room 2430, South Building, 1400 Independence Avenue S.W., Washington, D.C. 20250–1413, (202) 720–8160.

SUPPLEMENTARY INFORMATION:

Background

An interim rule was published in the **Federal Register** on October 22, 1996 (61 FR 54727) which allows electronic filing of effective financing statements without the signature of the debtor provided State law authorizes such a filing. The interim rules also allows States to distribute the master list by electronic means if requested by registrants.

Section 1324 of the Food Security Act of 1985 (Pub. L. 99–198) (7 U.S.C. 1631) (hereinafter "the Act") provides that certain persons may be subject to a security interest in a farm product created by the seller under certain circumstances in which a lender files an "effective financing statement" with the "system operator" in a State which has a certified central filing system as defined by the Act. The Act requires the Secretary of Agriculture to prescribe regulations "to aid States in the implementation and management of a central filing system." The Grain Inspection, Packers and Stockyards Administration was delegated with the Secretary's responsibilities under the Act. Those regulations (9 CFR 205) were published on August 18, 1986 (51 FR 29450).

The Secretary's authority and responsibility under the Act is limited to certification and prescribing regulations to aid in the implementation and management of certified central filing systems. The Act does not give the Secretary the authority or responsibility for such matters as direct notification by secured parties, sales of and payment for products, procedures for payment or procedures for personal liability protection. Those matters are governed by State law. The Act does not contain any enforcement mechanism for noncompliance with the Act or its regulations.

Section 662 of the Federal Agriculture Improvement and Reform Act of 1996 (hereinafter "the Statute") amended the Act and section 663 of the Statute provided that the amendment become effective upon enactment. The Act was amended because of concerns of States with certified central filing systems who desired to implement electronic filing procedures but could not because of the Act's requirement that the debtor must sign the effective financing statement. Commercial lenders also expressed concern and confusion due to the vagueness of the continuation provisions for effective financing statements included in the Act and its inconsistency with Article IX of the Uniform Commercial Code.

Prior to the Act's amendment by the Statute, lenders could not electronically file effective financing statements or amendments to the effective financing statements with State certified central filing systems because such statements were required to contain the signature of the debtor which could not be transmitted electronically. The amendment contained in the Statute was intended to remedy these concerns.

Section 662 of the Statute amended the Act. Section 663 of the Statute provided that the amendment become effective upon enactment. It is therefore necessary to amend the regulations to conform to the amendment to the Act.

Since prior notice and other public procedures with respect to the interim rule were impracticable and contrary to the public interest under these conditions, and because the rule relieves a regulatory restriction, there was good cause under 5 U.S.C. 553 to make it effective upon publication.

Comments Received

Two comments were received in response to the interim rule, one from a national bankers association and the other from a State bankers association. The comments support removal of the signature requirement for effective financing statements and encourage the Department to remove the signature requirement for paper-based continuation statements. Section 205.209(d) of the regulations currently

provides that continuation statements are to be treated in the same manner as amendments to effective financing statements. The interim rule amended section 205.209(c) to allow the electronic filing of amendments to effective financing statements without the signature of the debtor. Pursuant to section 205.209(d), this change applies to electronically filed continuation statements as well. Because the purpose of this rulemaking is to implement the amendments to the Act, it does not address the commentors' request to eliminate the signature requirement for the paper-based continuation statements. We plan to address this request in a separate rulemaking.

After review of the published interim rule and the comments received, we have determined that the interim rule as published at 61 FR 54727 will be adopted as the final rule.

Compliance With Regulatory Requirements

As set forth in the interim rule published at 61 FR 54727, this rulemaking was reviewed under and is issued in conformance with Executive Order 12866, Civil Justice Reform (formerly Executive Order 12778, now Executive Order 12988), and Regulatory Flexibility Act and Information Collection requirements. The previously approved information collection and recordkeeping requirements for 9 CFR Part 205 have been previously approved by the Office of Management and Budget under control number 0580–0016.

List of Subjects in 9 CFR Part 205

Agriculture, Central filing system.

PART 205—CLEAR TITLE—PROTECTION FOR PURCHASERS OF FARM PRODUCTS

Accordingly, the interim rule amending 9 CFR Part 205 which was published at 61 FR 54727 on October 22, 1996, is adopted as a final rule without change.

Dated: March 28, 1997.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

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FEDERAL RESERVE SYSTEM

12 CFR Part 213

[Reg. M; Docket No. R–0952]

Consumer Leasing

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule.

SUMMARY: The Board is publishing revisions to Regulation M, which implements the Consumer Leasing Act. The act requires lessors to provide uniform cost and other disclosures about consumer lease transactions. The revisions primarily implement amendments to the act contained in the Economic Growth and Regulatory Paperwork Reduction Act of 1996, which streamline the advertising disclosures for lease transactions. In addition, the final rule makes the disclosure of upfront costs in connection with a specific lease agreement parallel statutory changes to the advertising rules disclosing upfront costs—which now include total amounts due by lease signing or delivery, if delivery occurs later. Several technical amendments also have been made to the regulation.

DATES: *Effective date.* April 1, 1997. *Compliance date.* Compliance is optional until October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Kyung H. Cho-Miller or Obrea O. Poindexter, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–2412 or 452–3667. Users of Telecommunications Device for the Deaf *only* may contact Diane Jenkins, at (202) 452–3544.

SUPPLEMENTARY INFORMATION:

I. Background on the Consumer Leasing Act and Regulation M

The Consumer Leasing Act (CLA), 15 U.S.C. 1667–1667e, was enacted into law in 1976 as an amendment to the Truth in Lending Act (TILA), 15 U.S.C. 1601 *et seq.* The CLA generally applies to consumer leases of personal property in which the contractual obligation does not exceed $25,000 and has a term of more than four months. An automobile lease is the most common type of consumer lease covered by the act. Under the act, lessors are required to provide uniform cost and other information about consumer lease transactions.

The Board was given rulewriting authority, and its Regulation M (12 CFR part 213) implements the CLA. An official staff commentary interprets the regulation.

The Board recently completed a review of Regulation M, pursuant to its policy of periodically reviewing its regulations, and approved a final rule in September 1996 substantially revising the regulation to update the disclosure requirements and to carry out more effectively the purposes of the Act (61 FR 52246, October 7, 1996).

II. Revised Regulatory Provisions

In the September 1996 final rule, the advertising provisions implemented amendments to the CLA contained in the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103–325, 108 Stat. 2160); the amendments allow a toll-free number or a print advertisement to substitute for certain lease disclosures in radio commercials (which was expanded in the final rule to television commercials).

The advertisement provisions were amended and streamlined on September 30, 1996, by the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Pub. L. 104–208, 110 Stat. 3009)(the 1996 Act). The Board issued a proposal in December 1996 (62 FR 62, January 2, 1997). Nineteen comments were received. Based on the comments and further analysis, the Board's final rule implements the statutory changes. The final rule also revises the requirement to disclose "upfront costs" to parallel the statutory change made to a similar advertising disclosure—now requiring the total amount due by lease signing to include amounts due by delivery, whichever occurs later. The open- and closed-end model lease forms have been amended to reflect this change. This final rulemaking also contains some technical amendments to the regulation. For example, the model clause for providing a description of the leased property is added and the example of an annual charge as an other charge is deleted on the open- and closed-end vehicle lease model forms. Although a limited number of comments were received, generally all the commenters supported the proposed amendments. The final rule is discussed in detail in the section-by-section analysis below.

III. Revisions to Regulation M

Section 213.2 Definitions

2(f) Gross Capitalized Cost

Based on comments on the proposed revisions to the Official Staff Commentary published in February 1997, the Board is replacing the reference in § 213.2(f) to an outstanding "loan" balance with the broader term

"credit" to encompass both loan and credit sale balances. Consistent revisions have also been made to § 213.4(f)(1) and the open- and closed-end vehicle lease model forms.

Section 213.4 Content of Disclosures

4(b) Amount Due at Lease Signing or Delivery

The 1996 Act revised the advertising disclosure of upfront fees to include amounts due by delivery, if delivery occurs after consummation, but the Congress did not enact a conforming change to the transaction disclosure. The Board did not propose to amend that transaction disclosure to make it consistent with the statutory change to the advertising rules. Several commenters (including two Reserve Banks, a lease trade association representing mostly independent lessors, and an association of state attorneys general) urged the Board to reconsider this issue, suggesting the disclosure of upfront fees in advertising and those given for specific transactions should be consistent to avoid consumer confusion. Major trade associations, consumer interest representatives, and the Federal Trade Commission, responding to the proposed revisions to the Official Staff Commentary, also strongly recommended the revision. Consumers would not normally distinguish between charges paid at lease signing and by delivery, if delivery occurs later. Under the current rules any charges payable after a lease is executed would have to be disclosed as "other charges." A consistent rule on the disclosure of upfront fees to include amounts due at delivery would not require lessors to retrain their personnel to think of these post-consummation fees as "other charges" and not "upfront fees," thus reducing the potential for technical violations of the law that could give rise to civil liability.

The Board believes that having a consistent rule for the advertising and the transaction disclosures would benefit both consumers and lessors. Consumers would have in one place the total sum necessary to take possession of the leased property, and the risk of making technical errors would be reduced for lessors. Pursuant to its authority under section 105(a) of the TILA and section 187 of the CLA, the Board is revising the disclosure of the total amount due at or prior to consummation to include amounts due at delivery, when delivery occurs after consummation, to parallel the changes that the Congress made to the advertising disclosure. The open- and closed-end vehicle lease model forms also reflect this change. Section 105(a) of the TILA provides that the Board's regulations "may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as the judgment of the Board are necessary or proper to effectuate the purposes of (the CLA), to prevent circumvention or evasion thereof, or to facilitate compliance therewith."

4(f) Payment Calculation

4(f)(1) Gross Capitalized Cost

As discussed in § 213.2(f), "loan" is replaced by "credit" in § 213.4(f)(1).

4(n) Fees and Taxes

In the September 1996 final rule, § 213.4(n) stated that the lessor must disclose the total dollar amount of all official and license fees, registration, title, or taxes required to be paid "to the lessor" in connection with the lease. Adding "paid to the lessor" narrowed the scope of the disclosure from the previous requirement. No substantive change to the requirement was intended. Thus, the phrase "to the lessor" has been deleted from this section.

4(o) Insurance

The Board has revised the captions for paragraph 4(o)(1) and (2) to change the focus from voluntary and required insurance. The new captions more accurately reflect the requirement for the insurance disclosure—that insurance obtained through the lessor or through a third party, regardless of whether it is required or voluntary, must be disclosed.

4(t) Gross Capitalized Cost and Residual Value

The final rule required the disclosure of the gross capitalized cost and residual value for motor vehicle open-end leases in place of the previous requirements to disclose the value at consummation, the total lease obligation, and other related disclosures pursuant to section 182(10) of the statute. Although such consumer leases are extremely rare, similar disclosures are required for non-motor vehicle open-end leases in order to comply with the CLA. Section 213.4(t) includes that requirement.

Section 213.5 Renegotiations, Extensions, and Assumptions

5(d) Exceptions

Under Regulation M, new disclosures generally are required where a covered lease transaction is renegotiated or extended; however, under paragraph 5(d)(1) new disclosures are not required if the "lease charge" is reduced in a renegotiation or an extension of an existing lease. This exception was moved from the official staff commentary to the regulation in the final rule approved in September 1996. Two commenters objected to the use of the term "rent" stating that the term implies the entire lease payment and not a portion of the lease payment. The Board believes that it is defined differently by the regulation and noted as such on the open- and closed-end vehicle lease model forms. For clarity and consistency in terminology throughout the regulation, the Board has replaced the term "lease charge" with the term "rent charge."

Section 213.7 Advertising

Prior to the 1996 Act, the advertising provisions required additional disclosure if an advertisement stated any of the following terms: the amount of any payment; the number of required payments; or a statement of any capitalized cost reduction or other payment required prior to or at consummation, or that no payment is required. Under the amendments to the CLA contained in the 1996 Act, an advertisement that states the number of required payments would no longer trigger additional disclosures.

The 1996 Act also makes changes in all but one of the items that must be disclosed when a triggering term is stated in an advertisement, as follows:

(1) That the transaction advertised is a lease. No change was made in this disclosure.

(2) The total amount due at lease signing, or that no payment is required. This disclosure has been expanded to include amounts due at delivery if delivery occurs after consummation. The requirement to state that no payment is required has been eliminated.

(3) The number, amounts, due dates or periods of scheduled payments, and total of such payments under the lease. The total of scheduled payments has been eliminated as a required disclosure.

(4) A statement of whether or not the lessee has the option to purchase the leased property, and where the lessee has the option to purchase at the end of the lease term, the purchase-option price. This disclosure has been eliminated entirely.

(5) A statement of the amount, or the method for determining the amount, of the lessee's liability (if any) at the end of the lease term. This disclosure has been eliminated entirely.

(6) For an open-end lease, a statement of the lessee's liability (if any) for the difference between the residual value of the leased property and its realized value at the end of the lease term. This disclosure has been simplified to require a short statement that an additional charge may be imposed.

The 1996 Act adds an additional disclosure requirement: a statement of whether or not a security deposit is required. The final rule implements the statutory changes.

7(b) Clear and Conspicuous Standard

7(b)(1) Amount Due at Lease Signing or Delivery

The general rule in this paragraph states that any reference to a charge that is part of the total amount due at lease signing or delivery may not be more prominent than the disclosure of the *total* amount due at lease signing or delivery. The amount of any capitalized cost reduction (or no capitalized cost reduction) provided as an example of an amount that is a part of the total amount due at lease signing or delivery has been deleted. The example will be included in the Official Staff Commentary.

7(d) Advertisement of Terms That Require Additional Disclosure

7(d)(1) Triggering Terms

Pursuant to the 1996 Act, the Board has deleted paragraph 7(d)(1)(ii). Merely stating in an advertisement the number of required lease payments, for example, "36 payments," no longer "triggers" the additional disclosures in paragraph 7(d)(2). Paragraph 7(d)(1)(iii) has been redesignated as paragraph 7(d)(1)(ii).

7(d)(2) Additional Terms

An advertisement stating any item listed in paragraph 7(d)(1) is required to state the additional disclosures in paragraph 7(d)(2), as applicable. As discussed previously, the 1996 Act amends many of the required additional disclosures in this paragraph. The following changes implement the statutory amendments.

The 1996 Act expands the disclosure of the total amount due at lease signing in paragraph 7(d)(2)(ii) to include "amounts paid at delivery, whichever occurs later." Prior to the amendments, a delivery charge paid after consummation was not included in the total amount due at lease signing in § 213.4(b) or in this section. Under the changes to implement the statutory amendment, the delivery charge is included in the total even if it is paid after consummation.

The requirement to disclose under paragraph 7(d)(2)(ii) that no upfront payment is required was deleted by the 1996 Act. This requirement, inadvertently retained in the proposal, has been eliminated from paragraph 7(d)(2)(ii).

The total of scheduled payments disclosure from paragraph 7(d)(2)(iii), all of paragraph 7(d)(2)(iv), and all of paragraph 7(d)(2)(v) have been deleted. A statement of whether or not a security deposit is required is added by the statute and is contained in paragraph 7(d)(iv). For an open-end lease, the amended statute requires a statement that an extra charge may be imposed at the end of the lease term; the regulatory provision is redesignated as paragraph 7(d)(2)(v).

Few comments were received on the statutory changes to the advertising provisions. One commenter, however, requested that the Board retain the disclosure on lease end charges in paragraph 7(d)(2)(v), based on a belief that deletion of paragraph 7(d)(2)(v) could lead to deceptive advertisements where certain costs are shifted from the beginning to the end of the lease so that a low monthly payment or low upfront costs can be advertised and not any significant fee required at the end of the lease. Although the commenter raises a valid concern, the Board believes that retaining paragraph 7(d)(2)(v) would not be consistent with the congressional intent to streamline the advertising disclosures. Paragraph 7(d)(2)(v) is deleted as proposed.

7(f) Alternative Disclosures—Television or Radio Advertisements

7(f)(1) Toll-free Number or Print Advertisement

The 1996 Act deletes the "total of scheduled payments" as a required additional disclosure under section 184(a), the general advertising disclosures, but not for radio advertisements. The Board proposed to delete the requirement for radio advertisements based on its belief that in streamlining the advertising rules generally the Congress did not intend to require more disclosures for radio advertisements than advertisements through other media. Pursuant to the Board's exception authority under section 105(a), the Board is adopting as proposed a final rule to delete the disclosure of the "total of scheduled payments" for radio advertisements as well.

Appendices

Lessors are required to provide a description of leased property under the CLA and § 213.4(a) of Regulation M. The Board has amended the model forms for open- and closed-end vehicle leases disclosures to add among the nonsegregated disclosures a model clause for describing leased property.

The Board has amended the model forms for open- and closed-end vehicle leases by deleting "annual tax" as an example of an other charge. Third-party fees or charges paid to the lessor but not retained by the lessor such as taxes are not included in the "other charges" disclosure.

As discussed in § 213.2(f), "loan" is replaced by "credit" in the disclosure of the gross capitalized cost on the open- and closed-end vehicle lease model forms.

IV. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603), the Board's Office of the Secretary has reviewed the amendments to Regulation M. Overall, the amendments are not expected to have any significant impact on small entities. The regulatory revisions, primarily required to implement the 1996 Act, ease compliance by streamlining the advertising provisions.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. 5 CFR part 1320 Appendix A.1.

The respondents are individuals or businesses that regularly lease, offer to lease, or arrange for the lease of personal property under a consumer lease. The purpose of the disclosures associated with Regulation M is to ensure that lessees of personal property receive meaningful information that enables them to compare lease terms with other leases and, where appropriate, with credit transactions. Records required to evidence compliance with the regulation must be retained for twenty-four months. The revisions to the collection of information requirements in this proposed rule are found in 12 CFR 213.4, 213.5, and 213.7 and appendices A–1 and 2.

Regulation M applies to all types of financial institutions, not just state member banks. Under the Paperwork Reduction Act, however, the Federal Reserve accounts for the paperwork burden associated with Regulation M only for state member banks. Any estimates of paperwork burden for institutions other than state member banks affected by the amendments would be provided by the federal agency or agencies that supervise those lessors. The Federal Reserve has found that few state member banks engage in consumer leasing and that while the prevalence of leasing has increased in recent years, it has not increased substantially among state member banks. It also has found that among state member banks that engage in consumer

leasing, only a very few advertise consumer leases.

The revisions to §§ 213.4 and 213.5 are estimated to have no effect on the hour burden that the regulation imposes. The revisions to § 213.7, while more substantive, are expected to have no net effect on the hour burden.

The current hour burden for state member banks, as of the September 1996 final rule, is estimated to be eighteen minutes for the disclosures and twenty-five minutes for advertising. It is estimated that there will be 310 respondents and an average frequency of 120 responses per respondent each year. The total amount of annual hour burden at all state member banks is estimated to be 11,179 hours. Start-up cost burden associated with the September 1996 final rule was estimated to be $12,000 per respondent, amounting to a total of $3,720,000 for state member banks. The Federal Reserve estimates that this amount is sufficient to cover any costs of the final rule. These estimates are the same as those included in the notice of proposed rulemaking since no comments specifically addressing the burden estimate were received.

The disclosures made by lessors to consumers under Regulation M are mandatory (15 U.S.C. 1667 *et seq.*). Consumer lease information in advertisements is available to the public. Disclosures of the costs, liabilities, and terms of consumer lease transactions relating to specific leases are not publicly available. Because the Federal Reserve does not collect any information, no issue of confidentiality under the Freedom of Information Act normally arises. If the Board were to obtain information through examination of a supervised institution, the information would be kept confidential. 5 U.S.C. 552(b)(8).

An agency may not conduct or sponsor, and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB control number is 7100–0202.

The Federal Reserve has a continuing interest in members of the public's opinions of our collections of information. At any time, comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0202), Washington, DC 20503.

List of Subjects in 12 CFR Part 213

Advertising, Federal Reserve System, Reporting and recordkeeping requirements, Truth in Lending.

For the reasons set forth in the preamble, the Board amends 12 CFR part 213 as follows:

PART 213—CONSUMER LEASING (REGULATION M)

1. The authority citation for part 213 continues to read as follows:

Authority: 15 U.S.C. 1604.

2. Section 213.1 is amended by revising paragraph (a) to read as follows:

§ 213.1 Authority, scope, purpose, and enforcement.

(a) *Authority.* The regulation in this part, known as Regulation M, is issued by the Board of Governors of the Federal Reserve System to implement the consumer leasing provisions of the Truth in Lending Act, which is Title I of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 *et seq.*). Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 7100–0202.

* * * * *

3. Section 213.2 is amended by revising the first sentence of paragraph (f) to read as follows:

§ 213.2 Definitions.

* * * * *

(f) *Gross capitalized cost* means the amount agreed upon by the lessor and the lessee as the value of the leased property and any items that are capitalized or amortized during the lease term, including but not limited to taxes, insurance, service agreements, and any outstanding prior credit or lease balance. * * *

* * * * *

4. Section 213.4 is amended as follows:

a. Paragraph (b) is revised;

b. Paragraph (f)(1) is revised.

c. Paragraph (n) is revised;

d. The headings of paragraphs (o)(1) and (o)(2) are revised; and

e. New paragraph (t) is added.

The revisions and additions read as follows:

§ 213.4 Content of disclosures.

* * * * *

(b) *Amount due at lease signing or delivery.* The total amount to be paid prior to or at consummation or by delivery, if delivery occurs after consummation, using the term "amount due at lease signing or delivery." The lessor shall itemize each component by type and amount, including any refundable security deposit, advance monthly or other periodic payment, and capitalized cost reduction; and in motor-vehicle leases, shall itemize how the amount due will be paid, by type and amount, including any net trade-in allowance, rebates, noncash credits, and cash payments in a format substantially similar to the model forms in appendix A of this part.

* * * * *

(f) *Payment calculation.* * * *

(1) *Gross capitalized cost.* The gross capitalized cost, including a disclosure of the agreed upon value of the vehicle, a description such as "the agreed upon value of the vehicle [state the amount] and any items you pay for over the lease term (such as service contracts, insurance, and any outstanding prior credit or lease balance)," and a statement of the lessee's option to receive a separate written itemization of the gross capitalized cost. If requested by the lessee, the itemization shall be provided before consummation.

* * * * *

(n) *Fees and taxes.* The total dollar amount for all official and license fees, registration, title, or taxes required to be paid in connection with the lease.

(o) *Insurance.* * * *

(1) *Through the lessor.* * * *

(2) *Through a third party.* * * *

* * * * *

(t) *Non-motor vehicle open-end leases.* Non-motor vehicle open-end leases remain subject to section 182(10) of the act regarding end of term liability.

5. Section 213.5 is amended by revising paragraph (d)(1) to read as follows:

§ 213.5 Renegotiations, extensions, and assumptions.

* * * * *

(d) *Exceptions.* * * *

(1) A reduction in the rent charge;

* * * * *

6. Section 213.7 is amended as follows:

a. Paragraph (b)(1) is revised;

b. Paragraph (d)(1)(i) is revised, paragraph (d)(1)(ii) is removed, and paragraph (d)(1)(iii) is redesignated as (d)(1)(ii) and republished;

c. Paragraphs (d)(2)(ii) and (d)(2)(iii) are revised, paragraph (d)(2)(iv) is removed, paragraphs (d)(2)(v) and (d)(2)(vi) are revised and redesignated as paragraphs (d)(2)(iv) and (d)(2)(v), and paragraph (d)(2)(i) is republished respectively.

The revisions and republications read as follows:

§ 213.7 Advertising.

* * * * *

(b) *Clear and conspicuous standard.* * * *

(1) *Amount due at lease signing or delivery.* Except for the statement of a periodic payment, any affirmative or negative reference to a charge that is a part of the disclosure required under paragraph (d)(2)(ii) of this section shall not be more prominent than that disclosure.

* * * * *

(d) *Advertisement of terms that require additional disclosure*—(1) *Triggering terms.* An advertisement that states any of the following items shall contain the disclosures required by paragraph (d)(2) of this section, except as provided in paragraphs (e) and (f) of this section:

(i) The amount of any payment; or

(ii) A statement of any capitalized cost reduction or other payment required prior to or at consummation or by delivery, if delivery occurs after consummation.

(2) *Additional terms.* An advertisement stating any item listed in paragraph (d)(1) of this section shall also state the following items:

(i) That the transaction advertised is a lease;

(ii) The total amount due prior to or at consummation or by delivery, if delivery occurs after consummation;

(iii) The number, amounts, and due dates or periods of scheduled payments under the lease;

(iv) A statement of whether or not a security deposit is required; and

(v) A statement that an extra charge may be imposed at the end of the lease term where the lessee's liability (if any) is based on the difference between the residual value of the leased property and its realized value at the end of the lease term.

* * * * *

7. Appendix A to part 213 is amended by revising Appendix A–1 and Appendix A–2 to read as follows:

BILLING CODE 6210–01–P

Appendix A-1 Model Open-End or Finance Vehicle Lease Disclosures

Federal Consumer Leasing Act Disclosures

Date _____

Lessor(s) _____ Lessee(s) _____

Amount Due at Lease Signing or Delivery (Itemized below)* $ _____	**Monthly Payments** Your first monthly payment of $ _____ is due on _____, followed by _____ payments of $ _____ due on the _____ of each month. The total of your monthly payments is $ _____.	**Other Charges** (not part of your monthly payment) Disposition fee (if you do not purchase the vehicle) $_____ _____ _____ Total $_____	**Total of Payments** (The amount you will have paid by the end of the lease) $ _____ You will owe an additional amount if the actual value of the vehicle is less than the residual value.

*** Itemization of Amount Due at Lease Signing or Delivery**

Amount Due At Lease Signing or Delivery:		**How the Amount Due at Lease Signing or Delivery will be paid:**	
Capitalized cost reduction	$ _____	Net trade-in allowance	$ _____
First monthly payment	_____	Rebates and noncash credits	_____
Refundable security deposit	_____	Amount to be paid in cash	_____
Title fees	_____	_____	_____
Registration fees	_____		
_____	_____		
Total	$ _____	Total	$ _____

Your monthly payment is determined as shown below:

Gross capitalized cost. The agreed upon value of the vehicle ($ _____) and any items you pay over the lease term (such as service contracts, insurance, and any outstanding prior credit or lease balance) ..... $ _____

If you want an itemization of this amount, please check this box. ☐

Capitalized cost reduction. The amount of any net trade-in allowance, rebate, noncash credit, or cash you pay that reduces the gross capitalized cost	–	_____
Adjusted capitalized cost. The amount used in calculating your base monthly payment	=	_____
Residual value. The value of the vehicle at the end of the lease used in calculating your base monthly payment	–	_____
Depreciation and any amortized amounts. The amount charged for the vehicle's decline in value through normal use and for other items paid over the lease term	=	_____
Rent charge. The amount charged in addition to the depreciation and any amortized amounts	+	_____
Total of base monthly payments. The depreciation and any amortized amounts plus the rent charge	=	_____
Lease term. The number of months in your lease	×	_____
Base monthly payment	=	_____
Monthly sales/use tax	+	_____
_____	+	_____
Total monthly payment	=$	_____

Rent and other charges. The total amount of rent and other charges imposed in connection with your lease $ _____.

Early Termination. You may have to pay a substantial charge if you end this lease early. The charge may be up to several thousand dollars. The actual charge will depend on when the lease is terminated. The earlier you end the lease, the greater this charge is likely to be.

Excessive Wear and Use. You may be charged for excessive wear based on our standards for normal use [and for mileage in excess of _____ miles per year at the rate of _____ per mile].

Purchase Option at End of Lease Term. [You have an option to purchase the vehicle at the end of the lease term for $ _____ [and a purchase option fee of $ _____].] [You do not have an option to purchase the vehicle at the end of the lease term.]

Other Important Terms. See your lease documents for additional information on early termination, purchase options and maintenance responsibilities, warranties, late and default charges, insurance, and any security interest, if applicable.

[The following provisions are the nonsegregated disclosures required under Regulation M.]

Description of Leased Property				
Year	Make	Model	Body Style	Vehicle ID #

Official Fees and Taxes. The total amount you will pay for official and license fees, registration, title, and taxes over the term of your lease, whether included with your monthly payments or assessed otherwise: $ _____.

Insurance. The following types and amounts of insurance will be acquired in connection with this lease:

_____.

_____ We (lessor) will provide the insurance coverage quoted above for a total premium cost of $ _____.

_____ You (lessee) agree to provide insurance coverage in the amount and types indicated above.

End of Term Liability. (a) The residual value ($ _____) of the vehicle is based on a reasonable, good faith estimate of the value of the vehicle at the end of the lease term. If the actual value of the vehicle at that time is greater than the residual value, you will have no further liability under this lease, except for other charges already incurred [and are entitled to a credit or refund of any surplus.] If the actual value of the vehicle is less than the residual value, you will be liable for any difference up to $ _____ (3 times the monthly payment). For any difference in excess of that amount, you will be liable only if:
1. Excessive use or damage [as described in paragraph ____] [representing more than normal wear and use] resulted in an unusually low value at the end of the term.
2. The matter is not otherwise resolved and we win a lawsuit against you seeking a higher payment.
3. You voluntarily agree with us after the end of the lease term to make a higher payment.
Should we bring a lawsuit against you, we must prove that our original estimate of the value of the leased property at the end of the lease term was reasonable and was made in good faith. For example, we might prove that the actual was less than the original estimated value, although the original estimate was reasonable, because of an unanticipated decline in value for that type of vehicle. We must also pay your attorney's fees.
(b) If you disagree with the value we assign to the vehicle, you may obtain, at your own expense, from an independent third party agreeable to both of us, a professional appraisal of the _____ value of the leased vehicle which could be realized at sale. The appraised value shall then be used as the actual value.

Standards for Wear and Use. The following standards are applicable for determining unreasonable or excess wear and use of the leased vehicle:

_____.

Maintenance.
[You are responsible for the following maintenance and servicing of the leased vehicle:

_____].

[We are responsible for the following maintenance and servicing of the leased vehicle:

_____].

Warranties. The leased vehicle is subject to the following express warranties:

_____.

Early Termination and Default. (a) You may terminate this lease before the end of the lease term under the following conditions:

_____.

The charge for such early termination is:

_____.

(b) We may terminate this lease before the end of the lease term under the following conditions:

_____.

Upon such termination we shall be entitled to the following charge(s) for:

_____.

(c) To the extent these charges take into account the value of the vehicle at termination, if you disagree with the value we assign to the vehicle, you may obtain, at your own expense, from an independent third party agreeable to both of us, a professional appraisal of the _____ value of the leased vehicle which could be realized at sale. The appraised value shall then be used as the actual value.

Security Interest. We reserve a security interest of the following type in the property listed below to secure performance of your obligations under this lease:

_____.

Late Payments. The charge for late payments is: _____.

Option to Purchase Leased Property Prior to the End of the Lease. [You have an option to purchase the leased vehicle prior to the end of the term. The price will be [$ _____ /[the method of determining the price].] [You do not have an option to purchase the leased vehicle.]

Appendix A-2 Model Closed-End or Net Vehicle Lease Disclosures

Federal Consumer Leasing Act Disclosures

Date _____

Lessor(s) _____ Lessee(s) _____

Amount Due at Lease Signing or Delivery (Itemized below)* $ _____	**Monthly Payments** Your first monthly payment of $ _____ is due on _____, followed by _____ payments of $ _____ due on the _____ of each month. The total of your monthly payments is $ _____.	**Other Charges** (not part of your monthly payment) Disposition fee (if you do not purchase the vehicle) $ _____ _____ _____ Total $ _____	**Total of Payments** (The amount you will have paid by the end of the lease) $ _____

*** Itemization of Amount Due at Lease Signing or Delivery**

Amount Due At Lease Signing or Delivery:		**How the Amount Due at Lease Signing or Delivery will be paid:**	
Capitalized cost reduction	$ _____	Net trade-in allowance	$ _____
First monthly payment	_____	Rebates and noncash credits	_____
Refundable security deposit	_____	Amount to be paid in cash	_____
Title fees	_____	_____	_____
Registration fees	_____		
_____	_____		
Total	$ _____	Total	$ _____

Your monthly payment is determined as shown below:

Gross capitalized cost. The agreed upon value of the vehicle ($ _____) and any items you pay over the lease term (such as service contracts, insurance, and any outstanding prior credit or lease balance) ..... $ _____

If you want an itemization of this amount, please check this box. ☐

Capitalized cost reduction. The amount of any net trade-in allowance, rebate, noncash credit, or cash you pay that reduces the gross capitalized cost	–	_____
Adjusted capitalized cost. The amount used in calculating your base monthly payment	=	_____
Residual value. The value of the vehicle at the end of the lease used in calculating your base monthly payment	–	_____
Depreciation and any amortized amounts. The amount charged for the vehicle's decline in value through normal use and for other items paid over the lease term	=	_____
Rent charge. The amount charged in addition to the depreciation and any amortized amounts	+	_____
Total of base monthly payments. The depreciation and any amortized amounts plus the rent charge	=	_____
Lease term. The number of months in your lease	+	_____
Base monthly payment	=	_____
Monthly sales/use tax	+	_____
_____	+	_____
Total monthly payment	=$	_____

Early Termination. You may have to pay a substantial charge if you end this lease early. The charge may be up to several thousand dollars. The actual charge will depend on when the lease is terminated. The earlier you end the lease, the greater this charge is likely to be.

Excessive Wear and Use. You may be charged for excessive wear based on our standards for normal use [and for mileage in excess of _____ miles per year at the rate of _____ per mile].

Purchase Option at End of Lease Term. [You have an option to purchase the vehicle at the end of the lease term for $ _____ [and a purchase option fee of $ _____].] [You do not have an option to purchase the vehicle at the end of the lease term.]

Other Important Terms. See your lease documents for additional information on early termination, purchase options and maintenance responsibilities, warranties, late and default charges, insurance, and any security interest, if applicable.

[The following provisions are the nonsegregated disclosures required under Regulation M.]

Description of Leased Property				
Year	Make	Model	Body Style	Vehicle ID #

Official Fees and Taxes. The total amount you will pay for official and license fees, registration, title, and taxes over the term of your lease, whether included with your monthly payments or assessed otherwise: $ _____.

Insurance. The following types and amounts of insurance will be acquired in connection with this lease:

_____.

_____ We (lessor) will provide the insurance coverage quoted above for a total premium cost of $ _____.

_____ You (lessee) agree to provide insurance coverage in the amount and types indicated above.

Standards for Wear and Use. The following standards are applicable for determining unreasonable or excess wear and use of the leased vehicle:

_____

Maintenance.

[You are responsible for the following maintenance and servicing of the leased vehicle:

_____].

[We are responsible for the following maintenance and servicing of the leased vehicle:

_____].

Warranties. The leased vehicle is subject to the following express warranties:

_____.

Early Termination and Default. (a) You may terminate this lease before the end of the lease term under the following conditions:

_____.

The charge for such early termination is:

_____.

(b) We may terminate this lease before the end of the lease term under the following conditions:

_____.

Upon such termination we shall be entitled to the following charge(s) for:

_____.

(c) To the extent these charges take into account the value of the vehicle at termination, if you disagree with the value we assign to the vehicle, you may obtain, at your own expense, from an independent third party agreeable to both of us, a professional appraisal of the _____ value of the leased vehicle which could be realized at sale. The appraised value shall then be used as the actual value.

Security Interest. We reserve a security interest of the following type in the property listed below to secure performance of your obligations under this lease:

_____

Late Payments. The charge for late payments is: _____

Option to Purchase Leased Property Prior to the End of the Lease. [You have an option to purchase the leased vehicle prior to the end of the term. The price will be [$ _____ /[the method of determining the price].] [You do not have an option to purchase the leased vehicle.]

By order of the Board of Governors of the Federal Reserve System, March 27, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–8200 Filed 3–31–97; 8:45 am]

BILLING CODE 6210–01–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–09–AD; Amendment 39–9872; AD 97–01–01]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. PA24, PA28R, PA30, PA32R, PA34, and PA39 Series Airplanes; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to Airworthiness Directive (AD) 97–01–01, which was published in the Federal Register on January 2, 1997 (62 FR 10), and concerns The New Piper Aircraft, Inc. (Piper) PA24, PA28R, PA30, PA32R, PA34, and PA39 series airplanes. The amendment number in this AD is incorrectly referenced as Amendment 39–9782 instead of 39–9872 in two places. All other reference is correct. The AD currently requires repetitively inspecting the main gear sidebrace studs for cracks, and replacing any main gear sidebrace stud found cracked. This action corrects the AD to reflect the right amendment number throughout the entire document.

EFFECTIVE DATE: February 7, 1997.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7362; facsimile (404) 305–7348.

SUPPLEMENTARY INFORMATION:

Discussion

On December 23, 1996, the FAA issued AD 97–01–01, Amendment 39–9872 (62 FR 10, January 2, 1997), which applies to Piper PA24, PA28R, PA30, PA32R, PA34, and PA39 series airplanes. This AD requires repetitively inspecting the main gear sidebrace studs for cracks, and replacing any main gear sidebrace stud found cracked.

Need for the Correction

The amendment number in this AD is incorrectly referenced as 39–9782, instead of 39–9872, in two different places. All other reference is correct. As written, operators of Piper PA24, PA28R, PA30, PA32R, PA34, and PA39 series airplanes may log compliance with the right AD number, but the wrong amendment number, therefore causing the potential for confusion as to whether they are in compliance with the AD.

Correction of Publication

Accordingly, the publication of January 2, 1997 (62 FR 10), of Amendment 39–9872; AD 97–01–01, which was the subject of FR Doc. 96–33231, is corrected as follows:

§ 39.13 [Corrected]

On page 11, in the third column, section 39.13, the 12th line from the top of the column, correct "Amendment 39–9782" to "Amendment 39–9872".

On page 14, in the second column, section 39.13, in paragraph (h) of the AD, the 24th line from the bottom of the column, correct "(39–9782)" to "(39–9872)".

Action is taken herein to correct this reference in AD 97–01–01 and to add this AD correction to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The effective date remains February 7, 1997.

Issued in Kansas City, Missouri on March 26, 1997.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8250 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–CE–45–AD; Amendment 39–9984; AD 97–07–10]

RIN 2120–AA64

Airworthiness Directives; De Havilland DHC–6 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to de Havilland DHC–6 series airplanes that do not have a certain wing strut modification (Modification 6/1581) incorporated. This action requires inspecting the wing struts for cracks or damage (chafing, etc.), replacing wing struts that are found damaged beyond certain limits or are found cracked, and incorporating Modification No. 6/1581 to prevent future chafing damage. This AD results from several reports of wing strut damage caused by the upper fairing rubbing against the wing strut. The actions specified by this AD are intended to prevent failure of the wing struts, which could result in loss of control of the airplane.

DATES: Effective May 23, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–45–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256–7523; facsimile (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to de Havilland DHC–6 series airplanes that do not have a certain wing strut modification (Modification 6/1581) incorporated was published in the Federal Register as a notice of proposed rulemaking (NPRM) on October 3, 1996 (61 FR 51619). The NPRM proposed to require inspecting the wing struts for cracks or damage (chafing, etc.), replacing wing struts that are found damaged beyond certain limits or are found cracked, and incorporating Modification No. 6/1581 to prevent future chafing damage. Modification No. 6/1581 consists of installing a preformed nylon shield around the area of each wing strut of the upper end closest to the wing. Accomplishment of the proposed inspection and modification as specified in the NPRM would be required in accordance with de Havilland Service Bulletin No. 6/342, dated February 23, 1976.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of

the AD as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

FAA's Aging Commuter Aircraft Policy

This AD is consistent with the FAA's aging commuter airplane policy. This policy simply states that reliance on repetitive inspections of critical areas on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. The alternative to incorporating Modification No. 6/1581 on de Havilland DHC–6 series airplanes would be relying on repetitive inspections to detect damaged wing struts.

Cost Impact

The FAA estimates that 169 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 8 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $150 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $106,470. This figure is based upon the presumption that no affected airplane owner/operator has incorporated Modification No. 6/1581.

De Havilland has informed the FAA that enough parts have been distributed to equip approximately 11 of the affected airplanes. Presuming that each set of parts is incorporated on an affected airplane, the cost impact upon U.S. operators/owners would be reduced by $6,930 from $106,470 to $99,540.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

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

97–07–10 Dehavilland: Amendment 39–9984; Docket No. 93–CE–45–AD.

Applicability: Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 airplanes (all serial numbers), certificated in any category, that do not have Modification No. 6/1581 incorporated.

Note 1: Modification No. 6/1581 consists of installing a preformed nylon shield around the area of each wing strut at the upper end closest to the wing.

Note 2: 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the wing struts, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, inspect the wing struts, part number (P/N) C6W1005 (or FAA-approved equivalent), for cracks or damage (chafing, etc.) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland Service Bulletin (SB) No. 6/342, dated February 23, 1976.

(1) If damage is found on a wing strut that exceeds 0.025-inch in depth, exceeds a total length of 5 inches, or where any two places of damage are separated by less than 10 inches of undamaged surface over the length of the strut, prior to further flight, replace the wing strut with an airworthy FAA-approved part in accordance with the applicable maintenance manual.

(2) If any crack is found, prior to further flight, replace the wing strut with an airworthy FAA-approved part in accordance with the applicable maintenance manual.

(3) If damage is found on a wing strut that exceeds 0.010-inch in depth, provided the damage does not exceed 0.025-inch in depth, the damage does not exceed a total length of 5 inches, and where any two places of damage are separated by a minimum of 10 inches undamaged surface over the length of the strut, within 500 hours TIS after the inspection specified in paragraph (a) of this AD, replace the wing strut with an airworthy FAA-approved part in accordance with the applicable maintenance manual.

(b) Within the next 600 hours TIS after the effective date of this AD, incorporate Modification No. 6/1581 in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/342, dated February 23, 1976.

(1) Incorporating Modification No. 6/1581 eliminates the repetitive inspection requirement of this AD.

(2) Incorporating Modification No. 6/1581 may be accomplished at any time prior to 600 hours TIS after the effective date of this AD, at which time it must be incorporated.

(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) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), FAA, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

(e) The inspections and modification required by this AD shall be done in accordance de Havilland Service Bulletin No. 6/342, dated February 23, 1976. 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 de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5 Canada. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel,

Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39–9984) becomes effective on May 23, 1997.

Issued in Kansas City, Missouri, on March 26, 1997.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8249 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–10–AD; Amendment 39–9985; AD 97–07–11]

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 81–20–01, which currently requires repetitively inspecting the nose landing gear (NLG) actuator support structure and the front pressure bulkhead for cracks on Jetstream Aircraft Limited (JAL) HP137 Mk1 and Jetstream series 200 airplanes, and replacing any cracked part. This AD retains the repetitive inspections required by AD 81–20–01; requires repetitively inspecting the NLG retraction jack upper mounting fitting and attachment hardware for security bolt failure and for bolts with improper torque levels on the HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes, and requires replacing any failed security bolts and adjusting any bolt with an improper torque level; and requires modifying the NLG retraction jack on all affected airplanes, as terminating action for the repetitive inspections. This AD results from reports of NLG jack mounting fitting failures on several of the affected airplanes, and the Federal Aviation Administration's policy on aging commuter-class aircraft. The actions specified by this AD are intended to prevent failure of the NLG caused by a cracked NLG actuator support structure or cracked front pressure bulkhead, which, if not detected and corrected, could lead to nose gear collapse and damage to the airplane.

DATES: Effective May 23, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, D.C. 20041–6029; telephone (703) 406–1161; facsimile (703) 406–1469. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE–10-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Rodriguez, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (32 2) 508.2715; facsimile (32 2) 230.6899; or Mr. S.M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain JAL HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that do not have an improved design attachment bracket (Modification JM 5285) installed for the nose landing gear (NLG) retraction jack was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 19, 1995 (60 FR 48429). The NPRM proposed to supersede AD 81–20–01 with a new AD that would:

—Retain the requirement contained in AD 81–20–01 of repetitively inspecting (using dye penetrant methods) the NLG actuator support structure and the front pressure bulkhead for cracks on JAL HP137 Mk1 and Jetstream series 200 airplanes that do not have the front pressure bulkhead strengthened in the area of the NLG jack attachment fitting (Modification No. 5127), and replacing or repairing any cracked NLG actuator support structure or cracked front pressure bulkhead. Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with Jetstream Service Bulletin (SB) No. 6/5, dated September 4, 1978.

—Require repetitively inspecting the NLG retraction jack upper mounting fitting and attachment hardware for security bolt failure and bolts with improper torque levels on the HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes, and replacing any failed security bolts and adjusting any bolt with an improper torque level. Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with Jetstream SB 53–A–JA870510, which consists of the following pages and revision levels:

Pages	Revision level	Date
3, 5, 6, 8, 9, and 10.	Original Issue.	May 26, 1987.
1, 2, 4 and 7 ..	Revision 1	Nov. 10, 1987.

—Require modifying the NLG retraction jack on the HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes, as terminating action for all the repetitive inspections, including the inspections referenced in the Model 3201 maintenance manual. Accomplishment of the proposed modification as specified in the NPRM would be in accordance with Jetstream SB 53–JM 5285, which consists of the following pages and revision levels:

Pages	Revision level	Date
1 and 4	Revision 2	Nov. 12, 1992.
2, 3, and 5 through 26.	Revision 1	May 18, 1992.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received regarding the NPRM. An analysis of the comment follows:

The commenter provides information on the company's fleet size and the estimated projection on when the proposed replacement would be mandatory on the affected airplanes in the company's fleet, as well as the number of repetitive inspections that would be required during that time. The commenter states that it is more economical for the company to incorporate the modification on its entire fleet immediately rather than continuing to repetitively inspect. The commenter also mentions that parts to

modify the NLG retraction jack cost $1,800 instead of $1,600. The FAA concurs with the correction to the cost and has incorporated this change.

As written, the original NPRM would have allowed continued flight if cracks are found in the front pressure bulkhead membrane or actuator support structure when the cracks do not exceed certain limits. Since issuing that NPRM, the FAA established a policy to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. The front pressure bulkhead and actuator support structure are considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this area.

For this reason, the FAA has determined that the crack limits contained in the NPRM should be eliminated and that AD action should be taken to require immediate replacement of any cracked front pressure bulkhead membrane or actuator support structure. Since revising the proposed AD to require immediate replacement of any cracked part went beyond the scope of what was presented in the original NPRM, the FAA published a supplemental NPRM in the **Federal Register** on October 21, 1996 (61 FR 54582), in order to give the public an opportunity to comment on the proposal.

Interested persons were again afforded an opportunity to participate in the making of this amendment. No comments were received regarding the substance of the supplemental NPRM or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the AD as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA's Aging Commuter Aircraft Policy

The actions required by this AD are consistent with the FAA's aging commuter aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Cost Impact

The FAA estimates that 170 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 41 workhours per airplane to accomplish the proposed modification, and that the average labor rate is approximately $60 an hour. Parts cost approximately $1,800 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $724,200 or $4,260 per airplane. This figure only takes into account the cost of the inspection-terminating modification and does not take into account the cost of the repetitive inspections. The FAA has no way of determining the number of repetitive inspections each HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplane owner/operator will incur over the life of the airplane.

This figure is also based on the presumption that no affected airplane owner/operator has accomplished the required modification. This AD eliminates the need for the repetitive inspections required by AD 81–20–01. The FAA has no way of determining the operational levels of each individual operator of the affected airplanes, and subsequently cannot determine the repetitive inspection costs that will be eliminated by this AD. The FAA estimates these costs to be substantial over the long term.

In addition, JAL has informed the FAA that parts have been distributed to owners/operators to equip approximately 39 of the affected airplanes. Presuming that each set of parts has been installed on an affected airplane, the cost impact of the required modification upon the public is reduced $166,140 from $724,200 to $558,060.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of airplanes that are in commercial service without adversely impacting private operators. Of the approximately 170 airplanes in the U.S. registry that will be affected by this AD, the FAA has determined that approximately 95 percent are operated in scheduled passenger service by 10 different operators.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 81–20–01, Amendment 39–4223, and by adding a new AD to read as follows:

97–07–11 Jetstream Aircraft Limited: Amendment 39–9985; Docket No. 95–CE–10–AD. Supersedes AD 81–20–01, Amendment 39–4223.

Applicability: The following airplanes, certificated in any category, that do not have

an improved design attachment bracket for the nose landing gear (NLG) retraction jack (Modification JM 5285) installed in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream Service Bulletin (SB) 53–JM 5285:

—HP137 Mk1 airplanes, all serial numbers;
—Jetstream Series 200 airplanes, all serial numbers;
—Jetstream Model 3101 airplanes, all serial numbers; and
—Jetstream Model 3201 airplanes, serial numbers 601 through 840.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the NLG caused by a cracked NLG actuator support structure or cracked front pressure bulkhead, which could lead to nose gear collapse and damage to the airplane, accomplish the following:

Note 2: The paragraph structure of this AD is as follows:
Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.
Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

(a) For HP137 Mk1 and Jetstream series 200 airplanes that do not have the front pressure bulkhead strengthened in the area of the NLG jack attachment fitting (Modification 5127), upon accumulating 1,600 landings or within the next 200 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 200 landings until the modification required by paragraph (c) of this AD is incorporated, inspect (using dye penetrant methods) the nose landing gear actuator support structure, part number (P/N) 137139C–13 and P/N 137139C–25 (or FAA-approved equivalents), and the membrane of the front pressure bulkhead for cracks. Accomplish the inspection in accordance with British Aerospace (BAe) SB No. 6/5, dated September 4, 1978.

(1) Prior to further flight after any of the inspections required by paragraph (a) of this AD, replace any cracked P/N 137139C–13 (or FAA-approved equivalent) NLG actuator support structure. This replacement does not eliminate the repetitive inspection requirement of this AD.

(2) Prior to further flight after any of the inspections required by paragraph (a) of this AD, repair any cracked P/N 137139C–25 (or FAA-approved equivalent) NLG actuator support structure in accordance with the applicable maintenance manual. This repair does not eliminate the repetitive inspection requirement of this AD.

(3) Prior to further flight after any of the inspections required by paragraph (a) of this AD, repair any cracked front pressure bulkhead membrane in accordance with the applicable maintenance manual. This repair does not eliminate the repetitive inspection requirement of this AD.

(b) For all HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes, upon accumulating 3,500 landings or within the next 200 landings after the effective date of this AD, whichever occurs later, accomplish the following:

(1) Inspect the NLG retraction jack upper mounting fitting and attaching hardware for correct installation, security bolt failure, and bolts with improper torque levels in accordance with Part A and B of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53–A–JA870510, which incorporates the following pages and revision levels:

Pages	Revision level	Date
3, 5, 6, 8, 9, and 10.	Original Issue.	May 26, 1987.
1, 2, 4 and 7 ..	Revision 1	November 10, 1987.

Prior to further flight, replace any failed security bolt and adjust any bolt with an improper torque level in accordance with Jetstream SB 53–A–JA870510.

(2) Reinspect the NLG retraction jack upper mounting fitting and attaching hardware for security bolt failure and bolts with improper torque levels in accordance with Part A of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53–A–JA870510 at intervals not to exceed 1,600 landings until the modification required by paragraph (c) of this AD is incorporated. Prior to further flight, replace any failed security bolt and adjust any bolt with an improper torque level in accordance with Jetstream SB 53–A–JA870510.

(3) Reinspect the NLG retraction jack upper mounting fitting security nuts for correct installation in accordance with Part B of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53–A–JA870510 at intervals not to exceed 200 landings until the modification required by paragraph (c) of this AD is incorporated. If correct installation is not evident, prior to further flight, accomplish the reinspection specified in paragraph (b)(2) of this AD.

(c) For all applicable HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes, upon accumulating 25,000 landings or within the next 2,000 landings after the effective date of this AD, whichever occurs later, install an improved design attachment bracket for the NLG retraction jack (Modification JM 5285) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53–JM 5285, which incorporates the following pages and revision levels:

Pages	Revision level	Date
1 and 4	Revision 2	November 12, 1992.
2, 3, and 5 through 26.	Revision 1	May 18, 1992.

(1) Incorporating Modification JM 5285 on Jetstream HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes terminates the repetitive inspection requirement of this AD.

(2) Incorporating Modification JM 5285 on Jetstream Model 3201 airplanes eliminates the need for the repetitive inspections specified in the applicable maintenance manual.

(3) Modification JM 5285 may be accomplished at any time prior to accumulating 25,000 landings or within the next 2,000 landings after the effective date of this AD, whichever occurs later, at which time it must be incorporated.

(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) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division. Alternative methods of compliance approved in accordance with AD 81–20–01 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(f) The NLG actuator support structure inspections required by this AD shall be done in accordance with British Aerospace (BAe) Service Bulletin No. 6/5, dated September 4, 1978. The inspection of the NLG retraction jack upper mounting fitting and attaching hardware required by this AD shall be done in accordance with Jetstream Service Bulletin 53–A–JA870510, which incorporates the following pages and revision levels:

Pages	Revision level	Date
3, 5, 6, 8, 9, and 10.	Original Issue.	May 26, 1987.
1, 2, 4 and 7 ..	Revision 1	Nov. 10, 1987.

The installation required by this AD shall be accomplished in accordance with Jetstream SB 53–JM 5285, which incorporates the following pages and revision levels:

Pages	Revision level	Date
1 and 4	Revision 2	November 12, 1992.
2, 3, and 5 through 26.	Revision 1	May 18, 1992.

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 Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041–6029. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment (39–9985) becomes effective on May 23, 1997.

Issued in Kansas City, Missouri, on March 26, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8248 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–ANE–36; Amendment 39–9955; AD 97–05–11]

RIN 2120–AA64

Airworthiness Directives; AlliedSignal Inc. ALF502 and LF507 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to AlliedSignal Inc. ALF502R series turbofan engines, that currently requires initial and repetitive inspections of the oil system chip detectors and oil filter bypass valve, and optional installation of an improved oil filter bypass valve, to ensure the integrity of the reduction gear system and overspeed protection system. The optional installation of the improved oil filter bypass valve provides terminating action for the oil bypass valve spring compression test requirements of the current AD. This amendment requires more stringent oil system inspection requirements and expands the applicable engine models to include ALF502L and LF507 series turbofan engines. This amendment is prompted by power turbine (PT) shaft separations on engines that had been inspected in accordance with the current AD. The actions specified by this AD are intended to prevent No. 4 and 5 duplex bearing failure, which can result in a Stage 4 low pressure turbine (LPT) rotor failure, an uncontained engine failure, and damage to the aircraft.

DATES: Effective April 16, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of April 16, 1997. Comments for inclusion in the Rules Docket must be received on or before June 2, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-ANE–36, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@dot.faa.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Raymond Vakili, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (310) 627–5262; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: On July 17, 1987, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 87–06–52 R1, Amendment 39–5688 (52 FR 31979, August 25, 1987), applicable to AlliedSignal Inc. (formerly Avco Lycoming Textron) ALF502R series turbofan engines, to require initial and repetitive inspections of the oil system chip detectors and oil filter bypass valve, and optional installation of an improved oil filter bypass valve, to ensure the integrity of the reduction gear system and overspeed protection system. The optional installation of the improved oil filter bypass valve provides terminating action for the repetitive oil filter bypass valve spring compression test requirements of the AD 87–06–52 R1, Amendment 39–5688. That action was prompted by reports of power turbine (PT) overspeed and uncontained PT blade failure resulting from reduction gear system decouple and inaccurate PT overspeed signal generation. That condition, if not corrected, could result in No. 4 and 5 duplex bearing failure, which can result in a Stage 4 low pressure turbine (LPT) rotor failure, an uncontained engine failure, and damage to the aircraft.

Since the issuance of that AD, the FAA has received reports of four additional failures of the Stage 4 low pressure turbine (LPT) rotor on AlliedSignal Inc. ALF502 series turbofan engines. The LPT failures were caused by failure of the No. 4 and 5 duplex bearing, causing bearing seizure and LPT shaft separation between the two bearings forward of the Stage 4 LPT rotor. In one incident the Stage 4 LPT shaft separation caused an uncontained rotor failure.

The FAA has reviewed and approved the technical contents of the following AlliedSignal Inc. Service Bulletins (SBs): No. ALF502L 79–0171, Revision 1, dated November 27, 1996; No. LF507–1F 79–5, Revision 1, dated November 27, 1996; No. LF507–1H 79–5, Revision 1, dated November 27, 1996; and No. ALF502R 79–9, Revision 1, dated November 27, 1996. These SBs describe procedures for oil system inspection. In addition, the FAA has reviewed and approved the technical contents of Textron Lycoming SB No. ALF 502R–79–0162 R2, dated September 8, 1987, to ensure that portions of the accomplishment instructions paragraph of this SB continue to provide the terminating action for the oil filter bypass valve compression spring test, which is required by AD 87–06–52 R1, Amendment 39–5688. Also, the FAA

has reviewed and approved the technical contents of Avco Lycoming Textron SB No. ALF 502R–72–0160, Revision 2, dated May 26, 1987, and Revision 1, dated March 23, 1987, that describe procedures for chip detector inspections. Finally, the FAA has reviewed and approved the technical contents of Avco Lycoming Textron SB No. ALF 502R–79–0162, Revision 1, dated May 26, 1987, and Original, dated March 23, 1987, that describe procedures of inspection of the oil filter bypass valve.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes AD 87–06–52 R1 to require more stringent oil system inspection requirements, including inspection of the full flow chip detector, oil filter impending bypass button, oil acid number, oil color, and oil quantity. The actions are required to be accomplished in accordance with the SBs described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–ANE–36." The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40113, 44701.

§39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–5688, (52 FR 31979, August 25, 1987), and by adding a new airworthiness directive, Amendment 39–9955, to read as follows:

97–05–11 AlliedSignal Inc.: Amendment 39–9955. Docket 96–ANE–36. Supersedes AD 87–06–52 R1, Amendment 39–5688.

Applicability: AlliedSignal Inc. Model ALF502 and LF507 series turbofan engines, installed on but not limited to British Aerospace BAe146–100A, BAe146–200A, BAe146–300A, AVRO 146–RJ70A, AVRO 146–RJ85A, AVRO 146–RJ100A, and Canadair Model CL–600–1A11 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) 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 No. 4 and 5 duplex bearing failure, which can result in a Stage 4 low pressure turbine (LPT) rotor failure, an uncontained engine failure, and damage to the aircraft, accomplish the following:

(a) For ALF502R series engines equipped with oil filter bypass valve, part number (P/N) 2–303–432–01, accomplish the following:

(1) Inspect the engine oil filter bypass valve for leakage within the next 25 engine hours or 25 flights in service, whichever occurs first, from the effective date of this AD, in accordance with Avco Lycoming Textron Service Bulletin (SB) No. ALF 502R–79–0160, Revision 1, dated March 20, 1987. Prior to further flight, remove from service oil filters exhibiting any leakage and replace with serviceable parts.

(2) Thereafter, inspect the oil filter bypass valve for any leakage in accordance with Avco Lycoming Textron SB No. ALF 502R–79–0162, Original, dated March 23, 1987, or Revision 1, dated May 26, 1987, at intervals not to exceed 50 engine hours or 50 flights in service since last inspection, whichever occurs first, and accomplish the following:

(i) Visually inspect engine chip detectors for metal contamination as follows:

(A) Inspect the full flow chip detector for engines installed with a full flow chip detector.

(B) Inspect the chip detectors located in the accessory gearbox, Number 2 bearing scavenge line, and Number 4/5 bearing scavenge line, for engines without a full flow chip detector installed.

(ii) For engines with engine chip detectors exhibiting Conditions 2 or 3, and for engines with engine chip detectors exhibiting Condition 1 where the oil filter bypass indicator is extended, prior to further flight, remove oil filter bypass valves exhibiting any leakage and replace with a serviceable part.

Note 2: Chip detector conditions are described in Avco Lycoming Textron SB No. ALF502R–72–0160, Revision 1, dated March 20, 1987, Figures 1, 2 and 3.

(3) At the next engine shop visit, or within 2,500 engine hours after the effective date of this AD, whichever occurs first, conduct the oil filter bypass valve spring compression force check, in accordance with Avco Lycoming Textron SB No. ALF 502R–79–0162, Original, dated March 23, 1987. Oil filter bypass valves which do not comply with the spring compression force limits contained in Avco Lycoming Textron SB No. ALF 502R–79–0162, Original, dated March 23, 1987, must be removed and replaced with oil filter bypass valve, P/N 2–303–432–02. Replacement of oil filter bypass valve, P/N 2–303–432–01, with the improved oil filter bypass valve, P/N 2–303–432–02, constitutes terminating action for inspection requirements of paragraphs (a)(1) and (a)(2) of this AD.

(4) For the purpose of this AD, an engine shop visit is defined as engine maintenance that entails any of the following:

(i) Separation of a major engine flange (lettered or numbered) other than flanges mating with major sections of the nacelle reverser. Separation of flanges purely for purposes of shipment, without subsequent internal maintenance, is not a "shop visit."

(ii) Removal of a disk, hub, or spool.

(iii) Removal of the fuel nozzles.

(b) For ALF 502R series engines equipped with the No. 4 and 5 duplex bearing assembly numbers 2–141–930–01, or 2–141–930–02, or 2–141–930–03, perform repetitive oil system maintenance and inspections in accordance with the intervals and procedures described in AlliedSignal Inc. SB No. ALF502R 79–9, Revision 1, dated November 27, 1996.

(c) For ALF502L series engines equipped with the No. 4 and 5 duplex bearing assembly numbers 2–141–930–01, or 2–141–930–02, or 2–141–930–03, perform repetitive oil system maintenance and inspections in accordance with the intervals and procedures described in AlliedSignal Inc. SB No. ALF502L 79–071, Revision 1, dated November 27, 1996.

(d) For LF507–1F series engines equipped with the No. 4 and 5 duplex bearing assembly numbers 2–141–930–01, or 2–141–930–02, or 2–141–930–03, perform repetitive oil system maintenance and inspections in accordance with the intervals and procedures described in AlliedSignal Inc. SB No. LF507–1F–79–5, Revision 1, dated November 27, 1996.

(e) For LF507–1H series engines equipped with the No. 4 and 5 duplex bearing assembly numbers 2–141–930–01, or 2–141–930–02, or 2–141–930–03, perform repetitive oil system maintenance and inspections in accordance with the intervals and procedures described in AlliedSignal Inc. SB No. LF507–1H–79–5, Revision 1, dated November 27, 1996.

(f) 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, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

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

(h) The actions required by this AD shall be done in accordance with the accomplishment instructions paragraphs of the following documents:

Document No.	Pages	Revision	Date
Avco Lycoming Textron SB No. ALF 502R–72–0160	1–7	2	May 26, 1987.
Total Pages: 7.			
Avco Lycoming Textron SB No. ALF 502R–72–0160	1–7	1	March 23, 1987.
Total Pages: 7.			
Avco Lycoming Textron SB No. ALF 502R–79–0162	1–5	2	September 8, 1987.
Total Pages: 5.			
Avco Lycoming Textron SB No. ALF 502R–79–0162	1–4	1	May 26, 1987.
Total Pages: 4.			
Avco Lycoming Textron SB No. ALF 502R–79–0162	1–6	Original	March 23, 1987.
Total Pages: 6.			
AlliedSignal Inc. SB No. ALF502R 79–9	1	1	November 27, 1996.
	2	Original	June 29, 1995.
	3–7	1	November 27, 1996.
	8	Original	June 29, 1995.
	9–12	1	November 27, 1996.
	13,14	Original	June 29, 1995.
Total Pages: 14.			
AlliedSignal Inc. SB No. LF507–1F. 79–5	1	1	November 27, 1996.
	2	Original	June 29, 1995.
	3–7	1	November 27, 1996.
	8	Original	June 29, 1995.
	9–12	1	November 27, 1996.
	13,14	Original	June 29, 1995.
Total Pages: 14.			
AlliedSignal Inc. SB No. LF507–1H 79–5	1	1	November 27, 1996.
	2	Original	June 29, 1995.
	3–7	1	November 27, 1996.
	8	Original	June 29, 1995.
	9–12	1	November 27, 1996.
	13,14	Original	June 29, 1995.
Total Pages: 14.			
AlliedSignal Inc. SB ALF502L 79–0171	1	1	November 27, 1996.
	2	Original	November 3, 1995.
	3–7	1	November 27, 1996.
	8	Original	November 3, 1995.
	9–12	1	November 27, 1996.
	13,14	Original	November 3, 1995.
Total Pages: 14.			

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 AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on April 16, 1997.

Issued in Burlington, MA, on March 27, 1997.

James C. Jones,

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

[FR Doc. 97–8427 Filed 3–28–97; 3:15 pm]

BILLING CODE 4910–13–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 970318056–7056–01; I.D. 021397B]

RIN 0648–AJ43

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 20

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues this interim final rule to implement measures contained in Framework 20 of the Northeast Multispecies Fishery Management Plan (FMP). This interim final rule implements management measures that include: A daily trip limit for cod for vessels when fishing north of 42°00′ N. lat.; a seasonal increase in the haddock limit from 1,000 lb (453.6 kg) per trip to 1,000 lb (453.6 kg) per day up to a maximum of 10,000 lb (4,536.0 kg) per trip beginning September 1, 1997, and ending when 1,150 mt are harvested; gillnet effort-reduction measures including a limit on the number of nets; and several exempted fishery actions, including exemptions for monkfish, skate, and dogfish in the Gulf of Maine and Southern New England Regulated Mesh Areas. The intent of this rule is to achieve the conservation goals established by Amendment 7 to the FMP while mitigating its economic impacts and to simultaneously incorporate several other Council actions that would otherwise have been submitted as separate frameworks.

DATES: Effective: May 1, 1997. Public comments on the rule are invited through May 1, 1997.

ADDRESSES: Comments on the rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930, Attention: Susan A. Murphy. Copies of Amendment 7 to the FMP (Amendment 7), its regulatory impact review (RIR), and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), and Framework Adjustment 20 documents are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA, 01906–1097.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 508–281–9252.

SUPPLEMENTARY INFORMATION: The regulations implementing Amendment 7 (61 FR 27710, May 31, 1996) became effective on July 1, 1996. The objective of the amendment to the FMP is to rebuild depleted stocks of Georges Bank (GB) and Gulf of Maine (GOM) cod, GB haddock, and GB and Southern New England (SNE) yellowtail flounder by reducing fishing effort through a number of management measures, primarily controls on days-at-sea (DAS) and area closures. To ensure that this goal is achieved, the regulations established a procedure for setting annual target total allowable catches (TACs) for the primary cod, haddock, and yellowtail flounder stocks and an aggregate TAC for the combined stocks of the remaining regulated multispecies, based on the biological reference points of F_{max} for GOM cod and $F_{0.1}$ for the remaining stocks of cod, haddock, and yellowtail flounder. The target TACs provide a measure by which to evaluate the effectiveness of the management program and to make determinations on the need for annual adjustments to this program.

The regulations require the Multispecies Monitoring Committee (MSMC) to review the best available scientific information, adjust target TACs, and recommend management options to achieve the plan objectives. In its report delivered at the December 11–12, 1996, New England Fishery Management Council (Council) meeting, the MSMC concluded that spawning stock biomass (SSB) has increased or is projected to increase for the primary stocks. In addition, the MSMC concluded that, with the exception of GOM cod, fishing mortality rates have been reduced to below their respective overfishing definitions. The MSMC report offered optimistic news concerning increased or increasing SSB levels for the major stocks, and decreasing fishing mortality rates for all but the GOM cod stock, but cautioned that SSB for 1996 GB cod, haddock, and yellowtail flounder stocks remain below the biological thresholds established in the FMP and recommended additional reductions in fishing mortality, particularly for GOM cod.

Based on projected 1997 stock sizes and the FMP's 1997 fishing mortality targets, the target TACs for the 1997 fishing year, recommended by the MSMC and adopted by the Council, are as follows:

Species/area	1997 target TACs (metric tons)	1996 target TACs (metric tons)
Georges Bank cod	3,646	1,851
Georges Bank haddock	1,608	2,801
Georges Bank yellowtail flounder	776	385
Gulf of Maine cod	2,605	2,761
Southern New England yellowtail flounder	824	150
Aggregate for remaining regulated species	25,500	25,500

In addition to setting the target TACs, the MSMC report provided the Council with five management options projected to keep the target TACs from being exceeded. These options were based on DAS reductions and/or year-round area closures.

At its December 1996 and January 7, 1997, meetings, the Council considered the range of events, circumstances and regulations occurring or projected to take effect in 1997, and their collective

impact on fishing mortality rates. Factors analyzed included the Vessel Capacity Reduction Program (both pilot and proposed programs), the proposed and realized marine mammal protection measures, the scheduled GOM Jeffreys Ledge closure in the month of May, and the proposed gillnet effort reduction measures. If the Council's assessment of the cumulative effect of the above factors is realized, and fishing mortality is reduced as projected, the average fishing mortality rate for the five stocks of cod, haddock and yellowtail flounder would be significantly reduced. However, in considering the projected fishing mortality reduction for GOM cod alone, the difference in the projected 1997 rate and the goal for GOM cod remains significant.

The Council reasoned that some non-quantifiable factors not considered by the MSMC should also be considered and factored into the total effort reduction, e.g., the incentives to fish in other fisheries provided by the additional exemptions, the incentive to fish offshore on GB during the seasonal haddock trip limit increase, improved enforcement from the new State/Federal cooperative agreements and improved Coast Guard enforcement strategy, the stock enhancement efforts underway by the State of Maine, as well as the combined effect of the overall program on fishing behavior. Given all of the above actions that have been taken or are scheduled to be taken and that were not considered by the MSMC, the Council set its focus on the remaining problem of addressing GOM cod.

Approved Measures

To address further reductions needed for GOM cod, this rule implements a 1997 fishing year landing limit restriction for vessels fishing north of 42°00′ N. lat., when fishing under a multispecies DAS, whereby vessels are allowed to retain up to 1,000 lb (453.6 kg) of cod per day, or any part of a day, for each of the first 4 days of a trip, and up to 1,500 lb (680.4 kg) of cod per day, or any part of a day, in excess of 4 days as described under § 648.86(c)(1). A part of a day is considered any time within a 24-hour period, and for trips in excess of one day, any time within a 24-hour period following the last complete 24-hour period, from the time the vessel called in to the multispecies DAS program. For example, if a vessel initially called in to the multispecies DAS program at 1 a.m. on Monday and ended its trip by calling out of the program 3 days later on Wednesday at 5 a.m., the vessel may retain and offload 3,000 lb (1,360.8 kg) of cod, because it fished part of 3 different days (i.e., 3 X 1,000 lb).

Vessel operators that exceed the landing limit of cod may retain the excess fish but may not call-out of the multispecies DAS program until total DAS per trip corresponds to the total allowable weight of cod off-loaded per trip. To mitigate discarding and to provide a method of enforcing this provision, vessels that exceed the cod landing limit must report their hailed weight of cod on board under a separate call-in system, upon entering port. Vessels exceeding the landing limit of cod may, but are not required to, offload their catch after reporting their hailed weight of cod. Also, vessels that do not exceed their landing limit of cod but wish to offload their cod catch and not call-out of the multispecies DAS program may do so provided that they report their hailed weight of cod using the separate call-in system upon entering port.

Vessel operators may receive an exemption from this landing limit by fishing south of 42°00′ N. lat. for a minimum of 30 days and by obtaining and keeping a NMFS-issued exemption certificate on board the vessel as described under § 648.86(c)(2). When fishing under this exemption program, vessels are allowed to transit the area north of 42°00′ N. lat., provided their gear is stowed in conformance with the regulations.

To address concern over the high level of discards reported seasonally by some fishers under the current 1,000 lb (453.6 kg) haddock possession limit, this rule implements a measure for the 1997 fishing year, only, that increases the landing limit, beginning September 1, 1997, to 1,000 lb (453.6 kg) per day, to a maximum of 10,000 lb (4,536.0 kg) per trip as described under § 648.86(a). As a means to ensure that landings are kept well below the 1,608 mt target TAC level for GB haddock, this measure would revert to a 1,000 lb (453.6 kg) per trip possession limit when 1,150 mt is projected to be reached. A notification will be published in the **Federal Register** when the 1,000-lb (453.6kg) trip limit is reinstated. Implementing the haddock daily landing limit on September 1 will help alleviate a derby fishery and is based on the period of time when vessels are likely to harvest haddock in excess of 1,000 lb (453.6 kg) per trip. In addition, elimination of the current possession limit during a time when vessels are more likely to catch haddock when fishing for other regulated species provides an incentive for larger vessels to leave inshore fishing grounds, thereby relieving some pressure on inshore stocks, particularly GOM cod.

This action implements a set of additional gillnet restrictions designed to restrict further multispecies gillnet vessels as described under § 648.82(j). Because many gillnet vessels leave their nets in the water when they return to port and call-out of the DAS program, additional effort restrictions for the gillnet sector are necessary to achieve an effort reduction equivalent to the other vessel sectors, i.e., a 50 percent DAS reduction from the baseline year. Thus, this rule requires that limited access vessels fishing with multispecies gillnet gear (with the exception of vessels fishing under the Small Vessel permit category) declare into either a Day or Trip gillnet category designation as described under § 648.82(j). When fishing under a multispecies DAS with gillnet gear, vessels fishing under a Trip gillnet category designation must, under this action, remove all gillnet gear from the water before calling-out of the multispecies DAS program. All other gillnet vessels are required to declare into the Day gillnet category and: (1) When fishing under a multispecies DAS, must not fish more than 80 roundfish gillnets or 160 flatfish gillnets (vessels may fish any combination of roundfish and flatfish gillnets, up to 160 nets); (2) when fishing under a multispecies DAS, must mark all gillnet gear with tags purchased from NMFS (two tags per roundfish gillnet and one tag per flatfish gillnet); and (3) during each fishing year, must declare and take a total of 120 days out of the multispecies gillnet fishery (each period of time declared and taken must be at least 7-consecutive days and at least 21 days of this time must be taken between June 1 and September 30 of each fishing year). When fishing with multispecies gillnet gear under the multispecies DAS program, a vessel will accrue 15 hours DAS for each trip greater than 3 hours but less than or equal to 15 hours (a vessel will accrue actual DAS time at sea for trips less than or equal to 3 hours or greater than 15 hours).

This action modifies and adds several exempted fisheries. Based on public comment and other available information, the Regional Administrator has determined that these modifications and additions to the current exemption programs are consistent with the 5-percent regulated species bycatch limit and will not jeopardize the fishing mortality objectives of the FMP. The first is a dredge fishery for mussels and sea urchins in the current Nantucket Shoals dogfish fishery exemption area and in the SNE Regulated Mesh Area as described under §§ 648.80 (a)(11) and

(b)(8), respectively. Vessels fishing with dredge gear for mussels and sea urchins under this exemption may not fish with dredge gear greater than 8 ft (2.44 m) in width.

Another exemption contained in the framework allows unlimited amounts of skate to be retained in the current SNE monkfish trawl exempted fishery south of 40°10′ N. lat. as described under § 648.80(b)(5).

Also, this rule prohibits the possession of monkfish in the Small Mesh Northern Shrimp Fishery Exemption and modifies the allowable limit of silver hake (whiting) from two totes to an amount equal to the weight of shrimp on board as described under § 648.80(a)(3)(i).

Finally, this action implements on a permanent basis three exemptions that were previously allowed by the Regional Administrator on a temporary basis and that have since expired. First, the rule implements an exempted fishery for vessels fishing for monkfish and dogfish with gillnet gear in a portion of the GOM/GB Regulated Mesh Area as described §§ 648.80(a)(12) and (a)(13), respectively. When fishing for monkfish under this exemption, vessels are subject to a minimum mesh size of 10-inch (25.4-cm) diamond mesh throughout the net, and a fishing season of July 1 through September 14. When fishing for dogfish under this exemption, vessels are subject to a minimum mesh size of 6.5-inch (16.5-cm) diamond mesh throughout the net, and a fishing season of July 1 through August 31.

Second, the rule implements a year-round exempted fishery for vessels fishing for monkfish and skate (skate being added to the previous temporary action) with gillnet gear in a portion of the SNE Regulated Mesh Area as described under § 648.80(b)(6). Vessels fishing for monkfish and skate under this exemption are subject to a minimum mesh size of 10-inch (25.4-cm) diamond mesh throughout the net.

Third, the rule implements an exempted fishery for vessels fishing for dogfish with gillnet gear in a portion of the SNE Regulated Mesh Area as described under § 648.80(b)(7). When fishing for dogfish under this exemption, vessels are subject to a minimum mesh size of 6-inch (15.24-cm) diamond mesh throughout the net, and a fishing season of May 1 through October 31.

To clarify how DAS are actually recorded when a vessel is fishing under a scallop or multispecies DAS, this rule modifies the way that time is accrued by counting DAS to the nearest minute rather than to the nearest hour as described under § 648.53(e).

Disapproved Measure

A measure that would have provided an alternative method for tagging gillnets is disapproved. The alternative would have allowed roundfish gillnet tags to be fastened at different intervals, i.e., at every other bridle as proposed for flatfish gillnets, rather than fastened to each bridle as proposed for all other roundfish gillnets. This measure is disapproved because it would unnecessarily complicate enforcement of the gillnet tagging program.

Abbreviated Rulemaking

NMFS is making these revisions to the regulations under the framework abbreviated rulemaking procedure codified at 50 CFR part 648, subpart F. This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council must provide the public with advance notice of both the proposals and the analysis, and an opportunity to comment on them prior to and at a second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Administrator that the measures be published as a final rule if certain conditions are met. NMFS may publish the measures as a final rule, or as a proposed rule if additional public comment is needed.

The public was provided the opportunity to express opinions at numerous meetings beginning in April 1996. The following list indicates the meetings at which this action, or parts of this action were on the agenda, discussed, and public comment was heard. The Council formally initiated the framework adjustment for parts of this action at its November 1996 meeting, and for the combined action at its December meeting. The final meeting at which public comments were heard was the January 29–30, 1997, meeting.

Date	Meeting	Location
1996		
February 27–28	Council	Danvers, MA.
April 11	Groundfish Oversight (OS).	Peabody, MA.
April 17–18	Council	Danvers, MA.
June 5–6	Council	Danvers, MA.
June 11	Groundfish OS	Portland, ME.
July 9	Groundfish OS	Peabody, MA.
July 17–18	Council	Peabody, MA.
August 13	Groundfish OS	Peabody, MA.
August 21–22	Council	Danvers, MA.
August 27	Groundfish OS	Woods Hole, MA.
September 9	Council	Peabody, MA.
October 2–3	Council	Danvers, MA.
October 28	Groundfish OS	Peabody, MA.
November 6–7	Council	Portland, ME.
November 20	Groundfish OS	Peabody, MA.
December 11–12	Council	Peabody, MA.
December 17	Groundfish OS	Woods Hole, MA.
1997		
January 7	Groundfish OS	Peabody, MA.
January 16	Council	Danvers, MA.
January 29–30	Council	Danvers, MA.

Documents summarizing the Council's proposed action, and the analysis of biological and economic impacts of this and alternative actions were available for public review 5 days prior to the Council's final January 29–30, 1997, meeting, as is required under the framework adjustment process. Also, written comments were accepted up to and during the January 29–30, 1997, meeting.

Comments and Responses

Comment 1: Approximately 75 letters, as well as numerous e-mails and telephone calls, were received from members of conservation organizations urging that measures necessary to achieve the plan objectives in fishing year 1997 be developed and implemented.

Response: It is anticipated that Framework 20 will achieve the plan objectives in fishing year 1997, taking into consideration the combined effect of all regulations, events and circumstances that contribute to fishing mortality. The framework adjustment process allows the Council the ability to continually monitor the progress of the plan and make adjustments as necessary to keep the plan moving in the direction of its stock-rebuilding goals.

Comment 2: Numerous comments from members of the fishing industry were received asserting that additional DAS reductions would be economically disastrous. Commenters indicated that since plan objectives were being met for some stocks, measures should be implemented specific to those stocks still in need of additional protection.

Response: DAS is not being reduced further than what was already scheduled for fishing year 1997. Framework 20 adopts a trip limit for GOM cod to specifically reduce exploitation rates on that stock, which remain near the all-time high. It is anticipated that exploitation rates on the other four critical stocks will be below FMP limits, based on already scheduled DAS reductions and other factors that contribute to reducing fishing effort, such as the haddock trip limit restrictions, and additional gillnet gear restrictions.

Comment 3: A number of inshore, small-boat fishers objected to the Council's consideration of area closures to protect GOM cod. They argued that the closures were unfair, because small boats do not have the option of fishing offshore when their grounds are closed, while larger boats are able to fish elsewhere. They also stated that effort displaced by the closures would concentrate inshore effort, severely damaging inshore fisheries and increasing gear conflicts.

Response: The Council rejected area closure alternatives and instead adopted a trip limit for GOM cod that applies in the same manner to all vessels. The trip limit proposal is also designed to accommodate offshore trips by increasing the allowance on trips of five or more days. The Coast Guard indicated to the Council that it would have difficulty enforcing another large area closure with current enforcement resources.

Comment 4: A number of industry members from Cape Cod, Gloucester, and New Bedford objected to the Council's consideration of an extension of Area I to offset an increase in the haddock landing limit. They argued that the closure would eliminate a flatfish ground important to them, while they would not benefit from the increased haddock, since they do not fish for haddock.

Response: The Council rejected the Area I closure extension, and instead, developed a daily haddock landing limit, off-setting it with a reduction in the target haddock TAC (1,150 mt), at which time the 1,000 lb (453.6 kg) would be reinstated.

Comment 5: Two letters were received from fishers as well as several verbal comments opposing trip limits on the basis that they would result in discards or illegal landings. These commenters also objected to the Council's decision to include trip limits at its January 16th meeting because they felt the public had inadequate notice.

Response: The cod trip limit was designed to allow vessels to land cod in excess of the daily limit, avoiding discards. The measure also counts the landings against the DAS allocation at the trip limit rate, to meet the conservation goals. The haddock trip limit is not expected to create a discard problem because most trips currently do not catch the limit. Further, it will alleviate a discard problem that occasionally exists on offshore trips that encounter a concentration of haddock while fishing for other species. Increasing the haddock landing limit will allow a vessel to land more haddock than under current rules, while not creating an incentive to direct effort on haddock. NMFS recognizes that there may be potential enforcement problems in insuring adherence to the trip limits on cod and haddock. The Council has acknowledged this and is committed to reviewing the efficiency of these measures in the near future to determine whether adjustments should be made.

Regarding adequacy of public notice, the draft framework document containing the description of measures and analysis, including the trip limits was available for public comment one week prior to the final framework meeting on January 29–30, 1997.

Comment 6: An offshore gillnet fisher stated that the Council's trip limit proposals would force offshore boats to fish inshore. He proposed a system that would require a vessel to declare into either an inshore or offshore gillnet category.

Response: To address the need to reduce fishing mortality on GOM cod, this rule implements a trip limit for vessels fishing in the GOM, i.e., north of 42°00′ N. lat. and provides an exemption for vessels fishing for cod south of this line. The Council did not adopt the alternative suggested by the commenter because it was not provided to the Council early enough to be analyzed and discussed in the framework document.

Comment 7: Council members and the public raised concerns about how the per-day limit on cod would be implemented.

Response: These concerns were noted by the Council and NMFS at the last Council meeting, January 29–30, 1997, before submission of Framework 20 to NMFS. Council members, Council staff, and NMFS communicated to ensure that Council intent as expressed at Council meetings was reflected in regulatory measures.

Adherence to Framework Procedure Requirements

The Council considered public comment prior to making its recommendation to the Regional Administrator under the provisions for abbreviated rulemaking in this FMP. The Council requested publication of these management measures as a final rule after considering the required factors stipulated under the framework measures in the FMP, 50 CFR 648.90, and has provided supporting analyses for each factor considered.

At the final Council meeting on this framework action, there were conflicting interpretations of how the cod trip limit would be implemented. For example, the procedure for how the cod trip limit would be administered for vessels that land cod based on "part of a day" fishing and the procedure for dealing with landings of trips that exceed the cod trip limit were not explicitly resolved. Thus NMFS is publishing this action as an interim final rule to provide the public an additional opportunity to comment on this action, particularly how the cod trip limit will be implemented. Comments on this rule are invited and must be received

through May 1, 1997. The Regional Administrator will review all comments received and, if the comments warrant, will take further action when promulgating a final rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B). Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and an opportunity for public comment to be heard and considered; therefore, further notice and opportunity to comment before this rule is effective, is unnecessary. However, as discussed above, NMFS is requesting comments prior to finalizing this rule.

Because a general notice of proposed rulemaking is not required to be published for this rule by 5 U.S.C. 553 or by any other law, this rule is exempt from the requirement to prepare an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act. As such, none has been prepared. The primary intent for this action is to achieve the conservation goals established by Amendment 7 to the FMP, while mitigating its economic impacts; and to incorporate several other Council actions that would otherwise have been submitted as separate frameworks. These actions as well as the seasonal increase in the haddock trip limit for 1997 mitigate some impacts of Amendment 7 by establishing exemptions from certain provisions, while not compromising reduction of effort objectives for regulated species in the Northeast multispecies fishery.

This final rule has been determined to be not significant for purposes of E.O. 12866.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains seven new collections of information requirements. The collection of this information was submitted to OMB for emergency processing, as announced in a notice that was published in the **Federal Register** on March 12, 1997 (62 FR 11415). The collection-of-information requirements have been approved under OMB control number 0648–0202 and the estimated response times are as follows:

1. Declaration into the Trip or Day Gillnet vessel category and request for initial gillnet tags will require written declaration (5 minutes/response).

2. Request for additional tags will require written declaration (2 minutes/response).

3. Notification of lost tags and request for replacement tags will require written response (2 minutes/response).

4. Attachment of tags to gillnet gear will require additional burden (1 minute/response).

5. Declaration of 120 days out of the gillnet fishery in minimum blocks of 7 days will require vessel notification (3 minutes/response).

6. Reporting of cod catch on board or off-loaded for vessels fishing north of 42°00′ N. lat. will require vessel notification (3 minutes/response).

7. Declaration that a vessel will fish south of 42°00′ N. lat. while fishing under a NE multispecies DAS will require vessel notification (2 minutes/per response).

This rule also restates preexisting information requirements that had been approved by OMB under the PRA and that are needed for the implementation of Framework Adjustment 20. These preexisting information requirements were approved under OMB control number 0648–0202. Their estimated response times are as follows:

1. Requirement to provide a vendor installation receipt with a permit application if the applicant opts to use a VTS (2 minutes/response).

2. Call-in requirement for vessels under a DAS upon return to port (2 minutes/response).

3. Call-in requirement for vessels subject to the spawning season restriction (2 minutes/response).

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Public comment is sought regarding: Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; 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, including through the use of automated collection techniques or other forms of information technology. Send comments regarding any of these burden estimates or any other aspect of the collection-of-information to NMFS and OMB (see **ADDRESSES**).

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 26, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR Chapter IX and 50 CFR Chapter VI are amended as follows:

15 CFR CHAPTER IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT; OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b), the table is amended by adding in the left column under 50 CFR, the entry "648.86", and in the right column, in the corresponding position, the control number "–0202".

50 CFR, CHAPTER VI

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

3. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 648.2, the definition for "Day(s)-at-Sea (DAS)" is revised, and the definitions for "Flatfish gillnets" and "Roundfish gillnets" are added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

* * * * *

Day(s)-at-Sea (DAS), with respect to the NE multispecies and scallop fisheries, except as described in § 648.82(j)(1)(iv), means the 24-hour periods of time during which a fishing vessel is absent from port in which the vessel intends to fish for, possess or land, or fishes for, possesses, or lands regulated species or scallops.

* * * * *

Flatfish gillnets means gillnets that are either constructed with no floats on the float line, or that are constructed with floats on the float line and that have tie-down twine between the float line and the lead line not more than 48

inches (18.90 cm) in length and spaced not more than 15 feet (4.57 m) apart.

* * * * *

Roundfish gillnets means gillnets that are constructed with floats on the float line and that have no tie-down twine between the float line and the lead line.

* * * * *

5. In § 648.4, paragraph (c)(2)(iii) is revised to read as follows:

§ 648.4 Vessel permits.

* * * * *

(c) * * *

(2) * * *

(iii) An application for a limited access multispecies permit must also contain the following information:

(A) If applying for a limited access multispecies Combination Vessel permit or Individual DAS category permit, or if opting to use a VTS, a copy of the vendor installation receipt from a NMFS-approved VTS vendor as described in § 648.9.

(B) For vessels fishing for NE multispecies with gillnet gear, with the exception of vessels under the Small Vessel permit category, an annual declaration as either a Day or Trip gillnet vessel designation as described in § 648.80(j). Vessel owners electing a Day gillnet designation must indicate the number of gillnet tags that they are requesting and must include a check for the cost of the tags. A permit holder letter will be sent to all eligible gillnet vessels informing them of the costs associated with this tagging requirement and directions for obtaining tags. Once a vessel owner has elected this designation, he/she may not change the designation or fish under the other gillnet category for the remainder of the fishing year. Incomplete applications, as described in paragraph (e) of this section, will be considered incomplete for the purpose of obtaining authorization to fish in the NE multispecies gillnet fishery and will be processed without a gillnet authorization.

* * * * *

6. In § 648.10, paragraphs (c)(3) and (f) are revised to read as follows:

§ 648.10 DAS Notification Requirements.

* * * * *

(c) * * *

(3) At the end of a vessel's trip, upon its return to port, the vessel owner or owner's representative must call the Regional Administrator and notify him/her that the trip has ended by providing the following information: Owner and caller name and phone number, vessel name, port of landing and permit number, and that the vessel has ended a trip. A DAS ends when the call has been received and confirmation has been given by the Regional Administrator.

* * * * *

(f) *Additional NE multispecies call-in requirements.*—(1) *Spawning season call-in.* With the exception of vessels issued a valid Small Vessel category permit, vessels subject to the spawning season restriction described in § 648.82 must notify the Regional Administrator of the commencement date of their 20-day period out of the NE multispecies fishery through either the VTS system or by calling and providing the following information: Vessel name and permit number, owner and caller name and phone number and the commencement date of the 20-day period.

(2) *Gillnet call-in.* Vessels subject to the gillnet restriction described in § 648.82(j)(1)(iii) must notify the Regional Administrator of the commencement date of their time out of the NE multispecies gillnet fishery using the procedure described in paragraph (f)(1) of this section.

7. In § 648.14, paragraphs (a)(43), (b), (c)(1), and (c)(7) are revised, and paragraphs (c) (11) through (19) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(43) Violate any of the provisions of § 648.80(a)(4), the Cultivator Shoals whiting fishery exemption area; (a)(5), the Stellwagen Bank/Jefferys Ledge (SB/JL) juvenile protection area; (a)(8), Small Mesh Area 1/Small Mesh Area 2; (a)(9), the Nantucket Shoals dogfish fishery exemption area; (a)(11), the Nantucket Shoals mussel and sea urchin dredge exemption area; (a)(12), the GOM/GB monkfish gillnet exemption area; (a)(13), the GOM/GB dogfish gillnet exemption area; (b)(3) exemptions (small mesh); (b)(5), the SNE monkfish and skate trawl exemption area; (b)(6), the SNE monkfish and skate gillnet exemption area; (b)(7), the SNE dogfish gillnet exemption area; or (b)(8), the SNE mussel and sea urchin dredge exemption. A violation of any of these paragraphs is a separate violation.

* * * * *

(b) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel holding a multispecies permit, issued an operator's permit, or issued a letter under § 648.4(a)(1)(i)(H)(3), to land, or possess on board a vessel, more than the possession or landing limits specified in § 648.86(a) and (c), or to violate any of the other provisions of § 648.86.

(c) * * *

(1) Fish for, possess at any time during a trip, or land per trip more than the possession limit of regulated species specified in § 648.86(d) after using up the vessel's annual DAS allocation or when not participating in the DAS program pursuant to § 648.82, unless otherwise exempted under § 648.82(b)(3) or § 648.89.

* * * * *

(7) Possess or land per trip more than the possession or landing limits specified under § 648.86 (a) or (c), and § 648.82(b)(3), if the vessel has been issued a limited access multispecies permit.

* * * * *

(11) If the vessel has been issued a limited access multispecies permit and fishes under a multispecies DAS, fail to comply with gillnet requirements and restrictions specified in § 648.82(j).

(12) If the vessel has been issued a Day gillnet category designation, fail to comply with the restrictions and requirements specified in § 648.82(j)(1).

(13) If the vessel has been issued a Day gillnet category designation, fail to remove gillnet gear from the water as described in § 648.82(g) and § 648.82(j)(1)(iv).

(14) Fail to produce or, cause to be produced, gillnet tags when requested by an authorized officer.

(15) Produce, or cause to be produced, gillnet tags required under § 648.82(j)(1) without the written confirmation from the Regional Administrator described in § 648.82(j)(1)(ii).

(16) Tag a gillnet or use a gillnet tag that has been reported lost, missing, destroyed, or issued to another vessel.

(17) Sell, transfer, or give away gillnet tags that have been reported lost, missing, destroyed, or issued to another vessel.

(18) If the vessel has been issued a Trip gillnet category designation, fail to comply with the restrictions and requirements specified in § 648.82(j)(2).

(19) Fail to comply with the exemption specifications as described in § 648.86(c)(2).

* * * * *

8. In § 648.53, paragraph (e) is revised to read as follows:

§ 648.53 DAS allocations.

* * * * *

(e) *Accrual of DAS.* DAS shall accrue to the nearest minute.

* * * * *

9. In § 648.80, paragraphs (a)(2)(iii), (a)(3)(i), (b)(2)(iii), and (b)(5) are revised, and paragraphs (a)(11), (a)(12), (a)(13) and (b)(6) through (b)(8) are added to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(2) * * *

(iii) *Other restrictions and exemptions.* Vessels are prohibited from fishing in the GOM/GB Regulated Mesh Area except if fishing with exempted gear (as defined under this part) or under the exemptions specified in paragraphs (a)(3), (a)(4), (a)(6), (a)(8) through (a)(13), (d), (e), (h), and (i) of this section, if fishing under a NE multispecies DAS, if fishing under the scallop state waters exemptions specified in § 648.54 and (a)(10) of this section, or if fishing pursuant to a NE multispecies open access Charter/Party or Handgear permit. Any gear on a vessel, or used by a vessel, in this area must be authorized under one of these exemptions or must be stowed as specified in § 648.81(e).

(3) * * *

(i) *Restrictions on fishing for, possessing, or landing fish other than shrimp.* A vessel fishing in the northern shrimp fishery described in this section under this exemption may not fish for, possess on board, or land any species of fish other than shrimp, except for the following, with the restrictions noted, as allowable bycatch species: Longhorn sculpin; silver hake—up to an amount equal to the total weight of shrimp landed; and American lobster—up to 10 percent, by weight, of all other species on board, or 200 lobsters (whichever is less).

* * * * *

(11) *Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area.* A vessel may fish with a dredge in the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area, provided that any dredge on board the vessel does not exceed 8 feet (2.44 m) in width, and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins. The area coordinates of the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area are the same coordinates as those of the Nantucket Shoals Dogfish Fishery Exemption Area specified under paragraph (a)(9) of this section.

(12) *GOM/GB Monkfish Gillnet Exemption.* A vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(12)(i) of this section. The GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area is defined by straight lines connecting the following points in the order stated:

N. Lat.	*W. Long.*
41°35′	70°00′
42°49.5′	70°00′
42°49.5′	69°40′
43°12′	69°00′
(1)	69°00′

(1) due north to Maine shoreline.

(i) *Requirements.* (A) A vessel fishing under this exemption may not fish for, possess on board, or land any species of fish other than monkfish, or lobsters in an amount not to exceed 10 percent by weight of the total catch on board, or 200 lobsters (whichever is less).

(B) All gillnets must have a minimum mesh size of 10 inches (25.4 cm) diamond mesh throughout the net.

(C) Fishing is confined to July 1 through September 14.

(13) *GOM/GB Dogfish Gillnet Exemption.* A vessel may fish with gillnets in the GOM/GB Dogfish and monkfish gillnet fishery exemption area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(13)(i) of this section. The area coordinates of the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area are specified in paragraph (a)(11) of this section.

(i) *Requirements.* (A) A vessel fishing under this exemption may not fish for, possess on board, or land any species of fish other than dogfish, or lobsters in an amount not to exceed 10 percent by weight of the total catch on board, or 200 lobsters (whichever is less).

(B) All gillnets must have a minimum mesh size of 6.5 inches (16.5 cm) diamond mesh throughout the net.

(C) Fishing is confined to July 1 through August 31.

(b) * * *

(2) * * *

(iii) *Other restrictions and exemptions.* Vessels are prohibited from fishing in the SNE Regulated Mesh Area except if fishing with exempted gear (as defined under this part) or under the exemptions specified in paragraphs (b)(3), (b)(5) through (8), (c), (e), (h), and (i) of this section, if fishing under a NE multispecies DAS, if fishing under the scallop state waters exemption specified in § 648.54, or if fishing pursuant to a NE multispecies open access Charter/Party or Handgear permit. Any gear on a vessel, or used by a vessel, in this area must be authorized under one of these exemptions or must be stowed as specified in § 648.81(e).

* * * * *

(5) *SNE Monkfish and Skate Trawl Exemption Area.* A vessel may fish with trawl gear in the SNE Monkfish and Skate Trawl Fishery Exemption Area when not operating under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (b)(5)(i) of this section. The SNE Monkfish and Skate Trawl Fishery Exemption Area is defined as the area bounded on the north by a line extending eastward along 40°10′ N. lat., and bounded on the west by the eastern boundary of the Mid-Atlantic Regulated Mesh Area.

(i) *Requirements.* (A) A vessel fishing under this exemption may only fish for, possess on board, or land monkfish, skates, and the bycatch species and amounts specified in paragraph (b)(3) of this section.

(B) All trawl nets must have a minimum mesh size of 8-inches (20.3-cm) square or diamond mesh throughout the codend for at least 45 continuous meshes forward of the terminus of the net.

(6) *SNE Monkfish and Skate Gillnet Exemption Area.* A vessel may fish with gillnet gear in the SNE Monkfish and Skate Gillnet Fishery Exemption Area when not operating under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (b)(6)(i) of this section. The SNE Monkfish and Skate Gillnet Fishery Exemption Area is defined by a line running from the Massachusetts shoreline at 41°35′ N. lat. and 70°00′ W. long. south to its intersection with the outer boundary of the EEZ, southwesterly along the outer boundary of the EEZ, and bounded on the west by the eastern boundary of the Mid-Atlantic Regulated Mesh Area.

(i) *Requirements.* (A) A vessel fishing under this exemption may only fish for, possess on board, or land monkfish, skates, and the bycatch species and amounts specified in paragraph (b)(3) of this section.

(B) All gillnets must have a minimum mesh size of 10 inch (25.4 cm) diamond mesh throughout the net.

(C) All nets with a mesh size smaller than the minimum mesh size specified in paragraph (b)(6)(i)(B) of this section must be stowed as specified in § 648.81(e)(4).

(7) *SNE Dogfish Gillnet Exemption Area.* A gillnet vessel may fish in the SNE Dogfish Gillnet Fishery Exemption Area when not operating under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (b)(7)(i) of this section. The SNE Dogfish Gillnet Fishery Exemption Area is defined by a line running from the Massachusetts shoreline at 41°35′ N. lat. and 70°00′ W. long. south to its intersection with the outer boundary of

the EEZ, southwesterly along the outer boundary of the EEZ, and bounded on the west by the eastern boundary of the Mid-Atlantic Regulated Mesh Area.

(i) *Requirements.* (A) A vessel fishing under this exemption may only fish for, possess on board, or land dogfish and the bycatch species and amounts specified in paragraph (b)(3) of this section.

(B) All gillnets must have a minimum mesh size of 6-inches (15.24-cm) diamond mesh throughout the net.

(C) Fishing is confined to May 1 through October 31.

(8) *SNE Mussel and Sea Urchin Dredge Exemption.* A vessel may fish with a dredge in the SNE Regulated Mesh Area, provided that any dredge on board the vessel does not exceed 8 feet (2.44 m) in width, and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins.

* * * * *

10. In § 648.81, in paragraph (e) the introductory text is removed as follows:

§ 648.81 Closed Areas.

* * * * *

(e) *Gear stowage requirements.*

* * * * *

11. In § 648.82, paragraph (g) is revised and paragraph (j) is added to read as follows:

§ 648.82 Effort-control program for limited access vessels.

* * * * *

(g) *Spawning season restrictions.* A vessel issued a valid Small Vessel permit under paragraph (b)(3) of this section may not fish for, possess, or land regulated species from March 1 through March 20 of each year. Any other vessel issued a limited access multispecies permit must declare out and be out of the regulated NE multispecies fishery for a 20-day period between March 1 and May 31 of each calendar year using the notification requirements specified in § 648.10. A vessel fishing under a Day gillnet category designation is prohibited from fishing with non-exempted gillnet gear during its declared 20-day spawning block, unless the vessel is fishing in an exempted fishery as described in § 648.80. If a vessel owner has not declared and been out for a 20-day period between March 1 and May 31 of each calendar year on or before May 12 of each year, the vessel is prohibited from fishing for, possessing or landing any regulated species during the period May 12 through May 31, inclusive. If a vessel has taken a spawning season 20-day block out of the NE multispecies fishery during May 1996, it is not required to take a 20-day block out of the NE multispecies fishery in 1997. Beginning January 1, 1998, any such vessel must comply with the spawning season restriction specified in this part.

* * * * *

(j) *Gillnet restrictions.* Vessels issued a limited access NE multispecies permit fishing under a multispecies DAS with gillnet gear must obtain an annual designation as either a Day gillnet or Trip gillnet vessel as described in § 648.4(c)(2)(iii)(B).

(1) *Day gillnet vessels.* A Day gillnet vessel fishing with gillnet gear under a multispecies DAS is not required to remove gillnet gear from the water upon returning to the dock and calling-out of the DAS program, provided:

(i) *Number and size of nets.* Vessels may not fish with, haul, possess, or deploy more than 80 roundfish gillnets or 160 flatfish gillnets. Vessels may fish any combination of roundfish and flatfish gillnets, up to 160 nets, provided that the number of roundfish and flatfish gillnets does not exceed the limitations specified in this subparagraph, and the nets are tagged in accordance with paragraph (j)(1)(ii) of this section. Nets may not be longer than 300 ft (91.44 m), or 50 fathoms, in length.

(ii) *Tagging requirements.* Beginning June 1, 1997, all roundfish gillnets fished, hauled, possessed, or deployed must have two tags per net, with one tag secured to each bridle of every net within a string of nets and all flatfish gillnets fished, hauled, possessed, or deployed must have one tag per net, with one tag secured to every other bridle of every net within a string of nets. Tags must be obtained as described in § 648.4(c)(2)(iii) and vessels must have on board written confirmation issued by the Regional Administrator, indicating that the vessel is a Day gillnet vessel. The vessel operator must produce all net tags upon request by an authorized officer.

(iii) All gillnet gear is brought to port prior to the vessel fishing in an exempted fishery.

(iv) *Declaration of time out of the gillnet fishery.* (A) During each fishing year, vessels must declare, and take, a total of 120 days out of the multispecies gillnet fishery. Each period of time declared and taken must be a minimum of 7 consecutive days. At least 21 days of this time must be taken between June 1 and September 30 of each fishing year. The spawning season time out period required by § 648.82(g) will be credited toward the 120 days time out of the multispecies gillnet fishery. If a vessel owner has not declared and taken, any or all of the remaining periods of time required by the last possible date to meet these requirements, the vessel is prohibited from fishing for, possessing, or landing regulated multispecies harvested with gillnet gear, or from having gillnet gear on board the vessel that is not stowed in accordance with § 648.81(e)(4), while fishing under a multispecies DAS, from that date through the end of the period between June 1 and September 30, or through the end of the fishing year, as applicable.

(A) Vessels shall declare their periods of required time following the notification procedures specified in § 648.10(f)(2).

(B) During each period of time declared, a vessel is prohibited from fishing with non-exempted gillnet gear. However, the vessel may fish in an exempted fishery as described in § 648.80, or it may fish under a multispecies DAS provided it fishes with gear other than non-exempted gillnet gear.

(v) *Method of counting DAS.* Day gillnet vessels fishing with gillnet gear under a multispecies DAS will accrue 15 hours DAS for each trip greater than 3 hours but less than or equal to 15 hours. Such vessels will accrue actual DAS time at sea for trips less than or equal to 3 hours or greater than 15 hours.

(vi) *Lost tags.* Vessel owners or operators are required to report lost, destroyed, and missing tag numbers as soon as feasible after tags have been discovered lost, destroyed or missing, by letter or fax to the Regional Administrator.

(vii) *Replacement tags.* Vessel owners or operators seeking replacement of lost, destroyed, or missing tags must request replacement of tags by letter or fax to the Regional Administrator. A check for the cost of the replacement tags must be received before tags will be re-issued.

(2) *Trip gillnet vessels.* When fishing under a multispecies DAS, a Trip gillnet vessel is required to remove all gillnet gear from the water before calling-out of a multispecies DAS under § 648.10(c)(3). When not fishing under a multispecies DAS, Trip gillnet vessels may fish in an exempted fishery with gillnet gear as authorized under the exemptions described in § 648.80. Vessels electing to fish under the Trip gillnet designation must have on board written confirmation issued by the Regional Administrator, that the vessel is a Trip gillnet vessel.

12. In § 648.86, paragraphs (a)(1) and (c) are revised and paragraph (d) is added to read as follows:

§ 648.86 Possession and landing restrictions.

(a) *Haddock*—(1) *NE multispecies DAS vessels.* (i) Except as provided in paragraph (a)(1)(ii) of this section, a vessel that is fishing under a NE multispecies DAS may land or possess on board up to 1,000 lb (453.6 kg) of haddock provided it has at least one standard tote on board. Haddock on board a vessel subject to this possession limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) Beginning September 1, 1997, and for the 1997 fishing year only, a vessel may land up to 1,000 lb (453.6 kg) of haddock per day, or any part of a day, up to 10,000 lb (4,536.0 kg) per trip. Once the Regional Administrator projects that 1,150 mt will be harvested, NMFS will publish a notice in the **Federal Register** that on a specific date the possession limit will revert to 1,000 lb (453.6 kg) per trip. At such time that the 1,000 lb (453.6 kg) per trip possession limit is reinstated, vessels will be subject to the restrictions specified in paragraph (a)(1)(i) of this section. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

* * * * *

(c) *Cod.* The following landing restrictions apply May 1, 1997, through April 30, 1998:

(1) *Landing limit north of 42°00′ North Latitude.* (i) Except as provided in paragraph (c)(2) of this section, a vessel fishing under a NE multispecies DAS may land up to 1,000 lb (453.6 kg) of cod per day, or any part of a day, for each of the first 4 days of a trip, and may land up to 1,500 lb (680.4 kg) of cod per day for each day, or any part of a day, in excess of 4 consecutive days. A day, for the purposes of this paragraph, means a 24 hour period. Vessels calling-out of the multispecies DAS program under § 648.10(c)(3) that have utilized "part of a day" (less than 24 hours) may land up to an additional 1,000 lb (453.6 kg) of cod for that "part of a day", however, such vessels may not end any subsequent trip with cod on board within the 24-hour period following the beginning of the "part of the day" utilized (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on a Monday and ends its trip the next day (Tuesday) at 4 p.m. (accruing a total of 25 hours) may legally land up to 2,000 lb (907.2 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day (Wednesday)). Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) A vessel subject to the cod landing limit restrictions described in paragraph (c)(1)(i) of this section may come into port with, and offload cod in excess of the landing limit as determined by the number of DAS elapsed since the vessel called into the DAS program, provided that:

(A) The vessel operator does not call-out of the DAS program as described under § 648.10(c)(3) until sufficient time has elapsed to account for and justify the amount of cod harvested at the time of offloading regardless if whether all of the cod on board is offloaded (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on Monday may fish and come back into port at 4 p.m. on Wednesday of that same week with 4,000 lb (1,814.4 kg) of cod, and offload some or all of its catch, but cannot call out of the DAS program until 3:01 p.m. the next day, Thursday (i.e., 3 days plus one minute)); and

(B) Upon entering port, and before offloading, the vessel operator notifies the Regional Administrator by calling 508–281–9278 and provides the following information: Vessel name and permit number, owner and caller name, phone number, and the hail weight of cod on board and the amount of cod to be offloaded, if any. A vessel that has not exceeded the landing limit and is offloading and ending its trip by calling out of the multispecies DAS program does not have to report under this call-in system.

(iii) A vessel that has not exceeded the cod landing limit restrictions described in paragraph (c)(1)(i) and is offloading some or all of its catch but not calling out of the multispecies DAS program under § 648.10(c)(3), is subject to the call-in requirement described in paragraph (c)(1)(ii)(B) of this section.

(2) *Exemption.* A vessel fishing under a NE multispecies DAS is exempt from the landing limit described in paragraph (c)(1) when fishing south of 42°00′ N. lat., provided that it does not fish north of this exemption area for a minimum of 30 consecutive days (when fishing under the multispecies DAS program), and has on board an authorization letter issued by the Regional Administrator. Vessels exempt from the landing limit requirement may transit the GOM/GB Regulated Mesh Area north of the 42°00′ N. lat., provided that their gear is stowed in accordance with one of the provisions of § 648.81(e).

(d) *Other possession restrictions.* Vessels are subject to any other applicable possession limit restrictions of this part.

[FR Doc. 97–8235 Filed 3–28–97; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

Listing of Color Additives Subject to Certification

CFR Correction

In title 21 of the Code of Federal Regulations, parts 1 to 99, revised as of April 1, 1996, on page 369, in § 74.2101 a portion of the text for paragraph (a) was inadvertently removed. Paragraph (a) should read as follows:

§ 74.2101 FD&C Blue No. 1.

(a) *Identity.* The color additive FD&C Blue No. 1 is principally the disodium salt of ethyl[4-[*p*-[ethyl(*m*-sulfobenzyl)amino]-α-(*o*-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene](*m*-sulfobenzyl)ammonium hydroxide inner salt with smaller amounts of the isomeric disodium salts of ethyl[4-[*p*-[ethyl(*p*-sulfobenzyl)amino]-α-(*o*-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene](*p*-sulfobenzyl)ammonium hydroxide inner salt and ethyl[4-[*p*-[ethyl(*o*-sulfobenzyl)amino]-α-(*o*-sulfophenyl)benzylidene]-2,5-cyclohexadien-1-ylidene](*o*-sulfobenzyl)ammonium hydroxide inner salt. Additionally, FD&C Blue No. 1 is manufactured by the acid catalyzed condensation of one mole of sodium 2-formylbenzenesulfonate with two moles from a mixture consisting principally of 3-[(ethylphenylamino)methyl] benzenesulfonic acid, and smaller amounts of 4-[(ethylphenylamino)methyl] benzenesulfonic acid and 2-[(ethylphenylamino)methyl] benzenesulfonic acid to form the leuco base. The leuco base is then oxidized with lead dioxide and acid, or with dichromate and acid, or with manganese dioxide and acid to form the dye. The intermediate sodium 2-formylbenzenesulfonate is prepared from 2-chlorobenzaldehyde and sodium sulfite.

[FR Doc. 97–55503 Filed 3-31-97; 8:45 am]

BILLING CODE 1505-01-D

21 CFR Part 101

[Docket Nos. 96P–0500 and 91N–384H]

RIN 0910–AA19

Food Labeling: Nutrient Content Claims, Definition of Term: Healthy

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; partial stay.

SUMMARY: The Food and Drug Administration (FDA) is announcing a partial stay of certain provisions of the nutrient content claim regulations pertaining to the use of the term "healthy." This action is in response to a citizen's petition from ConAgra, Inc. (the petitioner), to amend the definition of this term.

DATES: Effective April 1, 1997 21 CFR 101.65(d)(2)(ii)(C) and (d)(4)(ii)(B) are stayed until January 1, 2000. Written comments by May 1, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joyce J. Saltsman, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5483.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 10, 1994 (59 FR 24232 at 24249), FDA published a final rule to establish a definition of the term "healthy" under section 403(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)). Under § 101.65(d)(2)(ii) (21 CFR 101.65(d)(2)(ii)), for a food to qualify to use the term "healthy," or a derivative of that term, on its label or in its labeling, the food must contain no more than 480 milligrams (mg) of sodium per reference amount customarily consumed (RACC) before January 1, 1998 (§ 101.65(d)(2)(ii)(A) and (d)(2)(ii)(B)), and no more than 360 mg of sodium per RACC after January 1, 1998 (§ 101.65(d)(2)(ii)(C)). Under § 101.65(d)(4)(ii), main dish and meal products, to qualify to bear this term, must contain no more than 600 mg of sodium per RACC before January 1, 1998 (§ 101.65(d)(4)(ii)(A)), and no more than 480 mg of sodium per RACC after January 1, 1998 (§ 101.65(d)(4)(ii)(B)).

On December 13, 1996, FDA received from the petitioner, ConAgra, Inc., 888 17th Street, suite 300, NW., Washington, DC 20006, a petition requesting that § 101.65(d) be amended to "eliminate the sliding scale sodium requirement for foods labeled 'healthy' by eliminating the entire second tier levels of 360 mg sodium for individual foods and 480 mg sodium for meals and main dishes." Alternatively, the petitioner requested that the effective date of January 1, 1998, in § 101.65(d)(2) through (d)(4), be delayed until such time as food technology "catches up" with FDA's goals to reduce the sodium content of foods, and there is a better understanding of the relationship between sodium and hypertension.

The petitioner cited as grounds for its requests: (1) A lack of scientific basis supporting the Daily Reference Value for sodium and the allowable levels of sodium in § 101.65(d); (2) a lack of consumer acceptance of products containing low sodium levels; (3) a lack of acceptable sodium substitutes and the difficulties in manufacturing whole lines of food products at low sodium levels; and (4) FDA's failure to provide notice and comment on the "second tier" sodium levels in the healthy definition, to follow directives of the Nutrition Labeling and Education Act of 1990 (the 1990 amendments), and to consider all the science, stating that recent studies indicate a concern if too little sodium is consumed (Docket 96P–0500, CP1, p. 3). While FDA finds little merit in the first and last of these grounds, the middle two raise questions that merit further consideration.

Relative to the efforts of industry to lower the sodium level in foods, the petitioner stated that the technology does not yet exist to manufacture certain low fat products at the "healthy" definition levels of sodium that will be required in 1998 and still provide foods that will be acceptable to consumers. The petitioner submitted the results of a consumer survey that examined consumer acceptance of several products with different sodium levels. While the survey found reductions in consumer acceptance at levels of 480 mg sodium compared to higher sodium levels, much greater, i.e., statistically significant, drops occurred at levels of 360 mg sodium per serving. As stated by the petitioner:

> If the sodium is so low in a product as to render the product tasteless or even bad tasting, consumers will not eat the product or will reach for the table salt. This is counter-productive to the intent of the 1990 amendments and will not result in the goal Congress envisioned; i.e., to improve the eating habits of the American public, but instead could result in even more salt intake—not less.

Docket 96P–0500, CP1, p. 28

The petitioner also delineated several technological concerns with lowering sodium levels in foods related to the functional role of salt, such as impacts on the microbial stability of perishable products, changes in product texture and in water binding capacities, and effects on flavor characteristics of other ingredients and on total electrolyte levels that play a critical role in product safety.

Important issues have been raised in this petition regarding the technological feasibility of further reductions in the sodium levels in certain foods that currently meet FDA's definition of "healthy" and regarding the palatability of such foods after the sodium has been reduced. The agency recognizes that the food industry has made a significant effort over the past few years to lower both the fat and sodium levels in food products while maintaining taste and texture attributes that are acceptable to consumers. The agency continues to believe, however, that the scientific evidence indicates further reductions in fat and sodium intakes will result in meaningful public health gains.

FDA has defined the term "healthy" to serve as a means to help consumers identify food products that will help them meet dietary guidelines for a healthy diet. Consumers appreciate the significance of this term, and thus many make purchasing decisions based on its presence on a food label. Because of this fact, manufacturers have an incentive to produce foods that qualify to bear this term. If the petitioner is correct that the technology does not yet exist that will permit manufactures to produce certain types of low fat foods that will contain the lower levels of sodium required by January 1, 1998, and still be acceptable to consumers, then the possibility exists that "healthy" will disappear from the market for such foods. If this situation comes to pass, FDA will have squandered a significant opportunity. Therefore, the agency finds that, before the new sodium levels for "healthy" go into effect, it needs to explore whether it has created an unattainable standard for many types of foods.

Under the provisions of § 10.35(a) and (d)(1), the Commissioner of Food and Drugs (the Commissioner) may at any time stay or extend the effective date of a pending action if the Commissioner determines that it is in the public interest to do so. As discussed previously in this document, the petition has raised significant issues that have public health implications. FDA also recognizes, as mentioned in the petition, that manufacturers must begin very soon to revise the formulations and the labeling, if they have not already done so, for those products that do not currently comply with the requirements that must be met after January 1, 1998, for a product to bear the claim "healthy." Time is

needed for the agency to complete its review of the issues raised by the petition. Additionally, FDA believes that it should seek comment on these issues from other interested persons. Given these factors, the agency is persuaded that it is in the public interest to stay the provisions for the lower standards for sodium in the definition of "healthy" in § 101.65 while the agency endeavors to resolve the issues raised by the petition.

Therefore, the agency is staying the provisions for further reducing the sodium level in foods labeled as "healthy" until January 1, 2000, to allow time for FDA to reevaluate the standard, including the data contained in the petition and any additional data that the agency may receive, to conduct any necessary notice-and-comment rulemaking, and for industry to respond to the rule or to any change in the rule that may result from the agency's reevaluation.

To assist the agency in its reevaluation, FDA intends to issue an advance notice of proposed rulemaking (ANPR) in the near future to ask for comments on the petition as well as for additional data regarding the technological feasibility of reducing the sodium content of individual foods to 360 mg per RACC and of meals and main dishes to 480 mg sodium per RACC. The agency will also be seeking comments on other approaches to reduce the amount of sodium in foods labeled "healthy." It is important that consumers seeking to eat a health-promoting diet have food choices that enable them to further reduce the amount of sodium in their diet. Interested persons need not wait for the publication of the ANPR but should feel free to review the petition and to submit to the agency any information or views they have on consumer acceptance of foods with low sodium levels and on the lack of acceptable sodium substitutes and the difficulties in manufacturing lines of food products with low sodium levels.

Accordingly, FDA is announcing a stay of the provisions in § 101.65(d)(2)(ii)(C) and (d)(4)(ii)(B) until January 1, 2000. Interested persons may also submit comments regarding the appropriateness of the basis of this stay. In doing so, however, FDA encourages manufacturers who can meet the lower sodium levels for particular foods and still produce an acceptable product to do so even as the agency reevaluates the issues discussed previously in this document.

Interested persons may, on or before May 1, 1997 submit to the Dockets Management Branch (address above) written comments regarding this document. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This document is issued under sections 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

For the reasons set forth in the preamble, 21 CFR 101.65(d)(2)(ii)(C) and (d)(4)(ii)(B) are stayed until January 1, 2000.

Dated: March 26, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–8127 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 556 and 558

Animal Drugs, Feeds, and Related Products; Tilmicosin Phosphate Type A Medicated Article; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of December 27, 1996 (61 FR 68147). The document amended the animal drug regulations to reflect approval of Elanco Animal Health's new animal drug application (NADA) 141–064 for use of a Type A medicated article containing tilmicosin phosphate in manufacturing a Type B or Type C medicated feed indicated for the control of swine respiratory disease associated with certain bacterial organisms. The document was published with some errors. This document corrects those errors.

EFFECTIVE DATE: December 27, 1996.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1644.

In FR Doc. 96–32881, appearing on p. 68147, in the **Federal Register** of Friday, December 27, 1996, the following corrections are made:

§ 556.735 [Corrected]

1. On page 68148, in the second column, in line 2, "7.2" is corrected to read "7.5".

§ 558.618 [Corrected]

2. On page 68148, in the second column, in paragraph (d)(1), "181.8" and "363.6" are corrected to read "181" and "363", respectively.

Dated: February 7, 1997.

Robert C. Livingston,

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

[FR Doc. 97–8116 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300, 1309 and 1310

[DEA No. 132C]

RIN 1117–AA33

Consolidation, Elimination, and Clarification of Various Regulations; Correction

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (DEA 132) which were published on Monday, March 24, 1997 (62 FR 13938). The regulations related to the consolidation, elimination, and clarification of DEA's regulations as part of the President's National Performance Review, Regulatory Reinvention Initiative.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: The final regulations that are the subject of these corrections revise Title 21, Code of Federal Regulations (CFR), Chapter II in accordance with the President's Regulatory Reinvention Initiative. As published, the final regulations contain errors that could cause confusion in the regulated industry. Specifically, the final regulations did not take into account the amendment of certain definitions and the amendment of 21 CFR 1310.09 that were included in an Interim Rule published by DEA on February 10, 1997 (62 FR 5914), which

became effective upon publication in the **Federal Register**.

Accordingly, the publication on March 24, 1997, of the final regulations to consolidate, eliminate, and clarify various regulations, which were the subject of Federal Register Document 95–7036, is corrected as follows:

PART 1300—[CORRECTED]

§ 1300.02 [Amended]

1. On page 13945, in the first column, in § 1300.02 remove paragraphs (b)(28)(i)(D)(*1*) through (D) (*2*)(*ii*) and add the following text:

* * * * *

(b) * * *

(28) * * *

(i) * * *

(D) * * *

(*1*)(*i*) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers; or

(*ii*) The Administrator has determined pursuant to the criteria in 1310.10 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

(*2*) The quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical.

* * * * *

2. On page 13945, in the second column, in § 1300.02(b)(29), remove the introductory text and add the following text:

* * * * *

(b) * * *

(29) The term *retail distributor* means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to drug products containing pseudoephedrine, phenylpropanolamine, or ephedrine are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales. For the purposes of this paragraph, sale for personal use means the distribution of below-threshold quantities in a single transaction to an individual for legitimate medical use. Also for the purposes of this paragraph, a grocery store is an entity within Standard Industrial Classification (SIC) code 5411, a general merchandise store is an entity within SIC codes 5300 through 5399 and 5499, and a drug store is an entity within SIC code 5912.

* * * * *

PART 1309—[CORRECTED]

1. On page 13968, in the second column, in amendment number 4, remove "(a) Section 1309.02(g)" and redesignate (b) through (d) as (a) through (c).

PART 1310—[CORRECTED]

1. On page 13968, in the third column, amendment number 5 should be removed and amendment 6 redesignated as amendment 5.

Dated: March 27, 1997.

James Milford,

Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 97–8334 Filed 3–31–97; 8:45 am]

BILLING CODE 4410–09–P–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

[FHWA Docket No. 95–12]

RIN 2125–AD38

Design Standards for Highways; Geometric Design of Highways and Streets

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The National Highway System (NHS) was established by the National Highway System Designation Act of 1995 (NHS Act), Pub. L. 104–59, 109 Stat. 568. In order to reflect the establishment of the NHS, the FHWA is revising several areas of the text in its regulation at 23 CFR part 625 governing design standards for highways; updating the listing of standards; relocating the guides and references; and adopting as its policy for the design standards which apply to highway construction and reconstruction projects on the NHS, a 1994 revision of the American Association of State Highway and Transportation Officials' (AASHTO) publication, "A Policy on Geometric Design of Highways and Streets" (AASHTO 1994 Policy). The primary reason for development of the new AASHTO 1994 Policy was to convert the numerical values in AASHTO's 1990 Policy to the metric system (SI). With the recent enactment of the NHS Act, the Secretary of the Department of Transportation (Secretary) cannot require that any State use, or plan to use, the metric system for Federal-aid projects before September 30, 2000. However, almost all of the States continued their conversion to metric to meet the previously established deadline of September 30, 1996, and are either awarding contracts in metric or plan to do so in the near future.

DATES: This final rule is effective May 1, 1997. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of May 1, 1997.

ADDRESSES: The current design standards are on file at the Office of the Federal Register in Washington, DC, and are available for inspection and copying from the FHWA Washington, D.C., Headquarters and all FHWA Division and Regional Offices as prescribed in 49 CFR Part 7, appendix D. Copies of the current AASHTO publications are also available for purchase from the American Association of State Highway and Transportation Officials, Suite 249, 444 North Capitol Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mr. Seppo I. Sillan, Geometric and Roadside Design Branch, Federal-Aid and Design Division, Office of Engineering (202) 366–0312, or Mr. Wilbert Baccus, Office of Chief Counsel (202) 366–0780, Federal Highway Administration, 400 Seventh Street SW., Washington DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: This final rule is based on the FHWA's Interim Final Rule (IFR), FHWA Docket No. 95–12, Design Standards for Highways; Geometric Design of Highways and Streets, at 61 FR 17566 (April 22, 1996). All comments received in response to the IFR have been considered in adopting this final rule. For discussion of comments, see the section entitled "Discussion of Comments" later in this final rule.

Revisions to the text in 23 CFR part 625 reflect the establishment of the NHS by the NHS Act as the basic highway network in the United States. References to "Federal-aid highway projects" have accordingly been changed to "NHS projects." The standards, policies, and standard specifications that have been approved by the FHWA for application on all projects on the NHS are incorporated by reference in 23 CFR part 625.

Section 625.3(d) of the rule provides that these Federal design standards apply to all projects on the NHS, regardless of funding source. Under prior law, Federal standards applied to most projects solely as a condition of receipt of Federal grant funds. The change, applying Federal standards even to NHS projects wholly funded by

a State based on provisions in both the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102–240, 105 Stat. 1914, and the NHS Act, is consistent with the purpose for which the NHS was established. In 23 U.S.C. 109(c), as amended by section 304 of the NHS Act, the Secretary is required, in cooperation with the State highway departments, to approve design and construction standards on the NHS. These provisions mirror the language and assignment of responsibility appearing in 23 U.S.C. 109(b), which has long been interpreted to require the Secretary to establish design standards for the Interstate System without regard for funding source. In expanding the Secretary's authority to all roads on the NHS, Congress sought to accommodate interstate commerce by ensuring a uniform, safe, interconnected system of principal arterial routes.

Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards. This change implements section 1016(d) of the ISTEA, which added a new subsection (p) to section 109, title 23, U.S.C., requiring non-NHS projects to be designed, constructed, operated, and maintained in accordance with State laws and standards.

The AASHTO is an organization which represents 52 State highway and transportation agencies (including the District of Columbia and Puerto Rico). Its members consist of the duly constituted heads and other chief officials of those agencies. The Secretary is an ex officio member, and DOT officials participate in various AASHTO activities as nonvoting representatives. Among other functions, the AASHTO develops and issues standards, specifications, policies, guides and related materials for use by the States for highway projects. Many of the standards, policies, and standard specifications approved by the FHWA and incorporated in 23 CFR part 625 were developed and issued by the AASHTO. Revisions to such documents of the AASHTO are independently reviewed and adopted by the FHWA before they are applied to the NHS projects.

Recently, in 1994, the AASHTO revised the publication, "A Policy on Geometric Design of Highways and Streets." The primary reason for development of the new document was to convert the numerical values in the AASHTO 1990 Policy to the metric system (SI). The FHWA's Metric Conversion Policy, published in the **Federal Register** on June 11, 1992 (57 FR 24843), provided that newly authorized Federal-aid construction contracts must be only in metric units by September 30, 1996. Although this date will have to be changed to comply with the NHS Act of 1995, almost all of the States either are awarding contracts in metric or plan to do so in the near future. A more detailed discussion of the changes in the revised Policy is included later in this preamble.

The new AASHTO 1994 Policy has replaced the previous version of this Policy, which was published by the AASHTO in 1990 and adopted by the FHWA in a final rule published in the **Federal Register** on April 29, 1993 (58 FR 25939). The 1994 Policy also takes the place of the publication, "Interim Selected Metric Values for Geometric Design," AASHTO 1993, which was adopted by FHWA in a final rule published in the **Federal Register** on December 10, 1993 (58 FR 64895). Through this rulemaking, the FHWA is adopting the metric values established by the AASHTO in this new 1994 Policy for geometric design of projects on the NHS.

Although the standards contained in the AASHTO 1994 Policy apply to the Interstate System, specific guidance applicable to highways on the Interstate System is included in another AASHTO publication, "A Policy on Design Standards-Interstate System," AASHTO 1991. The current edition of that publication will be converted to the metric system in the near future.

Generally, the criteria in the functional chapters on local roads and streets and on collectors (Chapters V and VI of the Policy) are not applicable to projects on the NHS. However, if highway segments functionally classified as less than principal arterials are incorporated in the NHS by virtue of being Strategic Highway Network (STRAHNET) Connectors or Intermodal Connectors, the standards used may be those appropriate for the functional classification of the segment taking into account the type of traffic using the segment.

Summary of Changes

The reference to FHWA Order M1100.1 in the Interim Final Rule was incorrect. It should have been FHWA Order M1100.1A and this has been corrected. For the convenience of the reader, 23 CFR part 625 is published in its entirety. All other changes discussed in this section refer to changes from the existing 23 CFR part 625.

The following revisions have been made to the list of standards, policies, and standard specifications in 23 CFR part 625, section 625.4:

1. "A Policy on Geometric Design of Highways and Streets," AASHTO 1990, has been updated to indicate the 1994 edition.
2. "Interim Selected Metric Values for Geometric Design," AASHTO 1993, has been deleted because metric values are now included in the publication, "A Policy on Geometric Design of Highways and Streets," AASHTO 1994.
3. "A Policy on U-Turn Median Openings on Freeways," AASHTO 1960, has been deleted. This document is no longer applicable and not available from the AASHTO.
4. "A Policy on Access Between Adjacent Railroads and Interstate Highways," AASHTO 1960, has been deleted. This document is no longer applicable and not available from the AASHTO.
5. "Water Supply and Sewage Treatment at Safety Rest Areas," FHWA, 23 CFR part 650, subpart E, has been deleted. The safe drinking water requirements of this regulation have been superseded by the national primary drinking water regulations promulgated by the U.S. Environmental Protection Agency (40 CFR part 141) to comply with safe drinking water legislation.
6. "Standard Specifications for Highway Bridges," Thirteenth Edition, AASHTO 1983, has been updated to indicate the fifteenth edition published in 1992 and the publication, "Interim Specifications—Bridges," AASHTO 1984 through 1988, has been updated to indicate the 1993 through 1995 editions.
7. "AASHTO LRFD Bridge Design Specifications," AASHTO 1994, has been added. These improved load and resistance factor design specifications are an alternative to the long-standing "Standard Specifications for Highway Bridges," AASHTO 1992.
8. "Bridge Welding Code, ANSI/AASHTO/AWS D1.5–88," AASHTO has been updated to indicate the 1995 edition.
9. "Reinforcing Steel Welding Code" has been updated to indicate the new name and current edition, "Structural Welding Code—Reinforcing Steel," 1992.
10. "Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals," AASHTO 1985, has been updated to indicate the 1994 edition.

The following changes have been made to 23 CFR part 625, section 625.5, entitled "Guides and References," which contain a listing of citations to publications that provide general information or guidance. This section is

being removed from 23 CFR part 625 and will appear instead in the "Federal-Aid Policy Guide" (FAPG). The FAPG is an organized, looseleaf, single source documentation of the FHWA's current policies, regulations, and nonregulatory procedural guidance information related to the Federal-aid highway program. It is available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

The remaining discussion describes the changes in the AASHTO 1994 Policy. There were a number of changes that were made throughout the AASHTO 1990 Policy. These include the following:

1. All dimensions were converted to the metric system.
2. Slope is expressed in nondimensional ratios. The vertical component is shown first and then the horizontal.
3. Superelevation is expressed in percent.
4. The more descriptive terms "traveled way," "roadway," "lane," and "highway" have been substituted for the term "pavement" where appropriate; however, where the term "pavement" refers to a type of surface it is retained.

The following paragraphs provide a brief synopsis of the information that is included in each of the 10 chapters of the AASHTO 1994 Policy and, as appropriate, any significant additions, revisions or deletions beyond those listed above made to the currently approved AASHTO 1990 Policy in the 1994 Policy.

Chapter I—Highway Functions

In this chapter the concept of functional classification is presented and the various components considered in detail. This serves as an introduction to functional classification and provides an explanation of how the concept is employed in the publication. There are no significant changes made in this chapter other than identification of the NHS as a new administrative system.

Chapter II—Design Controls and Criteria

Those characteristics of vehicles, pedestrians, and traffic that act as criteria for the design of various highway and street functional classes are covered in this chapter. The coverage of capacity is revised to agree with the Transportation Research Board's revised chapters of the "Highway Capacity Manual." (At the time this part of the new Policy was undergoing revision, in mid-1993, a number, but not all, of the chapters in the manual had been revised.)

More emphasis is placed on accommodating elderly persons based on information that has been published and studies that have been conducted since the old Policy was published. More information on bicycle transportation and characteristics has been included. The concept of "access management," which refers to setting access standards for various types of highways and incorporating access standards into legislation, has been added to the section on "Access Control." The terminology used in the Americans with Disabilities Act of 1990 (ADA), Pub. L. 101–336, 104 Stat. 327, and its implementing regulations has been incorporated in the discussion on designing highways and facilities to meet the needs of persons with disabilities.

Chapter III—Elements of Design

The basic elements of design, such as sight distance, horizontal alinement, superelevation, widths of turning roadways, vertical alinement, maximum grades and climbing lanes are covered in this chapter. Significant revisions to the chapter include the following:

1. In order to eliminate confusion as to which values are used to calculate lengths of vertical and horizontal curves, only the calculated values of stopping and passing sight distance are shown. These unrounded values are used in calculating lengths of vertical curves and, then, the lengths of vertical curves are rounded, as was done in the AASHTO 1990 Policy.
2. Degree of curve is eliminated; curve criteria is based only on radius.
3. The term "crown" has been replaced by more appropriate terminology, such as "cross slope" in most places.
4. The information on distribution of superelevation and superelevation runoff for curves with radii greater than the minimum for low-speed urban streets has been eliminated. A recommendation that as much superelevation and as long runoff lengths as possible be provided, even on curves greater than minimum, is included.
5. The values for the minimum middle ordinate on the inside of horizontal curves needed to provide horizontal stopping sight distance are based on computed values rather than rounded values.
6. The information on design and capacity of climbing lanes for two-lane and multilane highways has been revised based on the new, revised chapters of the "Highway Capacity Manual."
7. The information on truck escape ramps has been updated based on the latest published information.
8. The AASHTO 1994 Policy notes that personal computers can be used to assist designers in developing vertical and horizontal alinements.
9. The section on "Maintenance of Traffic Through Construction Areas" has been revised to be consistent with the "Manual on Uniform Traffic Control Devices."
10. The references on highway drainage have been revised to refer to the latest publications.

Chapter IV—Cross Section Elements

The elements of a highway, such as pavement cross slope, traffic lanes, shoulders, medians, frontage roads, and roadsides are discussed in this chapter. Significant revisions to the chapter include the following:

1. More information on design to accommodate bicyclists has been added.
2. The information on design of, and use of, curbs has been revised.
3. The section on design of pedestrian facilities has been modified somewhat to conform to the ADA implementing regulations.

Chapter V—Local Roads and Streets

The design guidance applicable to those roads functionally classified as local rural roads and local urban streets is covered in this chapter. Significant revisions include the following:

1. Traffic volume criteria in the tables for design speed, traveled way, shoulder width, and width and design loading for bridges is presented on the common basis of average daily traffic (ADT). This is based on recent research which concluded the existing practice of mixing ADT and design hour volume (DHV) is confusing.
2. The values for minimum widths of traveled way and shoulder for local roads having various ranges of ADT have been modified based on National Cooperative Highway Research Program (NCHRP) Report 362, "Roadway Width for Low Traffic Volume Roads." In particular, a 5.4-m traveled way is now permitted for highways with ADT's of under 400. For rural local roads with ADT's of 400 to 1500 the lane and shoulder widths may be adjusted to a minimum roadway width of 9.0 m.

Chapter VI—Collector Roads and Streets

The design guidance applicable to those roads functionally classified as rural collector roads and urban collector streets is covered in this chapter. Significant revisions to the chapter include the following:

1. Traffic volume criteria in the tables for design speed, traveled way, shoulder width, and width and design loading for bridges is presented on the common

basis of ADT. This is based on recent research which concluded the existing practice of mixing ADT and DHV is confusing.

2. The values for minimum widths of traveled way and shoulder for rural collector roads having various ranges of ADT have been modified based on NCHRP Report 362, "Roadway Width for Low Traffic Volume Roads." In particular, 2.7-m lane widths are now permitted for highways with ADT's of 250 or less and design speeds of 60 km/h or less.

3. Traveled ways of a minimum width of 6.6 m are permitted to remain on reconstructed highways with any ADT provided the alinement is adequate and the safety records are satisfactory.

4. More information on design to accommodate bicycles is included.

Chapter VII—Rural and Urban Arterials

The basis for design of the principal and minor arterial road systems in rural and urban areas is presented in this chapter.

The only significant change between the old and new Policy was to modify the table providing minimum widths of traveled way and shoulder based on information in NCHRP Report 362. Traffic volume criteria in the table is only in terms of ADT (either current or projected). The width of traveled way for ADT's of 400 to 2000 and design speeds of under 100 km/h have been reduced slightly.

Chapter VIII—Freeways

The various types of freeways, their design elements, controls, criteria and cross-sectional elements are covered in this chapter. The only significant change to this chapter was to eliminate specific right-of-way widths for the freeway cross sections. It is not considered necessary to specify a total right-of-way width since this is the sum of the individual cross-sectional elements.

Chapter IX—At-Grade Intersections

The basic types of intersections and the elements involved in their designs, primarily those concerning the accommodation of turning movements, are described in this chapter. The following are the major changes in the chapter:

1. Information on design to accommodate bicycles has been added.

2. A discussion concerning the provision of free-flow right turns, where speed change lanes are not provided and where pedestrians and bicyclists are a consideration, has been added.

3. Another case dealing with stopped vehicles turning left from a major highway has been added to the discussion on intersection control.

4. The section on sight distance at ramp terminals was eliminated because sight distance at these locations is calculated in the same manner as at any other intersection.

5. The section on railroad grade crossings was revised to add information on highway intersections adjacent to railroad grade crossings.

Chapter X—Grade Separations and Interchanges

The basic types of interchanges and grade separations, along with the design of their features, are discussed in this chapter. The following are the significant changes in this chapter:

1. Information on single point diamond interchanges was added.

2. Information on the accommodation of pedestrians at interchanges was added.

3. A discussion on ramp metering was added.

4. Most of the information on models was eliminated because models and model types are illustrative only and not directly related to design criteria.

Discussion of Comments

Interested persons were invited to participate in the development of this final rule by submitting written comments on the IFR to FHWA Docket No. 95–12 on, or before, June 21, 1996. There were 8 commenters to this docket; 7 were State transportation agencies and 1 was a safety interest group. The major comments relative to the subject of the final rule are discussed below.

One commenter noted that a previous rulemaking, the IFR for the publication, "Interim Selected Metric Values for Geometric Design" (Interim Metric Values), published in the **Federal Register** on December 10, 1993, at 58 FR 64895 (FHWA Docket No. 93–14), was not finalized. Also, the commenter objected to the metric values used in both the above document and in the AASHTO 1994 Policy. The Interim Metric Values, as explained earlier, was developed so that States would have immediate guidance for developing metric values. This was not finalized because development of the 1994 version of the AASHTO Policy was underway and would supersede the Interim Metric Values. Comments received on the Interim Metric Values, however, were considered during development of the AASHTO 1994 Policy and the IFR for 23 CFR part 625.

The metric values for geometric design were developed by AASHTO between 1992 and 1994. Exact conversion from English values in the AASHTO 1990 Policy would have resulted in awkward, hard-to-use metric values. The decision was made and voted on by AASHTO members to slightly alter the metric values for usability. In some cases (for example, lane width and shoulder width), this resulted in slightly lesser values. On the other hand, other cases (for example, vertical clearance and some curve radii), resulted in slightly greater values when compared to the previous English values. The new metric values represent the collective judgement of highway design professionals. The FHWA has determined that the metric values come as close as possible to retaining the English values already adopted pursuant to notice and comment. That rulemaking appeared in the **Federal Register** on April 29, 1993, at 58 FR 25939, wherein FHWA adopted AASHTO's 1990 Policy containing English values.

One commenter suggested that it was not appropriate to move former section 625.5, of 23 CFR part 625, entitled "Guides and References," into the Federal-aid Policy Guide (FAPG). The FHWA is subject to a continuing mandate to remove all non-regulatory material from the Code of Federal Regulations and this section has been identified as guidelines rather than regulations. The FAPG is available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

One commenter recommended that the resurfacing, restoration, and rehabilitation (RRR) standards be applied on freeway facilities. Current legislation does not permit use of the RRR standards on the Interstate system nor does Congress intend for them to be used on non-Interstate freeways. Highways classified as freeways generally carry the highest speed traffic with a safety record which is usually better than any other type facility. Application of other than new or reconstruction standards on these facilities might compromise their safety and is not considered appropriate. There is some recognition of the issues related to the RRR as stated in "A Policy on Design Standards—Interstate System." The standards used for horizontal alignment, vertical alignment, and widths of median, traveled way, and shoulder for Interstate resurfacing, restoration and rehabilitation projects may be the AASHTO Interstate standards that were in effect at the time of original construction or inclusion into the Interstate system.

One commenter was confused about approval authority for the RRR standards. The approval authority is

delegated by the Secretary to the FHWA and remains unchanged.

One commenter was concerned about incorporation of the NHS Act into the regulation at 23 CFR part 625. Certain language from the NHS Act was included in the IFR to ensure that factors such as the "constructed" and "natural" environment, the environmental, scenic, aesthetic, historic, community, and preservation impacts, and access to other modes of transportation were considered as soon as possible. The effort to develop additional guidance for consideration of these community and environmental factors is a separate endeavor which is underway. The FHWA sponsored a consultant contract for development of guidance factors. The results of that contract, which was recently completed, will be distributed to the highway community as well as to a broad spectrum of environmental, scenic, historic, and community interest groups. The AASHTO has established a joint task force to consider the results of the contract for official adoption and to promote incorporation of sensitive community and environmental issues into design of transportation facilities. The FHWA and the AASHTO, along with other partners, will begin the development of a training course to further emphasize this subject.

Rulemaking Analysis and Notices

Section 553(b)(3)(B), title 5, U.S.C., of the Administrative Procedure Act provides that agencies may dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest. The FHWA determined previously that publication of a proposed rulemaking would be contrary to the public interest, and that prior notice and opportunity for comment is unnecessary under 553(b)(3)(B).

One commenter opposed the FHWA's adoption of the new geometric design values without prior notice and opportunity for comment. According to the commenter, the AASHTO 1994 Policy metric values decrease lane and shoulder widths to levels far below the prevailing English unit values of the AASHTO 1990 Policy. Because the decrease in lane and shoulder widths result in both capacity and safety hazards, the commenter strongly disagrees with the new metric values that the FHWA adopts here as new cross section design standards. Prior notice and opportunity for comment, the commenter argues, will allow the FHWA to demonstrate the extent of the effects of narrower lanes and shoulders on both safety and capacity.

Going straight to a final rule is in the public interest because the amendments to 23 CFR part 625 made by this document will allow the FHWA to emulate its Metric Conversion Policy to authorize new Federal-aid construction contracts solely in metric units by September 30, 1996. Although this date will need to be changed to comply with the recently enacted NHS Act, almost all of the States continued their conversion to metric to meet the previously established deadline and are either awarding contracts in metric or plan to do so in the near future. The Metric Conversion Policy was developed as required by section 3 of the Metric Conversion Act of 1975, Pub. L. 94–168, 89 Stat. 1007 (Metric Act), as amended, which mandates that all Federal Government agencies begin using the International System of Units in procurements, grants, and other business-related activities. As we stated in the IFR, planning for Federal-aid construction projects is already well underway, and States and other FHWA partners need to know now (not four years from now), that the metric conversions used to formulate their plans will match the FHWA's conversions. Thus, the FHWA believes that implementation of the AASHTO's new 1994 policy, which uses only metric values, should be accomplished as soon as possible. The FHWA's adoption of the metric values in the new 1994 Policy provides necessary certainty and continuity for States and other FHWA partners, including highway construction contractors and consultants.

As stated previously in the IFR, the FHWA determined that prior notice and opportunity for comment are unnecessary. This is because the text changes in 23 CFR part 625 reflect only the establishment of the NHS. Any significant revisions are incorporated due to the FHWA's adoption of the AASHTO 1994 Policy and the metric values contained therein. The new 1994 Policy has replaced the previous version, which was published by the AASHTO in 1990 and adopted by the FHWA pursuant to notice and comment. [58 FR 25939 (April 29, 1993)]. The 1994 Policy also takes the place of the publication, "Interim Selected Metric Values for Geometric Design," AASHTO 1993, which was adopted by the FHWA in a rule published in the **Federal Register** on December 10, 1993 (58 FR 64895). All other changes to the AASHTO 1990 Policy that have been incorporated into the 1994 Policy, for the most part, merely clarify the meaning of certain terminology, incorporate the latest geometric design information, or correct some minor errors in the 1990 Policy.

Contrary to the commenters assertion, the FHWA has determined that the AASHTO 1994 Policy metric values are essentially the same as the English measurements already adopted by the FHWA pursuant to the notice and comment rulemaking published in the **Federal Register** on April 29, 1993, wherein the FHWA adopted the AASHTO 1990 Policy.

The new AASHTO 1994 Policy cross-section values do not drastically reduce the prevailing values contained in the AASHTO 1990 Policy. As mentioned in the section "Discussion of Comments," exact conversion from English values in the 1990 Policy would have resulted in awkward, hard-to-use metric values. Therefore, the decision was made, and voted on by AASHTO members, to slightly alter the metric values for usability. The commenter also contends that a reduction of cross-section values may result in both capacity and safety hazards. As cited previously in the section "Summary of Changes," the minor modifications for minimum widths of traveled way and shoulder were all based on recent research studies. The research included extensive data collection and analyses to assess safety, operational, and economic impacts.

The FHWA solicited public comment on this action and eight comments were received in response to the IFR. All of the comments received have been considered in evaluating whether any change to this action is needed. The FHWA determines that no significant change is required.

Because this final rule allows the FHWA to use the metric system of measurements in its procurements, grants, and other business-related activities consistent with the requirements of the Metric Conversion Act, the FHWA believes that good cause exists to publish this rule.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation Regulatory Policies and Procedures. The metric values selected in the new AASHTO 1994 Policy are functionally equivalent to the English system measurements contained in the old AASHTO 1990 Policy previously adopted by notice and comment

rulemaking. Although the new AASHTO 1994 Policy contains new material, the basic criteria remain essentially the same. In all practicality, the new AASHTO 1994 Policy reflects the criteria, for the most part, which have been in use in designing Federal-aid highways. It is anticipated that the economic impact of the rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, Pub. L. 96–345, 5 U.S.C. 601–612, the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the FHWA made this determination based on the fact that metric values in the new AASHTO 1994 Policy are functionally equivalent to the English system values they replace. Moreover, the new material contained in the new AASHTO 1994 Policy reflects criteria which, for the most part, is presently in use.

Executive Order 12612 (Federalism Assessment)

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

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 625

Design standards, Grant programs—Transportation, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Issued: March 25, 1997.

Jane Garvey,

Acting Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA is amending Chapter I of title 23, Code of Federal Regulations, by revising part 625 as set forth below:

PART 625—DESIGN STANDARDS FOR HIGHWAYS

Sec.

Authority: 23 U.S.C. 109, 315, and 402; Sec. 1073 of Pub. L. 102–240, 105 Stat. 1914, 2012; 49 CFR 1.48(b) and (n).

§ 625.1 Purpose.

To designate those standards, policies, and standard specifications that are acceptable to the Federal Highway Administration (FHWA) for application in the geometric and structural design of highways.

§ 625.2 Policy.

(a) Plans and specifications for proposed National Highway System (NHS) projects shall provide for a facility that will—

(1) Adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

(2) Be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (a)(1) of this section and to conform to the particular needs of each locality.

(b) Resurfacing, restoration, and rehabilitation (RRR) projects, other than those on the Interstate system and other freeways, shall be constructed in accordance with standards which preserve and extend the service life of highways and enhance highway safety. Resurfacing, restoration, and rehabilitation work includes placement of additional surface material and/or other work necessary to return an existing roadway, including shoulders, bridges, the roadside, and appurtenances to a condition of structural or functional adequacy.

(c) An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways.

§ 625.3 Application.

(a) *Applicable Standards.* (1) Design and construction standards for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the NHS (other than a highway also on the Interstate System or other freeway) shall be those approved by the Secretary in cooperation with the State highway departments. These standards may take into account, in addition to the criteria described in § 625.2(a), the following:

(i) The constructed and natural environment of the area;

(ii) The environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

(iii) Access for other modes of transportation.

(2) Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

(b) The standards, policies, and standard specifications cited in § 625.4 of this part contain specific criteria and controls for the design of NHS projects. Deviations from specific minimum values therein are to be handled in accordance with procedures in paragraph (f) of this section. If there is a conflict between criteria in the documents enumerated in § 625.4 of this part, the latest listed standard, policy, or standard specification will govern.

(c) Application of FHWA regulations, although cited in § 625.4 of this part as standards, policies, and standard specifications, shall be as set forth therein.

(d) This regulation establishes Federal standards for work on the NHS regardless of funding source.

(e) The Division Administrator shall determine the applicability of the roadway geometric design standards to traffic engineering, safety, and

preventive maintenance projects which include very minor or no roadway work. Formal findings of applicability are expected only as needed to resolve controversies.

(f) *Exceptions.* (1) Approval within the delegated authority provided by FHWA Order M1100.1A may be given on a project basis to designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for:

(i) Experimental features on projects; and

(ii) Projects where conditions warrant that exceptions be made.

(2) The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections of roadway and the probable time before reconstruction of the section due to increased traffic demands or changed conditions.

§ 625.4 Standards, policies, and standard specifications.

The documents listed in this section are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and are on file at the Office of the Federal Register in Washington, DC. They are available as noted in paragraph (d) of this section. The other CFR references listed in this section are included for cross-reference purposes only.

(a) *Roadway and appurtenances.* (1) A Policy on Geometric Design of Highways and Streets, AASHTO 1994. [See § 625.4(d)(1)]

(2) A Policy on Design Standards—Interstate System, AASHTO 1991. [See § 625.4(d)(1)]

(3) The geometric design standards for resurfacing, restoration, and rehabilitation (RRR) projects on NHS highways other than freeways shall be the procedures and the design or design criteria established for individual projects, groups of projects, or all nonfreeway RRR projects in a State, and as approved by the FHWA. The other geometric design standards in this section do not apply to RRR projects on NHS highways other than freeways, except as adopted on an individual State basis. The RRR design standards shall reflect the consideration of the traffic, safety, economic, physical, community, and environmental needs of the projects.

(4) Erosion and Sediment Control on Highway Construction Projects, refer to 23 CFR part 650, subpart B.

(5) Location and Hydraulic Design of Encroachments on Flood Plains, refer to 23 CFR part 650, subpart A.

(6) Procedures for Abatement of Highway Traffic Noise and Construction Noise, refer to 23 CFR part 772.

(7) Accommodation of Utilities, refer to 23 CFR part 645, subpart B.

(8) Pavement Design, refer to 23 CFR part 626.

(b) *Bridges and structures.* (1) Standard Specifications for Highway Bridges, Fifteenth Edition, AASHTO 1992. [See § 625.4(d)(1)]

(2) Interim Specifications—Bridges, AASHTO 1993. [See § 625.4(d)(1)]

(3) Interim Specifications—Bridges, AASHTO 1994. [See § 625.4(d)(1)]

(4) Interim Specifications—Bridges, AASHTO 1995. [See § 625.4(d)(1)]

(5) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (U.S. Units). [See § 625.4(d)(1)]

(6) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (SI Units). [See § 625.4(d)(1)]

(7) Standard Specifications for Movable Highway Bridges, AASHTO 1988. [See § 625.4(d)(1)]

(8) Bridge Welding Code, ANSI/AASHTO/AWS D1.5–95, AASHTO. [See § 625.4(d) (1) and (2)]

(9) Structural Welding Code—Reinforcing Steel, ANSI/AWS D1.4–92, 1992. [See § 625.4(d)(2)]

(10) Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, AASHTO 1994. [See § 625.4(d)(1)]

(11) Navigational Clearances for Bridges, refer to 23 CFR part 650, subpart H.

(c) *Materials.* (1) General Materials Requirements, refer to 23 CFR part 635, subpart D.

(2) Standard Specifications for Transportation Materials and Methods of Sampling and Testing, parts I and II, AASHTO 1995. [See § 625.4(d)(1)]

(3) Sampling and Testing of Materials and Construction, refer to 23 CFR part 637, subpart B.

(d) Availability of documents incorporated by reference. The documents listed in § 625.4 are incorporated by reference and are on file and available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These documents may also be reviewed at the Department of Transportation Library, 400 Seventh Street, SW., Washington, DC, in Room 2200. These documents are also available for inspection and copying as provided in 49 CFR part 7, appendix D. Copies of these documents may be obtained from the following organizations:

(1) American Association of State Highway and Transportation Officials (AASHTO), Suite 249, 444 North Capitol Street, NW., Washington, DC 20001.

(2) American Welding Society (AWS), 2501 Northwest Seventh Street, Miami, FL 33125.

[FR Doc. 97–8197 Filed 3–31–97; 8:45 am]
BILLING CODE 4910–22–P

Coast Guard

33 CFR Part 165

[CGD08–97–008]

RIN 2115–AE84

Amendment to Regulated Navigation Area Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: On March 18, 1997, the Coast Guard established a temporary regulated navigation area affecting the operation of downbound tows in the Lower Mississippi River from mile 347 at Vicksburg, MS to mile 88 above Head of Passes. This amendment extends the southern limit of the regulated navigation area to the boundary of the territorial sea at the approaches to South West Pass and includes regulations affecting the operation of self-propelled vessels of 1600 gross tons or greater. The regulated navigation area is needed to protect vessels, bridges, shore-side facilities and the public from a safety hazard created by high water and resulting flooding along the Lower Mississippi River. Downbound barge traffic and the transitting of self-propelled vessels of 1600 or more gross tons are prohibited unless they are in compliance with this regulation.

DATES: This amended regulation is effective from 10:00 a.m. on March 21, 1997 and terminates at 12 p.m. on April 5, 1997.

FOR FURTHER INFORMATION CONTACT: CDR Harvey R. Dexter, Marine Safety Division, USCG Eighth District at New Orleans, LA (504) 589–6271.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The velocity of river currents on the Lower Mississippi River are approaching an all time high. Several recent vessel allisions with bridges and barge breakaways have been caused by strong currents and eddies resulting from flood conditions on the Lower Mississippi River. Consequently, the

Commander, Eighth Coast Guard District has identified a need to place operating restrictions in regard to tows downbound on the Mississippi River to assure adequate safe power for navigation, and additional operating requirements on self-propelled vessels of 1600 or more gross tons operating anywhere within the Regulated Navigation Area (RNA). This amended emergency Temporary Regulated Navigation Area extends from one mile above the Interstate 20 Highway Bridge at Vicksburg, Mississippi (Lower Mississippi River mile 437), to the boundary of the territorial sea at the approaches to South West Pass.

Downbound tows operating from the northern boundary of this RNA to mile 88 above Head of Passes shall be restricted as follows:

(a) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(b) Tow boats with brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp, shall be limited to a 20 barge tow.

(c) For all other tows the following minimum brake horsepower requirements apply:

1. Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

2. For all other loaded dry cargo barges and all loaded liquid barges southbound: one brake horsepower minimum for each 5 deadweight tons of cargo.

3. For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

4. For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standard applies (300 brake horsepower).

(d) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

All self-propelled vessels to which 33 Code of Federal Regulations § 164 applies, shall comply with the following:

(a) Masters shall review the requirements of 33 CFR § 164.25 pertaining to "Tests Before Entering or Getting Underway."

(b) The engine room shall be manned at all times when underway in the RNA.

(c) Prior to entering the RNA or getting underway within the RNA, the master of each vessel shall report to the ship's agent that the regulations at 33 CFR 164.25 have been reviewed, are understood, and the vessel is in compliance with the regulation.

(d) As part of the master's report, the chief engineer shall also certify that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

1. If the vessel has an automated main propulsion plant, it will be operated in manual mode and will be prepared to answer maneuvering commands immediately.

2. The vessel shall immediately provide maximum ahead or astern power when so ordered by the bridge.

3. The main propulsion plant shall, in all respects, be ready for operations in the RNA including the main propulsion air start systems, fuel systems, lube oil systems, cooling systems, and automation systems.

4. The master shall also certify that the gyrocompass is properly operating and calibrated.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of notice of proposed rulemaking and delay of effective date would be contrary to public interest because immediate action is necessary to ensure self-propelled vessels are capable of operating safely in the increased currents present on the river and prevent downbound towing vessels from alliding with bridges and shore-side structures, and colliding with other vessels, causing danger to the public.

Regulation Evaluation

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

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Small entities in this case would not include a significant number of company operating vessels of 1600 gross tons or greater due to the nature and cost of operating vessels of this size. However, it could include small towing companies that may be affected by this rule. Although this rule places night time restrictions for tows transiting the Baton Rouge Railroad and Highway Bridge, these restrictions are limited to tows of 20 ore more barges and operators may reduce the size of their tows to transit those areas. No other restrictions on transit are imposed so long as the horsepower requirements are met. These horsepower requirements are consistent with accepted industry practice and the actions of a prudent mariner under the circumstances. This rule is deemed to *not* have a substantial economic impact.

Collection of Information

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

Federalism Implications

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

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.(g)(5) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

Final Regulations

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

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 46 CFR 1.46.

2. § 165.T08–001 is revised to read as follows:

§ 165.T08–001. Regulated Navigation Area; Lower Mississippi River.

(a) Location: The following area is a regulated navigation area: All waters of the Mississippi River from one mile above the Interstate 20 Highway Bridge at Vicksburg, MS (Lower Mississippi River Mile 437) to the boundary of the territorial sea at the approaches to South West Pass.

(b) Regulations:

(1) In accordance with general regulations in Section § 165.11 of this part, no downbound tows may operate within the Regulated Navigation Area (RNA) contrary to this regulation.

(2) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(3) Tow boats with a brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp shall be limited to a 20 barge tow.

(4) For all other tows the following minimum brake horsepower requirements apply:

(i) Loaded standard size dry cargo barges (195′ by 35′) traveling southbound: 300 brake horsepower per barge minimum.

(ii) For other loaded dry cargo barges and all loaded liquid barges southbound: one brake horsepower minimum for each 5 deadweight tons of cargo.

(iii) For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

(iv) For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standards apply (300 brake horsepower).

(5) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

(6) All self-propelled vessels to which the regulations at 33 CFR part 164 apply, shall comply with the following:

(i) Masters shall review the requirements of 33 CFR § 164.25 pertaining to "Tests Before Entering or Getting Underway."

(ii) The engine room shall be manned at all times while underway in the RNA.

(iii) Prior to entering or getting underway in the RNA, the master of each vessel shall report to the ship's agent that 33 CFR part 164 has been reviewed, the requirements are understood, and his vessel is in compliance with the regulation.

(iv) The master shall also report that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

(A) If the vessel has an automated main propulsion plant, it shall be operated in manual mode and will be prepared to answer maneuvering commands immediately.

(B) The vessel shall immediately provide maximum ahead or astern power when so ordered by the bridge.

(C) The main propulsion plant shall in all respects be ready for operations in the regulated navigation area including the main propulsion air start systems, fuel systems, lube oil systems, cooling systems, and automation systems.

(v) The master shall also certify that the gyrocompass is properly operating and calibrated.

(7) For vessels subject to this regulation, Commander, Eighth Coast Guard District urges that main propulsion standby systems be placed on-line or be ready to be placed on-line immediately.

(8) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) Effective dates: This section is effective at 10:00 a.m. on March 21, 1997 and terminates at 12 p.m. on April 5, 1997.

Dated: March 21, 1996.

Timothy W. Josiah,

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

[FR Doc. 97–8108 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AF29

Reduction of Debt Through the Performance of Work-Study Services

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule amendments to the general regulations of the Department of Veterans Affairs (VA). The amendments provide that the money payable for performance of work-study services may be offset against an individual's outstanding debt to the United States arising from participation in educational and vocational rehabilitation programs VA administers. The adoption of this change helps veterans pay outstanding debts to the United States.

EFFECTIVE DATES: May 1, 1997.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420 (202) 273–7187.

SUPPLEMENTARY INFORMATION: On August 5, 1996, VA published in the **Federal Register** (61 FR 40589) a proposed rule to permit individuals who have an outstanding debt to the United States arising from participation in educational and vocational rehabilitation programs VA administers to liquidate that debt through the performance of work-study services. The public was given 60 days to submit comments. VA received no comments.

Accordingly, based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule. For the purposes of clarity, the organization of § 1.929(b) is slightly modified. This final rule also affirms the information in the proposed rule document concerning the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.116, 64.117, 64.120, and 64.124. This final rule also affects the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Cemeteries, Claims, Employment, Flags, Freedom of information, Government contracts, Government employees, Government property, Inventions and patents, Investigations, Privacy, Seals and insignia.

Approved: December 23, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below.

PART 1—GENERAL PROVISIONS

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

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

2. Section 1.929 and its authority citations are added under the undesignated center heading "STANDARDS FOR COLLECTION OF CLAIMS" to read as follows:

§ 1.929 Reduction of debt through performance of work-study services.

(a) *Scope.* (1) Subject to the provisions of this section VA may allow an individual to reduce an indebtedness to the United States through offset of benefits to which the individual becomes entitled by performance of work-study services under 38 U.S.C. 3485 and 3537 when the debt arose by virtue of the individual's participation in a benefits program provided under any of the following:

(i) 38 U.S.C. chapter 30;

(ii) 38 U.S.C. chapter 31;

(iii) 38 U.S.C. chapter 32;

(iv) 38 U.S.C. chapter 34;

(v) 38 U.S.C. chapter 35;

(vi) 38 U.S.C. chapter 36 (other than an education loan provided under subpart F, part 21 of this title); or

(vii) 10 U.S.C. chapter 1606 (other than an indebtedness arising from a refund penalty imposed under 10 U.S.C. 16135).

(2) This section shall not apply in any case in which the individual has a pending request for waiver of the debt under §§ 1.950 through 1.970.

(Authority: 38 U.S.C. 3485(e)(1); Pub. L. 102–16)

(b) *Selection criteria.* (1) If there are more candidates for a work-study allowance than there are work-study positions available in the area in which the services are to be performed, VA will give priority to the candidates who are pursuing a program of education or rehabilitation.

(2) Only after all candidates in the area described in paragraph (b)(1) of this section either have been given work-study contracts or have withdrawn their request for contracts will VA offer contracts to those who are not pursuing a program of education or rehabilitation and who wish to reduce their indebtedness through performance of work-study services.

(3) VA shall not offer a contract to an individual who is receiving compensation from another source for the work-study services the individual wishes to perform.

(4) VA shall not offer a contract to an individual if VA determines that the debt can be collected through other means such as collection in a lump sum, collection in installments as provided in § 1.917 or compromise as provided in § 1.918.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102–16)

(c) *Utilization.* The work-study services to be performed under a debt-liquidation contract will be limited as follows:

(1) If the individual is concurrently receiving educational assistance in a program administered by VA, work-study services are limited to those allowed in the educational program under which the individual is receiving benefits.

(2) If the individual is not concurrently receiving educational assistance in a program administered by VA, the individual may perform only those work-study services and activities which are or were open to those students receiving a work-study allowance while pursuing a program of education pursuant to the chapter under which the debt was incurred.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102–16)

(d) *Contract to perform services.* (1) The work-study services performed to reduce indebtedness shall be performed pursuant to a contract between the individual and VA.

(2) The individual shall perform the work-study services required by the contract at the place or places designated by VA.

(3) The number of hours of services to be performed under the contract must be sufficient to enable the individual to become entitled to a sum large enough to liquidate the debt by offset.

(4) The number of weeks in the contract will not exceed the lesser of—

(i) The number of weeks of services the individual needs to perform to liquidate his or her debt; or

(ii) 52.

(5) In determining the number of hours per week and the number of weeks under paragraphs (d)(3) and (d)(4) of this section necessary to liquidate the debt, VA will use the amount of the account receivable, including all accrued interest, administrative costs and marshall fees outstanding on the date the contract is offered to the individual and all accrued interest, administrative costs and marshall fees VA estimates will have become outstanding on the debt on the date the debt is to be liquidated.

(6) The contract will automatically terminate after the total amount of the individual's indebtedness described in paragraph (d)(5) of this section has been recouped, waived, or otherwise liquidated. An individual performing work-study services under a contract to liquidate a debt is released from the contract if the debt is liquidated by other means.

(7) The contract to perform work-study services for the purpose of liquidating indebtedness will be terminated if:

(i) The individual is liquidating his or her debt under this section while receiving either an educational assistance allowance for further pursuit of a program of education or a subsistence allowance for further pursuit of a program of rehabilitation;

(ii) The individual terminates or reduces the rate of pursuit of his or her program of education or rehabilitation; and

(iii) The termination or reduction causes an account receivable as a debt owed by the individual.

(8) VA may terminate the contract at any time the individual fails to perform the services required by the contract in a satisfactory manner.

(Authority: 38 U.S.C. 3485(e), 7104(a); Pub. L. 102–16)

(e) *Reduction of indebtedness.* (1) In return for the individual's agreement to perform hours of services totaling not more than 40 times the number of weeks in the contract, VA will reduce the eligible person's outstanding indebtedness by an amount equal to the higher of—

(i) The hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times the number of hours the individual works; or

(ii) The hourly minimum wage under comparable law of the State in which the services are performed times the number of hours the individual works.

(2) VA will reduce the individual's debt by the amount of the money earned for the performance of work-study services after the completion of each 50 hours of services (or in the case of any remaining hours required by the contract, the amount for those hours).

(Authority: 38 U.S.C. 3485(e); Pub. L. 102–16)

(f) *Suspension of collections by offset.* Notwithstanding the provisions of § 1.912a, during the period covered by the work-study debt-liquidation contract with the individual, VA will ordinarily suspend the collection by offset of a debt described in paragraph (a)(1) of this section. However, the individual may voluntarily permit VA to collect part of the debt through offset against other benefits payable while the individual is performing work-study services. If the contract is terminated before its scheduled completion date, and the debt has not been liquidated, collection through offset against other benefits payable will resume on the date the contract terminates.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102–16)

(g) *Payment for additional hours.* (1) If an individual, without fault on his or her part, performs work-study services for which payment may not be authorized, including services performed after termination of the contract, VA will pay the individual at the applicable hourly minimum wage for such services as the Director of the VA field station of jurisdiction determines were satisfactorily performed.

(2) The Director of the VA field station of jurisdiction shall determine whether the individual was without fault. In making this decision he or she shall consider all evidence of record and any additional evidence which the individual wishes to submit.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102–16)

[FR Doc. 97–8140 Filed 3–31–97; 8:45 am]
BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[WI73–01–7302(b); FRL–5691–7]

Approval of Section 112(l) Program of Delegation; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving, through a "direct final" procedure, Wisconsin's request for delegation of the Federal air toxics program contained within 40 CFR Parts 61 and 63 pursuant to Section 112(l) of the Clean Air Act (CAA) as amended. The State's requested mechanism of delegation involves either the delegation of all existing and future Section 112 standards as federally promulgated, for promulgation as State standards (or rules), or to incorporate Federal standards into State air pollution control permits, reserving the right to promulgate the standards as a State rule at a later time. The actual delegation of authority will occur through a memorandum of agreement (MOA) between the Wisconsin Department of Natural Resources (WDNR) and EPA. This request for approval of the mechanism of delegation encompasses all sources not covered by the 40 CFR Part 70 operating permit program.

DATES: This action will become effective June 2, 1997, unless adverse or critical comments not previously addressed by the State or EPA are received by May 1, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR–18J, Chicago, Illinois, 60604. Please contact Constantine Blathras at (312) 886–0671 to arrange a time if inspection of the submittal is desired.

Effective immediately, all notifications, reports and other correspondence required under Section 112 standards should be sent to the State of Wisconsin rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to:

Bureau of Air Management, Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, AR–18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886–0671.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 112(l) of the CAA enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program. The Federal air toxics program implements the requirements found in Section 112 of the CAA pertaining to the regulation of hazardous air pollutants. Approval of an air toxics program is granted by the EPA if the Agency finds that the State program: (1) Is "no less stringent" than the corresponding Federal program or rule, (2) the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance. Once approval is granted, the air toxics program can be implemented and enforced by State or local agencies, as well as EPA. Implementation by local agencies is dependent upon appropriate subdelegation.

On December 22, 1995, Wisconsin submitted to EPA a request for delegation of authority to implement and enforce the air toxics program under Section 112 of the CAA. On March 28, 1996, EPA found the State's submittal complete. In this document EPA is taking final action to approve the program of delegation for Wisconsin.

II. Review of State Submittal

A. Program Summary

Requirements for approval, specified in Section 112(l)(5), require that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. These requirements are also requirements for an adequate operating permits program under Part 70 (40 CFR 70.4). EPA promulgated a final interim approval under Part 70 of the State of Wisconsin's Operating Permit Program on March 6, 1995 (60 FR 12128–12137). The notice included the approval of a mechanism for delegation of all Section 112 standards for sources subject to the Part 70 program. Sources subject to the Part 70 program are those sources that are operating pursuant to a Part 70 permit issued by the State or EPA. Sources not subject to the Part 70 program are those sources that are not required to obtain a Part 70 permit from either the State or EPA. This action supplements the Part 70 rulemaking in that Wisconsin will have the authority to implement and enforce the Section 112 air toxics program regardless of a source's Part 70 applicability. The Wisconsin program of delegation for sources not subject to Part 70 will not include delegation of Section 112(r) authority nor Section 112(i)(5) Early Reductions Program authority.

As stated above, this document constitutes EPA's approval of Wisconsin's program of delegation of all existing and future air toxics standards, except for Section 112(i)(5) and Section 112(r) standards as they pertain to non-Part 70 sources. The Wisconsin program of delegation will operate as follows: For a future Section 112 standard for which WDNR intends to accept straight delegation, EPA will delegate the authority to implement a Section 112 standard to the State by letter unless WDNR notifies EPA differently within 45 days of EPA final promulgation of the standard. WDNR will as expeditiously as practicable and, if possible, within 18 months of the promulgation by EPA of a Section 112 standard which is applicable to non-Part 70 sources, adopt such standard into the State air quality regulations. Upon completion of such regulatory action, WDNR will submit to EPA proof of adoption. EPA shall respond with a letter delegating enforcement authority to the WDNR with respect to the adopted standard.

For a source category for which Wiconsin wishes to adopt its own rules, WDNR shall submit for approval to EPA State rules varying from the Federal

standard, as expeditiously as practicable, and if possible within 18 months of promulgation by EPA of a Section 12 standard applicable to non-Part 70 sources. EPA will review such rules for approvability pursuant to Section 112(l) and will rulemake on them.

Wisconsin will assume responsibility for the timely implementation and enforcement required by the standard, as well as any further activities agreed to by WDNR and EPA. However, EPA at all times retains its authority to enforce all provisions of Section 112 standards and requirements. Further, until WDNR obtains the authority necessary to enforce Section 112 standards, EPA shall initiate enforcement action when enforcement is in the best interest of the State, the general public, or EPA, or when delayed enforcement would impose an undue level of risk on the general public and/or the environment.

Some activities necessary for effective implementation of the standard include receipt of initial notifications, recordkeeping, reporting and generally assuring that sources subject to the standard are aware of its existence. When deemed appropriate, WDNR will utilize the resources of its Small Business Assistance Program to assist in general program implementation. The details of this delegation mechanism are set forth in a memorandum of agreement between EPA and WDNR, copies of which are located in the docket associated with this rulemaking.

B. Criteria for Approval

On November 26, 1993, EPA promulgated regulations to provide guidance relating to the approval of State programs under Section 112(l) of the CAA, (40 FR 62262). That rulemaking outlined the requirements of approval with respect to various delegation options. The requirements for approval of a program to implement and enforce Federal Section 112 rules as promulgated without changes are found at 40 CFR 63.91. The specific elements required for approval in Section 63.91 were promulgated to address the procedures required for approval pursuant to Section 112(l)(5) of the CAA. Any request for approval must meet all Section 112(l) approval criteria, as well as all approval criteria of Section 63.91. A more detailed analysis of the State's submittal pursuant to Section 63.91 is contained in the Technical Support Document included in the official file of this rulemaking.

Under Section 112(l) of the CAA, approval of a State program is granted by the EPA if the Agency finds that it: (1) is "no less stringent" than the corresponding Federal program, (2) that the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance.

C. Analysis

EPA is approving Wisconsin's 'mechanism of delegation' because the State's submittal meets all requirements necessary for approval under Section 112(l). The first requirement is that the program be no less stringent than the Federal program. The Wisconsin program is no less stringent than the corresponding Federal program or rule because the State has requested either (1) delegation of standards unchanged from the Federal standards and adopting such standards into the State air quality regulations, or (2) that WDNR shall submit for approval to EPA, State rules varying from the Federal standard. EPA will review such rules for approvability pursuant to Section 112(l) and will rulemake on them.

Second, the State has shown that it has adequate authority and resources to implement the program. Wisconsin's State Statutes authorize the WDNR to issue construction and operating permits to Part 70 and non-Part 70 sources of regulated pollutants to assure compliance with all applicable requirements of the CAA. The authority to issue permits includes the authority to incorporate permit conditions that implement Federal Section 112 standards. Furthermore, Wisconsin has the authority to implement each Section 112 regulation, emission standard or requirement (regardless of Part 70 applicability), perform inspections, request compliance information, incorporate requirements into permits, and bring civil and criminal enforcement actions to recover penalties and fines. Finally, Wisconsin has the authority to enforce each Section 112 regulation, emission standard or requirement applicable to non-Part 70 sources upon incorporation into the State code of regulations. WDNR will enforce Section 112 standards applicable to Part 70 sources by including such Section 112 standards in State operating permits when they are issued or updated. Adequate resources will be obtained through Section 105 grant monies awarded to States by EPA and through any monies from the State's Title V program that can be used to fund acceptable Title V activities with respect to these non-Part 70 sources.

Third, upon promulgation of a standard, Wisconsin will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirement and notifying these sources of the applicable requirement. Such schedule is sufficiently expeditious for approval.

Fourth, nothing in the Wisconsin program for delegation is contrary to Federal guidance.

D. Determinations

In approving this delegation, EPA expects that the State will obtain concurrence from EPA on any matter involving the interpretation of Section 112 of the Clean Air Act or 40 CFR Part 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by EPA determinations or guidance.

III. Final Action

The EPA is promulgating final approval of the December 22, 1995, request by the State of Wisconsin for delegation of Section 112 standards because the request meets all requirements of 40 CFR 63.91 and Section 112(l) of the CAA. Upon the effective date of this document, all existing section 112 standards which have been adopted unchanged in to the State rules are automatically delegated to the State of Wisconsin. Future delegation of the Section 112 standards to the State will occur according to the procedures outlined in the MOA upon EPA's promulgation of the standard.

Effective immediately, all notifications, reports and other correspondence required under Section 112 standards should be sent to the State of Wisconsin rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Bureau of Air Management, Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707.

EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, the rulemaking will not be deemed final if timely unaddressed adverse or critical comments are filed. The "direct final" approval shall be effective on June 2, 1997, unless EPA receives such adverse or critical comments by May 1, 1997. EPA is now soliciting public comments on this action. Any parties interested in commenting on this action should do so at this time. In the proposed rules section of this **Federal Register**, EPA is publishing a separate document which constitutes a "proposed approval" of the requested delegation. If EPA receives

timely comments adverse to or critical of the approval discussed above, which have not been addressed by the State or EPA, EPA will publish a **Federal Register** document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document based on the proposed approval. 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.

Copies of the State's submittal and other information relied upon for the final approval are contained in a rulemaking file maintained at the EPA Regional Office. The file is an organized and complete record of all the information submitted to, or otherwise considered by, EPA in the development of this final approval. The file is available for public inspection at the location listed under the **ADDRESSES** section of this document.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to the State's delegated air toxics program. EPA shall consider each request for revision to the State's delegated air toxics program in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

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.

Delegation of the Section 112 standards unchanged from the Federal standard does not create any new requirements, but simply allows the State to administer requirements that have been or will be separately promulgated. Therefore, because this delegation approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined that the approval action promulgated today does not constitute a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The State voluntarily requested this delegation under Section 112(l) for the purpose of implementing and enforcing the air toxics program with respect to sources not covered by Part 70. The delegation imposes no new Federal requirements. Since the State was not required by law to seek delegation, this Federal action does not impose a mandate on the State.

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 June 2, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

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 this 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 63

Environmental Protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

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

Dated: February 7, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

[FR Doc. 97–8183 Filed 3–31–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 63

[IN74–1(a); FRL–5687–8]

Approval of Section 112(l) Program of Delegation; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving, through a "direct final" procedure, a request for delegation of the Federal air toxics program contained within 40 CFR Parts 61 and 63 pursuant to section 112(l) of the Clean Air Act (CAA) of 1990. The State's mechanism of delegation involves State rule adoption of all existing and future section 112 standards unchanged from the Federal standards. The actual delegation of authority of individual standards will be in the form of a letter from EPA to the Indiana Department of Environmental Management (IDEM). This request for approval of a mechanism of delegation encompasses all sources not covered by the Part 70 program.

DATES: This action will become effective June 2, 1997, unless adverse or critical comments not previously addressed by the State or EPA are received by May 1, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR–18J, Chicago, Illinois, 60604.

Please contact Sam Portanova at (312) 886–3189 to arrange a time if inspection of the submittal is desired.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, AR–18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886–3189.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 112(l) of the CAA enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program. The Federal air toxics program implements the requirements found in section 112 of the CAA pertaining to the regulation of hazardous air pollutants. Approval of an

air toxics program is granted by the EPA if the Agency finds that the State program: (1) Is "no less stringent" than the corresponding Federal program or rule, (2) the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance. Once approval is granted, the air toxics program can be implemented and enforced by State or local agencies, as well as EPA. Implementation by local agencies is dependent upon appropriate subdelegation.

On February 7, 1996, Indiana submitted to EPA a request for delegation of authority to implement and enforce the air toxics program under section 112 of the CAA. On February 29, 1996, EPA found the State's submittal complete. In this document EPA is taking final action to approve the program of delegation for Indiana.

II. Review of State Submittal

A. Program Summary

Requirements for approval, specified in section 112(l)(5), require that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. These requirements are also requirements for an adequate operating permits program under Part 70 (40 CFR 70.4). On November 14, 1995, EPA promulgated a final interim approval under Part 70 of the State of Indiana's Operating Permit Program. The notice included the approval of a mechanism for delegation of all section 112 standards for sources subject to the Part 70 program. Sources subject to the Part 70 program are those sources that are operating pursuant to a Part 70 permit issued by the State, local agency, or EPA. Sources not subject to the Part 70 program are those sources that are not required to obtain a Part 70 permit from either the State, local agency, or EPA. This action supplements the Part 70 rulemaking in that Indiana will have the authority to implement and enforce the section 112 air toxics program regardless of a source's Part 70 applicability. The Indiana program of delegation for sources not subject to Part 70 will not include delegation of section 112(r) authority or section 112(i)(5) Early Reductions Program authority.

As stated above, this document constitutes EPA's approval of Indiana's program of delegation of all existing and future air toxics standards, except for section 112(r) standards as they pertain to non-Part 70 sources. This delegation is for State rule adoption of all existing and future section 112 standards unchanged from the Federal standards delegation. Indiana intends to seek such delegation for all section 112 standards with the exception of section 112(r). The Indiana program of delegation will operate as follows:

1. For existing section 112 standards, IDEM has submitted a schedule for their adoption into the State regulations.

2. For a future section 112 standard for which IDEM intends to accept delegation, EPA will automatically delegate the authority to implement a standard to the State by letter unless IDEM notifies EPA differently within 45 days of EPA final promulgation of the standard. Upon receipt of the EPA letter, the State will be responsible for the implementation of the standard. Some activities necessary for effective implementation of the standard include receipt of initial notifications, recordkeeping, reporting and generally assuring that sources subject to the standard are aware of its existence.

3. IDEM will adopt the standard unchanged from the Federal standard into the State regulations as expeditiously as practicable. Indiana Code (IC) 13–7–7–5 requires IDEM to adopt such standards within 9 months of the effective date of the Federal standard.

4. Upon completion of regulatory action, IDEM will submit to EPA proof of rule adoption.

5. EPA will respond with a letter delegating enforcement authority to the State. EPA will enforce the standard until such time the State has been delegated the enforcement authority.

Indiana will assume responsibility for the timely implementation and enforcement required by the standard, as well as any further activities agreed to by IDEM and EPA. When deemed appropriate, IDEM will utilize the resources of its Small Business Assistance Program to assist in general program implementation.

B. Criteria for Approval

On November 26, 1993, EPA promulgated regulations to provide guidance relating to the approval of State programs under section 112(l) of the CAA. 58 FR 62262. That rulemaking outlined the requirements of approval with respect to various delegation options. The requirements for approval, pursuant to section 112(l)(5) of the CAA, of a program to implement and enforce Federal section 112 rules as promulgated without changes are found at 40 CFR 63.91. Any request for approval must meet all section 112(l) approval criteria, as well as all approval criteria of 40 CFR 63.91. A more detailed analysis of the State's submittal pursuant to 40 CFR 63.91 is contained in the Technical Support Document included in the docket of this rulemaking.

Under section 112(l) of the CAA, approval of a State program is granted by the EPA if the Agency finds that it: (1) Is "no less stringent" than the corresponding Federal program, (2) that the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance.

C. Analysis

EPA is approving Indiana's mechanism of delegation because the State's submittal meets all requirements necessary for approval under section 112(l). The first requirement is that the program be no less stringent than the Federal program. The Indiana program is no less stringent than the corresponding Federal program or rule because the State has requested delegation of all standards unchanged from the Federal standards.

Second, the State has shown that it has adequate authority and resources to implement the program. The Indiana Air Pollution Control Board has statutory authority to adopt rules necessary to implement the Federal Clean Air Act, as amended by the Clean Air Act Amendments of 1990. IC 13–1–1–4. This authority includes the ability to adopt federal section 112 rules as promulgated without change. Indiana has adopted several existing section 112 rules, is in the process of adopting the remaining existing section 112 rules, and commits to the expeditious adoption of future section 112 rules. Adequate resources will be obtained through section 105 grant monies awarded to States by EPA, through State matching funds, and through any monies from the State's Title V program that can be used to fund acceptable Title V activities with respect to these non-Part 70 sources.

Third, upon promulgation of a standard, Indiana will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirement, education and outreach to affected sources, and providing assistance to sources in completing and submitting initial notifications. Indiana has already conducted such activities for several section 112 standards. In addition, Indiana is committed to

adopting section 112 standards into the State regulations within 9 months of Federal promulgation. This schedule is sufficiently expeditious for approval.

Fourth, nothing in the Indiana program for delegation is contrary to Federal guidance.

D. Determinations

In approving this delegation, EPA expects that the State will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the Clean Air Act or 40 CFR Part 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by EPA determinations or guidance.

III. Final Action

The EPA is promulgating final approval of the February 7, 1996, request by the State of Indiana for delegation of section 112 standards unchanged from Federal standards because the request meets all requirements of 40 CFR 63.91 and section 112(l) of the CAA. Upon the effective date of this document, all existing section 112 standards which have been adopted unchanged into the State rules are delegated to the State of Indiana. Future delegation of the section 112 standards to the State will occur upon EPA's promulgation of the standard according to the procedures outlined in this rulemaking action.

Upon the effective date of this action, all notifications, reports and other correspondence required under section 112 standards should be sent to the State of Indiana rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206–6015.

In this action, EPA approves the delegation of the Federal air toxics program pursuant to section 112(l) of the CAA. EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, the rulemaking will not be deemed final if timely unaddressed adverse or critical comments are filed. The "direct final" approval shall be effective on June 2, 1997, unless EPA receives such adverse or critical comments by May 1, 1997. EPA is now soliciting public comments on this action. Any parties interested in commenting on this action should do so at this time. In the proposed rules section of this **Federal Register**, EPA is publishing a separate document which constitutes a "proposed approval" of the requested delegation. If EPA receives timely comments adverse to or critical of the approval discussed above, which have not been addressed by the State or EPA, EPA will publish a Federal **Register** document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document based on the proposed approval. 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.

Copies of the State's submittal and other information relied upon for the final approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to the State's delegated air toxics program. EPA shall consider each request for revision to the State's delegated air toxics program in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

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.

Delegation of the section 112 standards unchanged from the Federal standard does not create any new requirements, but simply allows the State to administer requirements that have been or will be separately promulgated. Therefore, because this delegation approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined that the approval action promulgated today does not constitute a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The State voluntarily requested this delegation under section 112(l) for the purpose of implementing and enforcing the air toxics program with respect to sources not covered by Part 70. The delegation imposes no new Federal requirements. Since the State was not required by law to seek delegation, this Federal action does not impose a mandate on the State.

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 June 2, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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 this 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 63

Environmental Protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

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

Dated: January 28, 1997.
David A. Ullrich,
Acting Regional Administrator.
[FR Doc. 97–8181 Filed 3–31–97; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 271

[FRL–5802–9]

State of Florida: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Florida's application and has made a decision, subject to public review and comment, that Florida's hazardous waste management program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's hazardous waste management program revision. Florida's application for program revision is available for public review and comment.

DATES: Final authorization for Florida will be effective June 2, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Florida's program revision application must be received by the close of business May 1, 1997.

ADDRESSES: Copies of Florida's program revision applications are available during the regular business hours of 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399. U.S. EPA Region IV, Library, Atlanta Federal Center, 100 Alabama Street, S.W., Atlanta, Georgia 30303–3104. Written comments should be sent to Narindar Kumar, Chief, RCRA Branch, U.S. EPA, Atlanta Federal Center, 100 Alabama Street, S.W., Atlanta, Georgia 30303–3104. Telephone (Florida State Coordinator) 404–562–8469.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, (404) 562–8448.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(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") allows 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 and 279.

B. Florida

Florida initially received final authorization on February 12, 1985. Florida received authorization for revisions to its program on January 30, 1988; January 3, 1989; February 12, 1991; April 6, 1992; July 20, 1992; April 7, 1992; April 6, 1992, and September 9, 1994. HSWA Cluster I, without corrective action, was authorized on January 10, 1994, and HSWA II was authorized on December 27, 1994. RCRA I and II were authorized on October 17, 1994. Today, Florida is seeking approval of its program revision for RCRA Cluster III, RCRA Cluster IV, and the Universal Waste Rule from RCRA Cluster V in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Florida's applications, and has made an immediate final decision that Florida's hazardous waste program revisions satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Florida. Florida has also made conforming changes to make its regulations internally consistent relative to the revisions made for the above listed authorizations. EPA has reviewed these changes and has made an immediate final decision, in accordance with 40 CFR 271.21(b)(3), that Florida's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. The public may submit written comments on EPA's immediate final decision up until May 1, 1997. Copies of Florida's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Florida's program revision will become effective in 60 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 affirms that either the immediate final decision takes effect or reverses the decision.

Florida is seeking approval for its rule revision for the RCRA Cluster III, RCRA Cluster IV and the Universal Waste Rule in RCRA Cluster V. Florida adopts the federal rules by reference and the authority is found in Florida Statute (FS) 403.704(15) (1993). The Florida Administrative Code (FAC) Chapter 62–730, effective 1/5/95, and the FAC effective 9/7/95, document the adoption of the federal rules and extends the description of the rules which apply in Florida. The following chart is a listing of the Federal requirements and Florida's analogous rule and supporting statutes.

Checklist	Federal provision	State provision
109 HSWA, 57 FR 37194 8/18/92, Land Disposal Restrictions for Newly Listed Wastes and Debris	40 CFR Parts 260.10, 261.3 262.34 264.110, 264.111, 264.112, 264.140,	62–730.020(1) F.A.C. 403.704(15) F.S., 62–730.030(1), 403.72, 62–730.160(1), 403.721, 62–730.180 (1) & (2), 403.721 (2) & (6), 403.724.

Checklist	Federal provision	State provision
	264.142, 264.1111, 254.1101, 264.1102, 264.1103,	62–730.180(2), 403.721 (2) & (6).
	264.1110, 265.110–112, 265.140, 265.142, 265.221, 265.1100, 265.1101, 265.1102, 265.1103	62–730.183, 403.721 (2), (3) & (6).
	265.1110, 268.2, 268.7, 268.9, 268.14, 258.36, 268.40, 268.41, 268.42 (b) & (d) and table 2, 268.43/Table CCW, 268.45 (a–d)/Table 1, 268.46/Table 1, 268.50, Appendix II 270.13, 270.14, 270.72	62–730.220(3), 403.087(2), 403.721(2), 403.722 (3), (4) & (7).
	40 CFR Part 270.42 (optional requirements) are not adopted by Florida.	
110 HSWA 57 FR 37284 8/18/92 Coke By-Product Listings	40 CFR 261.4, 261.32, 261, Appendix VII	62–730.030(1) F.A.C. 403.72(1).
113 Non-HSWA 53 FR 33938 9/1/88 56 FR 30200 7/1/91 57 FR 42832 9/16/92 Consolidated Liability Requirements	264.147	62–730.180(1) & (2) F.A.C. (Amended 1/5/95) and 403.721.(2) & (6)(f) F.S. 403.724 F.S. Florida adopted none of the optional requirements in this consolidated checklist
115 HSWA 57 FR 47376 10/15/92 Chlorinated Toluene Production Waste Listing	261.32 Appendix VII	62–730.030(1) F.A.C. & 403.72 F.S.
116 HSWA 57 FR 47772 10/20/92 Hazardous Soil Case-By-Case Capacity Variance	268.35	62–730.183 F.A.C., 403.721(2), (3) & (6) F.S.
117A HSWA 57 FR 7628, 3/3/92 57 FR 23062, 6/1/92 57 FR 49278, 10/30/92, Reissuance of the Mixture and Derived-From Rules	261.3	62–730.030(1) F.A.C., 403.72 (1) F.S.
118 HSWA 57 FR 54452, 11/18/92, Liquids in Landfills II	260.10 264.13, 264.314, 264.316, 265.13, 265.314, 265.316	62–730.020(1) F.A.C., 403.704(15), F.S. 62–730.180(1), 403.721(2), (3) & (6) 62–730.180(2), 403.721(2), (3) & (6)
119 HSWA 57 FR 55114, 11/24/92, Amended 58 FR 6854, 2/2/93 Toxicity Characteristic Revision, TCLP Correction	261, Appendix II, 8.2–8.5	62–730.030(1) F.A.C., 403.72, F.S.
123 HSWA 58 FR 28506, 5/14/93, LDR; Renewal of Haz. Waste Debris Case-by-Case Capacity Variance	268.35	62–730.183 F.A.C., 403.721(2), (3) & (6) F.S.
124 HSWA 58 FR 29860, 5/24/93, LDR for Ignitable and Corrosive Characteristic Wastes	264.1, 265.1 268.1, 268.2, 268.7, 268.9, 268.37, 268.40, 268.41, Table CCWE, 268.42, Table 2, 268.43, Table CCW	62–730.180(1), F.A.C. 403.721 (2) F.S. 62–730.180(2), 403.721(2) 62–730.183, 403.721 (2), (3) & (6)

Checklist	Federal provision	State provision
	The optional July 8, 1987 amendments to 40 CFR 270.42 are not adopted by Florida. Rule 62–730.290(1)(d), F.A.C., describes the permit modification process and states that the Department may require permit modifications for the causes set forth in 40 CFR 270.42. Rule 62–730.290(4), F.A.C., describes under what conditions the Department will consider a permittee's request for a permit modification.	
126 HSWA/Non-HSWA–58 FR 46040, 8/31/93, 59 FR 47980, 9/19/94 Testing and Monitoring Activities	260.11 261.22, 261.24, App. II, III & X 264.190, 264.314 265.190, 265.314 268.7, 268.40, 268.41, App. I & IX 270.6 270.19, 270.62, 270.66	62–730.021(1)(a), F.A.C., 403.704(15), F.S. 62–730.030(1), 403.72(1) 62–730.180(1), 403.721 (2) & (6) 62–730.180(2), 403.721 (2) & (6) 62–730.183, 403.721 (2), (3) & (6) 62–730.021(2), 403.721(2), 403.8055 62–730.220(3), 403.087, 403.721(2), 403.722 (3), (4) & (7)
	CL 126 cited 40 CFR 260.22(d)(1)(i). This citation describes how to petition EPA to exclude a waste at a particular generation facility from the lists in 40 CFR Part 261 Subpart D. Florida does not adopt the federal regulations concerning delisting petitions.	
128 Non-HSWA 59 FR 458, 1/4/94, Wastes from the Use of Chlorophenolic Formulations in Wood Surface Protection	260.11 261, Appendix VIII	62–730.021(1)(a), F.A.C., 403.704(15), F.S. 62–730.030(1), 403.72
129 Non-HSWA 59 FR 8366, 2/18/94 Revision of Conditional Exemption for Small Scale Treatability Studies	261.4	62–730.030(1), F.A.C., 403.72, 403.8055, F.S.
131 Non-HSWA 59 FR 13891, 3/24/94, Record keeping instructions; Technical Amendment	264, Appendix 1, Tables 1 & 2 265, Appendix I, Tables 1 & 2	62–730.180(1), F.A.C. 403.721 (2) & (6), F.S. 62–730.180(2), 403.721 (2) & (6) F.S.
132 Non-HSWA 59 FR 28484 6/2/94, Wood Surface Protection; Correction	260.11(a)	62–730.021(1), F.A.C. 403.704(15), F.S.
133 Non-HSWA 59 FR 29958, 6/10/94, Letter of Credit Revision	264.151	62–730.180(1), F.A.C., 403.721 (2) & (6)(f), 403.724, F.S.
134 Non-HSWA 59 FR 31551, 6/20/94, Correction of Beryllium Powder (PO15) Listing	261.33, Appendix VIII 268.42 (a)/Table 2	62–730.030(1), F.A.C., 403.72(1), F.S. 62–730.183, 403.721(2)
142 A–E Non HSWA 60 FR 25492, 5/11/95 Universal Waste Rule A—General Provisions; B—Battery Provisions; C—Pesticides Provisions; D—Thermostats Provisions; E—Petition Provisions		
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provisions	40 CFR Part 260.10 Definitions	62–730.020(1) F.A.C., 403.704(15) F.S.
E—Petition Provisions	260.23	62–730.021(3) F.A.C., 403.704 (15) F.S.
A—General Provisions B—Batteries C—Pesticides D—Thermostats	261.5 261.9 261.6	62–730.030(1) F.A.C., 403.72(1) F.S.
A—General Provisions	262.10, 262.11	62–730.160(1) F.A.C., 403.721 (1) & (2) F.S.
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provisions	264.1	62–730.180(1) F.A.C. & 403.721(2) F.S.
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provisions	265.1	62–730.180(8) F.A.C. & 403.721 (2) F.S.
B—Battery Provisions	266.80	62–730.181 (1) F.A.C. & 403.721(2) F.S. (58 FR 59598)
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provision	268.1	62–730.183 F.A.C. & 403.721 F.S.
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provision	270.1	62–730.220 (3) F.A.C. 403.8055 F.S.

Checklist	Federal provision	State provision
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provisions	273.1, 273.3, 273.4, 273.5, 273.6, 273.10 273.13, 273.14 273.31, 273.32, 273.33, 273.34 273.35 273.36 273.37 273.38, 273.39, 273.40 273.51, 273.50 273.51, 273.52 273.53 273,54, 273.55 273.56 273.60 273.61 273.62, 273.70,	62–730.185 (1) & (2) F.A.C. & 403.721(1) F.S. & 120.54 F.S.
E—Petitions Provisions	273.80, 273.81	62–730.185 (1) & (2) F.A.C., 120.54(f), 403.721(2) F.S.

In addition to the rule modifications listed above, Florida 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 Resource Conservation and Recovery Act (RCRA) provisions found at Title 40 of the Code of Federal Regulations or in RCRA.

State provision	Federal provision
62–730.020(3) As amended 9/7/95	40 CFR Part 268 and 273
62–730.140(1) As amended 9/7/95	40 CFR Part 273
62–730.150 (1)–(2) as amended 9/7/95	40 CFR Part 273
62–730.150(3) As amended 1/5/95	40 CFR parts 124 and 273
62–730.150(7) As amended 1/5/95	RCRA 3007
62–730.160 (6) As amended 1/5/95	40 CFR Part 265.15
62–730.160 (7) As amended 1/5/95	40 CFR Part 265.35
62–730.161 (1)–(5) New 1/5/95	40 CFR 262.12(b)
62–730.171(2) (a)–(2) (b) & (e) & (3) & (4) As amended 1/5/95	40 CFR 265 § B
62–730.181 (2) As amended 1/5/95	40 CFR 266.20
62–730.184 As amended 1/5/95	40 CFR 124
62–730.220(1) As amended 1/5/95	40 CFR 270
62–730.300 (1) (a) & (b) As amended 1/5/95	40 CFR 270.72 & 270.50
62–730.300 (4) As amended 1/5/95.	40 CFR Part 270.72
62–730.900 (4) (a) (b) & (d) as amended 1/5/95	40 CFR 264.151 (g) & (h)(2)

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 either were previously authorized as part of Florida'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.

In the 1994 Supplement to the Florida Statutes (FS) 1993 Florida changed the name from Florida Department of Environmental Regulation to Florida Department of Environmental Protection at 403.031(1), 403.061(14), 403.088, 403.703(1), 403.707,403.722 (12), 403.7222, 403.727, 403.74(2),

62–730.180(10) new subsection as Amended 1/5/95

62–730.200(1) Name change from Florida Department of Environmental Regulation to Florida Department of Environmental Protection

62–730.220(4) As amended 1/5/95

62–730.220 (5)(d) 1. And 2. As amended 1/5/95

62–730.220 (5) (h) 3.(I) as amended 1/5/95

62–730.220(9)(c) As amended 1/5/95

62–730.220(10) As amended 1/5/95

62–730.220(11) As amended 1/5/96

62–730.230 Has been deleted as of 1/5/95

62–730.231(8) As amended 1/5/95

62–730.231(9) As amended 1/5/95

62–730.250(3) As amended 1/5/95

62–730.320(2)(h) As amended 1/5/95

62–730.900 except 4 (a), (b) & (d) As amended 1/5/95

Florida's rule revision contains a new chapter 62–737 entitled Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling. The Universal Waste Rule allows for a state to add waste streams to the Universal Waste, however, these wastes are not subject to the authorization revision provisions in 40 CFR 271.21, since the State will be authorized for the universal waste regulations and the regulation of hazardous wastes.

Some portions of Florida's revised program are broader in scope than the Federal program, and thus, are not Federally enforceable. These broader-in-scope provisions are 403.78 through 403.7893 FS 1993 and 403.7895 FS 1993.

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

C. Decision

I conclude that Florida's program revisions meet the statutory and regulatory requirements established by RCRA. Accordingly, Florida is granted final authorization to operate its hazardous waste program as revised.

Florida 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. Florida also has 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.

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.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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 period. 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 Sate, local or tribal governments or the private sector because the requirements of the Florida program are already imposed by the State and subject to 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. Florida's participation in an authorized hazardous waste program is voluntary.

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. Costs to State, local and/or tribal governments already exist under the Florida program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

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 the 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 TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization 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 regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these 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 authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

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).

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 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste 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: March 17, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 97–8088 Filed 3–31–97; 8:45 am]

BILLING CODE 6565–50–P

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40 CFR Part 300

[FRL–5804–9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Minot Landfill Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Minot Landfill Superfund Site (Site) located in Ward County, North Dakota, from the National Priorities List (NPL).

The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of North Dakota have determined that the Site, as remediated, poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Erna Acheson Waterman, Site Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Mail Stop 8EPR–SR, Denver, Colorado 80202–2466, (303) 312–6762.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Minot Landfill Superfund Site, Ward County, North Dakota.

A Notice of Intent to Delete for this Site was published December 26, 1996 (61 FR 67975). The closing date for comments on the Notice of Intent to Delete was January 27, 1997. No comments have been received.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as a list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Section 300.425 (e)(3) of the NCP. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental Protection, Superfund, Hazardous waste.

Dated: March 5, 1997.

Jack W. McGraw,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Site, "Minot Landfill", Minot County, North Dakota.

[FR Doc. 97–8089 Filed 3–31–97; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 97–30]

Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 3, 1997, the Commission adopted a Report and Order ("Order") adopting a recommended decision by the Federal-State Joint Board regarding permanent rules to govern the procedures that incumbent local exchange carriers (ILECs) use for allocating Other Billing and Collecting (OB&C) expenses between the intrastate and interstate jurisdictions. Specifically, the Joint Board recommended that OB&C expenses be divided equally among three services: Interstate toll; intrastate toll; and local exchange, with two thirds of the OB&C expenses thus allocated to the state jurisdiction, and one third allocated to the interstate jurisdiction. In cases in which an ILEC provides no interstate billing and collecting for an interexchange carrier (IXC), the Joint Board recommended an automatic reduction of the interstate assignment to five percent to cover the cost of billing the federal Subscriber Line Charge (SLC). The intended effect is to adopt the Joint Board's recommendations and implement new rules regarding the separations procedures applicable to OB&C expenses.

DATES: May 1, 1997.

FOR FURTHER INFORMATION CONTACT: Lynn Vermillera, Attorney/Advisor, Accounting and Audits Division, Common Carrier Bureau, (202) 418–0852.

SUPPLEMENTARY INFORMATION: In this proceeding, we establish permanent rules that satisfy our stated goals that the permanent rules (1) reflect principles of cost causation, (2) not be unnecessarily burdensome to implement and administer, (3) be simple to audit, and (4) be certain and predictable in their effect.

Regulatory Flexibility Analysis

In the *NPRM* (60 FR 30059, June 7, 1995) Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Notice of Proposed Rulemaking*, 10 FCC Rcd 7013 (1995)), the Commission certified that the Regulatory Flexibility Act (RFA) of 1980 did not apply to this rulemaking because the rules it proposed to adopt in this proceeding would not have a significant impact on a substantial number of small businesses. The Commission's RFA in this Report and Order (Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Report and Order*, CC Docket No. 80–286, FCC 97–30 (1997)) conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996).

Need for and Objectives of the Proposed Rules

To reflect the fact that their facilities are used for both intrastate and interstate communication, ILECs must allocate their costs and expenses between the state and interstate jurisdictions. Prior to 1987, the rules for jurisdictional separation of OB&C expenses required ILECs to determine the amount of time spent billing for interstate services and for intrastate services. In 1987, the Commission adopted, at the recommendation of the Federal-State Joint Board, a new apportionment formula based on the number of users billed by each ILEC for specific interstate and intrastate services. Because the new system led to unpredictable results, and because carriers had difficulty administering the new formula (as evidenced by waiver requests), in 1988 the Commission reinstated, on an interim basis, a portion of the allocation rules that were in effect prior to 1987. In this proceeding, we are establishing permanent rules that satisfy our stated goals that the permanent rules (1) reflect principles of cost causation, (2) not be unnecessarily burdensome to implement and administer, (3) be simple to audit, and (4) be certain and predictable in their effect.

Summary of Significant Issues Raised by the Public Regarding Regulatory Flexibility

There is some concern over what might be perceived by some as a likely shift of OB&C expenses to the interstate jurisdiction, with the possible result that ILECs could either lose money on billing and collection, or lose their IXC billing and collecting contracts

altogether. The argument suggested that a shift of OB&C expenses to the interstate jurisdiction might keep small ILECs from providing billing and collection services to IXCs, and convenient single-source billing to end users. In particular the Commission was urged to consider how this might affect small ILECs, and was suggested further that non-price cap companies should have the option of either using whatever fixed allocator is adopted, or user counts, or relative use among service categories. The Joint Board, however, thought and we concur, the likelihood of ILECs being unable to recover a large amount of their billing and collection expenses, or of their losing the IXCs' billing and collection business altogether, had been greatly exaggerated. The Joint Board therefore recommended that we not adopt the suggestion that non-price cap companies be allowed to choose among several methodologies in allocating their OB&C expenses. The Joint Board also stated that, under its recommended procedures, ILECs that lose their IXC OB&C customers (or that never handled billing and collecting for IXCs) need only allocate five percent of OB&C expenses to the interstate jurisdiction to cover the cost of billing the federal SLC.

The Joint Board's recommendation included the preference for waivers of the fixed allocation for OB&C expenses over an automatic adjustment mechanism expressed by some of the state Commissioners. It was argued that waivers were preferable to a specific alternative procedure, because the waiver process would be flexible and sensitive to individual circumstances. If, contrary to the Joint Board's expectation, a pattern of waiver requests developed indicating that non-price cap ILECs might need other separations rules for allocation of OB&C expenses, the Joint Board suggested the Commission refer that issue, and the record accumulated through the waiver process, to it for consideration.

We concur with the Joint Board's reasoning. As we have said, if IXCs discontinue employing ILECs as their billing agents, other developments, such as the IXCs competing with ILECs in local service markets, will probably influence their decision much more than this change to our allocation rules. If market forces or these rules do in fact cause an ILEC to lose all IXC billing and collecting business, that carrier will allocate only five percent of its OB&C expenses to the interstate jurisdiction to cover the cost of billing the SLC. PaPUC's suggestion that small ILECs choose among three different procedures could be burdensome to administer, difficult to audit, and have uncertain and unpredictable effects, and would therefore be a disproportionate response to a speculative concern. If a pattern of waiver requests indicates that non-price cap ILECs need other rules for the allocation of OB&C expenses, the record accumulated through the waiver process could form a record for the Joint Board's consideration. We believe, however, that the new rules will not cause significant IXC abandonment of their billing relationship with ILECs, but rather will simplify the needlessly complex procedures currently in use, and thus reduce the burden on carriers.

Description and Estimates of the Number of Small Entities to Which Rules Will Apply

For the purposes of this Order, the RFA defines a "small business" to be the same as a "small business concern" under the Small Business Act, 15 U.S.C. § 632, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have fewer than 1,500 employees. We first discuss generally the total number of small telephone companies falling within both of those SIC categories. Then, we discuss the number of small businesses within the two subcategories, and attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

We have found incumbent LECs to be "dominant in their field of operation" since the early 1980's, and we consistently have certified under the RFA that incumbent LECs are not subject to regulatory flexibility analyses because they are not small businesses. We have made similar determinations in other areas. We recognize SBA's special role and expertise with regard to the RFA, and intend to continue to consult with SBA outside the context of this proceeding to ensure that the Commission is fully implementing the RFA. Although we are not persuaded on the basis of this record that our prior practice has been incorrect, we will, nevertheless, include small incumbent LECs in this FRFA to remove any possible issue of RFA compliance.

Total Number of Telephone Companies Affected

Many of the decisions and rules adopted herein may have a significant effect on a substantial number of the small telephone companies identified by SBA. The United States Bureau of the Census ("the Census Bureau") reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not "independently owned and operated." For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by this Order.

Local Exchange Carriers

Neither the Commission nor SBA has developed a definition of small providers of local exchange services (LECs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4813). The most reliable source of information regarding the number of LECs nationwide of which we are aware appears to be the data that we collect annually in connection with the Telecommunications Relay Service (TRS). According to our most recent data, 1,347 companies reported that they were engaged in the provision of local exchange services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,347 small incumbent LECs that may be affected by the decisions and rules adopted in this Order.

Interexchange Carriers

Neither the Commission nor SBA has developed a definition of small entities specifically applicable to IXCs (SIC 4813). The closest applicable definition is for telephone carriers other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of IXCs nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 97 companies reported that they were engaged in the provision of interexchange service. Although it seems certain that some of these carriers are not independently owned and operated, or have fewer than 1500 employees, we are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under SBA's definition. Tentatively, we conclude that there are fewer than 97 small IXCs that may be affected by the permanent OB&C separations rules.

Description of Projected Reporting, Record Keeping and Other Compliance Requirements of the Rules

The Commission's Part 36 rules apply to all incumbent local exchange carriers. This order reduces current reporting, record keeping or other compliance requirements, because carriers, including small ILECs, will no longer be required to segregate expenses assigned to the OB&C classification on the basis of the number of users of various services. We anticipate that carriers, including small ILECs, will need to devote less staff time to comply with these permanent rules than was needed to comply with the interim rules. No new skills are required to comply with these rules.

Steps Taken to Minimize Impact on Small Entities Consistent With Stated Objectives

The Joint Board recommended a fixed-factor plan that was consistent with our stated objectives that the permanent rules be easy to implement and administer, simple to audit, and certain and predictable in their effect. As we explain in paragraph 22 above, the Joint Board recommended that we not adopt the PaPUC's suggestion that non-price cap companies be allowed to choose among several methodologies for allocating their OB&C expenses, because the Joint Board thought the likelihood of ILECs being unable to recover a large amount of their OB&C expenses, or of their losing their IXC OB&C customers, had been greatly exaggerated. We agree that having small ILECs choose among three different procedures would be needlessly complex to administer, difficult to audit, and unpredictable in result, and we consider such a complicated approach to be an excessive precaution against a speculative concern. We do, however, entertain waiver petitions for good cause shown,and if a pattern of waiver petitions develops that indicates, contrary to our expectation, that these rules are not satisfactory in regard to small ILECs, the waiver requests could form a basis for the Joint Board to recommend a solution tailored to any problem that is revealed. We also note that the Joint Board found greater support among commenters for waivers than for the alternative procedures we suggested in the NPRM.

Significant Alternatives Considered and Rejected

The Joint Board considered and rejected an allocation procedure based on relative-use measurements. The Joint Board reasoned that measuring use produced results no more indicative of cost causation than applying a fixed factor, and that our other goals—ease of administration, auditability, and predictable results—were best met by adopting a fixed allocation factor. The Joint Board considered the contention of some parties that a measured-use method would be more convenient because it was self-adjusting, and that changing separations procedures was itself burdensome, but was persuaded by other commenters, including all the participating state public utility commissions, that the convenience of allocating OB&C expenses by a fixed factor outweighed these considerations and best met our goals.

After determining to recommend allocation by fixed factor, the Joint Board considered all the possible factors set forth for its consideration by this Commission and by parties. The Joint Board took the approach that any plan that called for it to revise its 1987 view that there are three essential services (local exchange service, intrastate toll service, and interstate toll service) bore the burden of convincing the Joint Board of its superiority, and no plan overcame that challenge. We consider the Joint Board's approach reasonable. The Joint Board considered the argument that it should choose a factor that would result in an allocation to the interstate jurisdiction similar to that arrived at by using the interim rules, but rejected that approach because the results produced by the interim rules bear no special relation to cost causation that would justify their use as a benchmark.

Report to Congress

The Secretary shall send a copy of this Final Regulatory Flexibility Analysis, along with this Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this Final Regulatory Flexibility Analysis shall also be published in the **Federal Register**.

Summary of Report and Order

The expenses ILECs incur in preparing and rendering end user customer bills, and in accounting for revenues generated by those bills, are categorized as OB&C expenses. Most of the OB&C expenses are allocated to nonregulated activities, and, except for the cost of billing and collecting the SLC, ILECs recover them through untariffed charges.

Prior to 1987, the rules for jurisdictional separation of OB&C expenses required ILECs to measure the amount of time they spent billing for interstate services and for intrastate services. In 1987, the Federal-State Joint Board in CC Docket No. 80–286 recommended, and we adopted, an interstate apportionment formula that replaced this method with one based on counting the number of users billed by each ILEC for specific interstate and intrastate services. This formula established an upper bound of thirty-three percent and a lower bound of five percent for the interstate assessment of OB&C expenses.

Although we had expected that the new procedures would result in reduced interstate assignments, it became apparent that the new procedures would have the opposite effect, at least in some cases. In 1988, this unanticipated result, combined with the difficulty carriers had administering the new formula (as evidenced by waiver requests), led us, on reconsideration, to reinstate on an interim basis a portion of the allocation rules that were in effect prior to 1987. On May 4, 1995 we adopted a Notice of Proposed Rulemaking (*NPRM*) (60 FR 30059, June 7, 1995) in which we proposed replacing those interim rules with permanent rules for allocating OB&C expenses between the jurisdictions.

The Order adopts the Joint Board's finding that nearly all OB&C expenses are joint or common with respect to the individual services appearing on customer bills, and that there is no method of allocating these joint and common expenses that reflects cost

causation better than a fixed allocator does. The Joint Board explained that a carrier's ability to attribute costs to individual services largely depends on the nature of the costs, i.e., on whether the costs are incremental, joint, or common. If a cost is incurred solely for a particular service, that cost is "incremental" with respect to the service. The Joint Board observed, however, that the costs of some shared facilities and operations are not incremental with respect to the individual services they support, and referred to such non-incremental costs as joint or common.

Moreover, the Order adopts the Joint Board's determination that most OB&C expenses are not incremental but rather are joint and common expenses, and as such are ill-suited to a measured-use method of allocation, because such measurements are not based on cost causation. As the Joint Board recommended, the Order adopts of a fixed allocation factor for OB&C expenses, because a fixed allocator would be easier to administer, easier to audit, and more certain and predictable in its effect than allocators based on usage measurements. Furthermore, as the Joint Board reasoned, a simple fixed allocator should be less expensive for ILECs to implement than procedures requiring time-consuming separations studies.

The Joint Board recommended that "assignment of these [OB&C] costs should reflect the three basic services for which the ILECs render bills: local, state toll and interstate toll." The Joint Board also stated that it saw no justification for departing from the established industry benchmark of allocating five percent of OB&C expenses to cover the cost of billing the SLC, and explained that allocating the larger share called for in some of the plans would consume an unreasonably high percentage of the total SLC revenue. The Joint Board anticipated, however, that the five percent assignment will be used only by those ILECs that do not perform billing functions for one or more IXC.

The Joint Board acknowledged that dividing the allocation of OB&C expenses equally among interstate toll, intrastate toll, and local service may in at least some cases increase the allocation to the interstate jurisdiction, and that some commenters from the ILEC industry viewed this increased allocation to interstate as a drawback. The Joint Board did not, however, view this possible increase in the allocation to the interstate jurisdiction as a defect in its recommendation. In response to comments that the advent of competition may disrupt the traditional billing relationship between ILECs and IXCs, the Joint Board noted that the circumstances of individual ILECs are likely to vary significantly, and declined to speculate on the effect of local competition on the billing activities of ILECs. The Joint Board stated that, under its recommended procedures, ILECs that lose their IXC OB&C customers (or that never handled billing and collecting for IXCs) should allocate five percent of OB&C expenses to the interstate jurisdiction to cover the cost of billing the federal SLC.

The Joint Board expressed skepticism in regard to the concern of some ILECs that, rather than pay ILECs for any increased interstate allocation, the IXCs would stop using the ILECs as billing agents altogether. The Joint Board noted that the IXCs must bill their customers in some manner, and asserted that sharing the OB&C expense with the ILECs, rather than bearing the entire billing expense themselves, would continue to be an attractive option for cost-conscious and highly competitive IXCs. The Joint Board also discounted the concern of some ILECs that, because ILECs provide billing and collecting services to IXCs under fixed contractual arrangements, they would not be able to recover the increased allocation of OB&C expenses to interstate unless they could successfully renegotiate contracts with their IXC customers. The Joint Board observed that the ILECs are free to renegotiate their contracts with IXCs, and foresaw a one-third allocation to the interstate jurisdiction causing, at worst, a temporary decline in the profitability of some ILECs' billing operations. The Joint Board found that the likelihood of ILECs being unable to recover a large amount of their billing and collection expenses, or of their losing the IXCs' billing and collection business altogether, had been greatly exaggerated. Therefore the Joint Board recommended that we not adopt the suggestion of the Pennsylvania Public Utility Commission (PaPUC) that non-price cap companies be allowed to choose among a fixed-factor, a user-count, or a relative-use methodology in allocating their OB&C expenses. The Joint Board noted, however, that if cases occur where the effect of the allocation rules on an ILEC would be unduly harsh, the ILEC could file a petition for waiver.

In the *NPRM*, we suggested that the proposed fixed allocation methods might require an adjustment mechanism that would be triggered if IXCs substantially reduced their use of ILEC billing and collecting services. The *NPRM* suggested two possible adjustment triggers. The first would permit an adjustment, or recourse to an alternative procedure, if an ILEC lost 50 percent of its existing interstate toll billing and collecting operations. The second would use the ILEC's loss of its largest IXC customer for billing services to activate the alternative allocation procedure. Under either procedure, the Commission could adjust the fixed allocator to take into account the decrease in the ILEC's interstate toll billing and collecting operations. The Joint Board, however, found little support from commenters for the proposed automatic adjustment mechanism to a fixed-factor allocation system, and therefore recommended that we not adopt a specific automatic adjustment mechanism at this time. The Joint Board explained that if, contrary to its expectation, a pattern of waiver requests developed indicating that non-price cap ILECs appear to need other separations rules for allocation of OB&C expenses, we could refer that issue, and the record accumulated through the waiver process, to the Joint Board for consideration.

We believe that adoption of these rules will further our goal of simplifying the separations process. In its Recommended Decision, the Joint Board carefully considered the nature of OB&C expenses, explained why a fixed factor is the most sensible approach to allocating these expenses among services and between the jurisdictions, and explained its recommendation that OB&C expenses be allocated equally among local exchange service, intrastate toll service, and interstate toll service. We also adopt as our own the Joint Board's reasoning in support of its recommendations.

We agree with the Joint Board's characterization of OB&C expenses as joint and common expenses. In the NPRM, we suggested that postage costs constitute a substantial portion of OB&C costs, and that such costs are not directly attributable to any individual service, because several pages containing many itemized charges can be included in a customer's bill without increasing the postage charge. In addition, because the same group of employees perform the billing and collecting function for various services, segregation of their work by services is difficult and of doubtful usefulness. We agree, therefore, with the Joint Board that there is no method of allocating these joint and common expenses that reflects cost causation better than a fixed allocator does, and other considerations such as predictability and ease of administration strongly militate in favor of using a fixed factor. The Joint Board's recommended

methodology is clear and straightforward, and will be predictable in its effect, and will also be easier to administer and to audit than the current rules. Thus the Joint Board's recommendations fully satisfy the criteria for permanent rules for allocating OB&C expenses that we set forth in the NPRM.

In the 1988 Reconsideration Order (53 FR 33010) (August 29, 1988), we said that "[a]lthough these [OB&C] costs are fixed, only a specific and decreasing portion of the expenses in this category are related to interstate services [and] the reduction in the amount of billing and collecting the LECs perform on behalf of the [IXCs] should be reflected in reduced interstate assignments." We now believe that statement rested on faulty analysis. The Joint Board has correctly stated that nearly all the costs associated with OB&C are joint and common with respect to the services billed. In contrast to incrementally incurred costs, which are by nature specific, the interstate portion of these joint and common costs cannot meaningfully be described as "specific and decreasing." Because the causation of joint and common costs is not attributable to individual services, no economic reason exists for concluding that a "reduction in the amount of billing and collecting the LECs perform on behalf of IXCs should be reflected in reduced interstate assignments" unless, of course, the service is no longer billed at all. We are further persuaded that noneconomic considerations of fairness and convenience do not, in the case of allocating OB&C expenses, call for adoption of a usage-based surrogate for measurable cost causation. The nature of OB&C expenses, which are unrelated to such possible surrogates for measurable cost causation as facilities investment or subscriber use, makes the option of allocating the costs equally among the billed services particularly attractive in this case.

Thus we also find the factor chosen by the Joint Board—one third each to local exchange service, intrastate toll service, and interstate toll service—to be reasonable. The Joint Board saw no reason to depart from the tripartite division of services into local exchange, intrastate toll, and interstate toll that it recommended in 1987, stating that, "Neither the three alternatives proposed in the Notice nor the fixed-factor proposals made by * * * [various commenters], surpass the simplicity or clarity of the three-way division we recommended in 1987 or otherwise offer benefits that induce us to depart from that position." We agree that the other possible factors that we and the commenters suggested do not improve on the three-way division recommended by the Joint Board. We also agree with the Joint Board that, for ILECs that do no billing or collecting for IXCs, there is no justification for departing at this time from the established industry benchmark of five percent as an appropriate allocation to cover the costs of billing the federal SLC.

We do not find troubling the possibility that the new rules for allocating OB&C expenses may increase some ILECs' allocation to the interstate jurisdiction. We recognize that ILECs may wish to renegotiate IXC contracts that were based on the interim rules. Like the Joint Board, however, we find exaggerated the concern of some ILECs that, rather than pay a minor increase in OB&C expenses, IXCs will prefer to take on the entire cost of running a billing operation themselves. If IXCs discontinue employing ILECs as their billing agents, we think that other developments, such as the IXCs competing with ILECs in local service markets, will influence the IXCs' decisions in this regard much more than will this change to our OB&C expense allocation rules. If market forces or these rules do in fact cause an ILEC to lose all IXC billing and collecting business, that ILEC will no longer be required to allocate a third of its OB&C expenses to the interstate jurisdiction, but instead will allocate only five percent of its OB&C expenses to the interstate jurisdiction to cover the cost of billing the SLC.

We also agree with the Joint Board's rejection of PaPUC's suggestion that small ILECs choose among three different allocation procedures. We conclude that PaPUC's proposal would be burdensome to administer, difficult to audit, and could have uncertain and unpredictable effects, and would therefore be a disproportionate response to a speculative concern.

If unforeseen circumstances cause these or any of our rules to place an undue burden on specific carriers, those carriers may seek a waiver. We believe, however, for the reasons state above, that the new rules will not cause significant IXC abandonment of their billing relationship with ILECs, but rather will simplify the needlessly complex separations procedures currently in use, and will therefore reduce the administrative burden on carriers.

Ordering Clauses

Accordingly, pursuant to Sections 1, 4(i), 220, 221(c) and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 220, 221(c), and 410(c).

It is ordered That the recommendations of the Federal-State Joint Board in CC Docket No. 80–286 ARE ADOPTED.

It is further ordered That, pursuant to Sections 1, 4(i), 220, and 221(c) and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 220, and 221(c), Part 36 of the Commission's Rules and Regulations, is amended as shown below.

List of Subjects in 47 CFR Part 36

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Uniform System of Accounts.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 36 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

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

Authority: 47 U.S.C. Secs. 151, 154 (i) and (j), 205, 221(c), 403 and 410.

2. Section 36.380 is amended by revising paragraphs (b) and (c) to read as follows:

§ 36.380 Other billing and collecting expense.

* * * * *

(b) Local exchange carriers that bill or collect from end users on behalf of interexchange carriers shall allocate one third of the expenses assigned this classification to the interstate jurisdiction, and two thirds of the expenses assigned this classification to the state jurisdiction.

(c) Local exchange carriers that do not bill or collect from end users on behalf of interexchange carriers shall allocate five percent of the expenses assigned this classification to the interstate jurisdiction, and ninety-five percent of the expenses assigned this classification to the state jurisdiction.

[FR Doc. 97–8113 Filed 3–31–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Chapter III, Parts 367–368, 371–374, and 376–378

RIN 2125–AE12

Technical Amendments to Former Interstate Commerce Commission Regulations in Accordance with the ICC Termination Act of 1995

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical amendments.

SUMMARY: This document makes technical amendments to former Interstate Commerce Commission (ICC) regulations which were transferred to the FHWA in accordance with section 204 of the ICC Termination Act of 1995. These amendments are necessitated by changes in statutory citations and definitions, and the transfer of regulatory functions to the Secretary of the Department of Transportation (Secretary) or the FHWA.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Falk, Office of Chief Counsel, Motor Carrier Law Division, (202) 366–1384, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The ICC Termination Act of 1995 (ICCTA) (Pub. L. 104–88, 109 Stat. 803), enacted December 29, 1995, and effective January 1, 1996, eliminated unnecessary ICC regulatory functions and transferred the residual functions partly to a newly established Surface Transportation Board (STB) within the DOT and partly to the Secretary of Transportation. Section 204 of the ICCTA provides, in part, that all rules of the ICC that were legally enacted by the proper official with requisite authority and which are not based upon a provision of law repealed and not substantially reenacted by the ICCTA shall remain in effect after the sunset of the ICC. Notice of the continuation in effect of such rules, as well as other legal documents of the ICC, was issued by the Federal Highway Administration on March 25, 1996 [61 FR 14372, April 1, 1996]. Section 204 also requires the STB to rescind all ICC regulations which were based on statutory provisions that are no longer in effect following enactment of the ICCTA.

Section 204 expressly recognized the right of the appropriate responsible officials to modify, terminate, supersede, set aside, or revoke the surviving ICC rules in accordance with the law. Congress intended that the Federal Highway Administration would be responsible for overseeing those ICC rules relating to the overall commercial operations of the motor carrier industry. H. Rep. No. 311, 104th Cong., 1st Sess. 85 (1995). The FHWA will undertake an extensive review of those ICC rules under its jurisdiction to determine whether they should be retained, modified, or repealed. Pending this substantive re-examination of the rules, it is necessary to make technical changes to the rules in order to codify the transfer of functions from the ICC to the FHWA, update outdated statutory references, and otherwise harmonize the rules to conform with changes enacted by the ICCTA. The technical changes made in this document pertain to former ICC regulations which are now under the exclusive jurisdiction of the FHWA, and which were removed from Chapter X of Title 49, Code of Federal Regulations, and transferred to Chapter III of that title on October 21, 1996 at 61 FR 54706. The ICC regulations governing matters subject to the jurisdiction of both the FHWA and the STB will be added to Chapter III at a later date, and technical changes will be made to those regulations at that time.

In the near future, the FHWA intends to issue notices of proposed rulemakings regarding registration, process agent and insurance requirements, as well as proposed rules related to freight forwarders and the transportation of household goods. Any technical changes pertinent to such requirements will be handled in those rulemaking proceedings.

Summary of Changes

Part 367—Standards for Registration With States

The words "Interstate Commerce Commission" or "Commission", which appear throughout this part, will be changed to "Secretary of Transportation" or "Secretary", as appropriate. References to "49 U.S.C. 10922 and 10923" in §§ 367.1(b) and 367.4(a), and to "49 U.S.C. 10928" in § 367.1(b) will be changed to "49 U.S.C. 13902." The reference to "49 U.S.C. 10521(a)" in § 367.4(h) will be changed to "49 U.S.C. 13501."

Part 368—Applications for Certificates of Registration By Foreign Motor Carriers and Foreign Motor Private Carriers

Section 368.1

Section 13902(c) of title 49 U.S.C., retains the pre-existing system of registration of foreign motor carriers and foreign motor private carriers for limited operations within the commercial zones of United States communities along international borders. However, the ICCTA changed the definition of foreign motor carriers and foreign motor private carriers so that a carrier now owned or controlled by persons of a contiguous foreign country will be considered a foreign motor/motor private carrier regardless of where the carrier itself is domiciled.

All references to "49 U.S.C. 10530" in this part are changed to "49 U.S.C. 13902(c)," except where otherwise indicated. All references to "the Commission" in § 368.1(a) and § 368.2(e) are changed to "the Secretary." All subsequent references to "the Commission" in this part are changed to "the Federal Highway Administration." The word "registration" is inserted before the word "jurisdiction" in § 368.1(a). The references to "49 U.S.C. 10922(l)(2)(B)" and "10922(l)(1)" in § 368.1 are changed to "49 U.S.C. 13902(c)(4)."

Section 368.2

The words "Truck and Bus Safety and Regulatory Reform Act of 1988" in § 368.2(a) are deleted and replaced by "ICC Termination Act of 1995." The words "a certificate or permit issued under 49 U.S.C. 10922 or 10923" in § 368.2(b)(1) are changed to "a registration issued under 49 U.S.C. 13902(a)." The words "and is not domiciled in the United States" are deleted from §§ 368.2 (b)(2) and (c)(2). The references to "49 U.S.C. 10526" in § 368.2(d) and (e) are changed to "49 U.S.C. 13506," and the reference to "49 U.S.C. 10521" in § 368.2(e) is changed to "49 U.S.C. 13501." The reference to "49 U.S.C. 10530(e)" in § 368.2(f) is changed to "49 U.S.C. 13902(a)."

Section 368.3

The words "ICC Register" in § 368.3(a) are changed to "Federal Highway Administration's Office of Motor Carriers Register." The words "(except for intervention by the Department of Transportation)" are deleted in § 368.3(a). The words "Commission's Regional Offices or by contacting the Commission's Office of Public Assistance" in § 368.3(c) are changed to "FHWA Regional Offices or

by contacting the FHWA's Office of Motor Carriers, Section of Licensing." Section 368.3(d) gave the FHWA the right to oppose an application for certificate of registration by permitting the FHWA to intervene in any proceeding on the issue of safety fitness. Since the FHWA will be receiving and processing these applications and, consequently, evaluating them for safety compliance, a formal intervention provision is no longer necessary. Accordingly, this paragraph is removed.

Section 368.5

The words "Commission" and "Interstate Commerce Commission" in § 368.5(a) are changed to "Federal Highway Administration's Office of Motor Carriers." This paragraph retains the reference to 49 CFR 1002.2(f)(1) because the FHWA has not yet issued its own regulations governing fees for services in connection with motor carrier licensing. Once such regulations are adopted, the necessary modification will be made to § 368.5. Section 368.5(b) is removed.

Section 368.6

The heading of the section is revised to delete the word "Commission," and paragraphs (a), (b)(1), and (b)(2) are revised to change the word "Commission" to "Federal Highway Administration." The words "Except in those proceedings in which the Department of Transportation intervenes under § 1171.3(d)," are deleted from § 368.6(b), and the word "compliance" is changed to "Compliance" in that same section. The word "statute" in § 368.6(b) is changed to "Act" to conform with the definitional reference in § 368.2(a). In paragraph (b)(2), the reference to "49 CFR 1044" is changed to read "49 CFR part 366." Paragraph (c) of this section is removed as superfluous.

Section 368.7

This section contains a nomenclature change from "Commission" to "Federal Highway Administration" and a reference correction to the applicable appeal regulations found at 49 CFR part 386. Accordingly, the reference to § 1115.2" in § 368.7 is changed to "49 CFR part 386."

Part 371—Brokers of Property

Section 13904 of title 49, U.S.C., provides for registration of brokers by the Secretary of Transportation in place of the licensing system maintained by the ICC under the Interstate Commerce Act. While the details regarding broker registration requirements will be handled in a separate rulemaking proceeding, this change in regulatory treatment necessitates changes in the terminology employed in the broker regulations in part 371. Consequently, "lead docket number" and "lead MC-number" in the introductory text to § 371.3(a) and in § 371.3(a)(2), respectively, are changed to "registration number," and the word "license" in § 371.7(a) is changed to "registration." The words "a Commission" in § 371.10 are changed to "the FHWA."

Part 372—Exemptions, Commercial Zones and Terminal Areas

In part 372, subpart A, the words "Part II of the Interstate Commerce Act" and "Part II of the act" in § 372.101 are changed to "49 U.S.C. subtitle IV, part B" and the reference to "section 203(b)(9) of the act" is changed to "49 U.S.C. 13506(b)." The reference to "section 203(b)(1) of the act" in § 372.103 is changed to "49 U.S.C. 13506(a)(1)." Section 372.105 is deleted in its entirety since certificates of registration (except for foreign carriers under 49 CFR part 368) are no longer provided for in the ICCTA. The FHWA has proposed the repeal of §§ 372.107 through 372.113, which relate to agricultural cooperative associations, in another rulemaking proceeding. The references to "49 U.S.C. 10526(a)(6)" in § 372.115 are changed to "49 U.S.C. 13506(a)(6)." References to the "Commission" and "Interstate Commerce Commission" in § 372.117 are changed to "Secretary." All references to "section 203(b)(7a) of the Interstate Commerce Act" appearing in that section are changed to "49 U.S.C. 13506(a)(8)(A)."

In part 372, subpart B, §§ 372.201 through 372.237 contain references to either "section 203(b)(8) of the Interstate Commerce Act [49 U.S.C. 303(b)(8)]" or its successor "49 U.S.C. 10526 (b)(1)." These references are changed to "49 U.S.C. 13506(b)(1)." The reference to "part II, Interstate Commerce Act" in § 372.241 is changed to "49 U.S.C. subtitle IV, part B." The reference to the safety requirements of "section 204 of the Interstate Commerce Act" is deleted since the Secretary's safety jurisdiction is independent of the jurisdiction conferred by the ICCTA and was removed from part II of the Interstate Commerce Act some time ago.

While the ICC's licensing authority over freight forwarders was limited to household goods freight forwarders, the ICCTA expressly made all freight forwarders subject to the Secretary's registration jurisdiction. Part 372, subpart C, defines terminal areas of motor carriers and household goods freight forwarders which were exempt from regulation under 49 U.S.C. 10523, and remain exempt under the ICCTA pursuant to 49 U.S.C. 13503. Accordingly, all references to "household goods" in subpart C are deleted to reflect the expansion of the Secretary's registration jurisdiction. Furthermore, all references in this subpart to "section 202(c) of the Interstate Commerce Act [49 U.S.C. 302(c)]" are changed to "49 U.S.C. 13503." The words "this Commission" in § 372.301(a) are changed to "the Secretary." References to "part II (49 U.S.C. 301 et seq.)," "part IV of the act," and "part IV thereof (49 U.S.C. 1001 et seq.)" are changed to "49 U.S.C. subtitle IV, part B." As was the case with § 372.241, the reference to "section 204 of the Interstate Commerce Act" is deleted as no longer necessary.

Part 373—Receipts and Bills

In part 373, subpart A, the reference to "49 CFR part 1220" in § 373.103 is replaced with "49 CFR 379." The words "under the released rates provisions at 49 U.S.C. 10730" in § 373.105 are changed to "under the provisions of 49 U.S.C. 14706(c)."

Part 374—Passenger Carrier Regulations

In part 374, subpart A, all references to "section 216 of the Interstate Commerce Act" are changed to "49 U.S.C. subtitle IV, part B." The words "Interstate Commerce Commission" or "Commission" are changed to either "United States Department of Transportation," "Secretary," or "Federal Highway Administration," as appropriate. The words "Interstate Commerce Act" in § 374.109 are changed to "49 U.S.C. subtitle IV, part B."

In part 374, subpart B, the words "subchapter II of chapter 105 of title 49, United States Code" in § 374.201(a) are changed to "49 U.S.C. subtitle IV, part B." The reference "49 CFR 1054.2(a)" in § 374.201(c) is revised to read "49 CFR 374.503 of this part."

Part 374, subpart C, is revised by changing the reference "49 CFR part 1064" in § 374.307 to "subpart D of this part." In § 374.307(g), change the reference "49 CFR 1005.5" to "49 CFR 370.9." In § 374.311, the words "Commission's appropriate Regional Office(s)" are replaced with "Federal Highway Administration's Regional Office(s)." In § 374.319 (a) and (b), the word "Commission" is replaced with "Federal Highway Administration."

In part 374, subpart D, the words "49 U.S.C. 10521" in § 374.401 are changed to "49 U.S.C. 13501." The words "part II of the Interstate Commerce Act" in

§§ 374.403(a) and 374.405 are changed to "49 U.S.C. subtitle IV, part B." The word "I.C.C." in § 374.403(b) is changed to "FHWA".

In part 374, subpart E, the words "49 U.S.C. 10932(e)" in § 374.501 are changed to read "49 U.S.C. 13506 [49 U.S.C. 10932(e)]." The words "49 U.S.C. 10922(c)(1)(F)" in § 374.505(d) are changed to "49 U.S.C. 13902(b)(8)."

Part 376—Lease and Interchange of Vehicles

The words "holding permanent or temporary operating authority from the Commission" in § 376.1 are changed to "registered with the Secretary." All subsequent references to "Commission" in this part are changed to either "Secretary" or "FHWA" as appropriate. The words "common or contract carrier under the provisions of 49 U.S.C. 10921, 10922, 10923, 10928. 10931, or 10932" in § 376.2 are changed to "motor carrier under the provisions of 49 U.S.C. 13901 and 13902." The words "Commission's requirements in part 1058" in §§ 376.11(c) and 376.31(d) are changed to "FHWA's requirements in 49 CFR part 390." The reference to "49 U.S.C. 11107" in § 376.12(c)(4) is changed to "49 U.S.C. 14102." The reference to "49 U.S.C. 10927" in § 376.12(j) is changed to "49 U.S.C. 13906." Section 376.31(b) is changed to eliminate references to operating authority and certificates of public convenience and necessity. Changes to obsolete 49 CFR part 1057 section numbers, which appear throughout part 376, are identified in the amendatory language.

Part 377—Payment of Transportation Charges

The words "part II of the Interstate Commerce Act" in §§ 377.101 and 377.103, and "the Interstate Commerce Act" in § 377.105, are changed to "49 U.S.C. 13702." This reflects the fact that only household goods carriers and motor carriers engaged in the noncontiguous domestic trade are still required to maintain tariffs following enactment of the ICCTA.

The reference to "Interstate Commerce Commission" in § 377.201 is changed to "Federal Highway Administration" and the references to "rail and water carriers" in that section are removed. The words "within the meaning of 49 U.S.C. 10562 (3) and (4)" are removed from § 377.205(d)(3) since the referenced statutory provisions were repealed in 1986. Section 377.205(e) is removed because it involves rail and water export traffic not subject to the FHWA's jurisdiction. The reference to "49 CFR 1104.7(a)" in § 377.211 is changed to "49 CFR 386.32(a)," which is the equivalent, virtually identical FHWA regulation for the computation of time periods involving calendar days. It should be noted that the notice of proposed rulemaking in FHWA Docket No. MC–96–18 (61 FR 18866, April 29, 1996) proposes to recodify this provision without change as 49 CFR 363.302(a). Section 377.213 is removed because it pertains to railroad demurrage charges not subject to the FHWA's jurisdiction. The words "Interstate Commerce Commission jurisdiction under Subchapters I, II, or III of Chapter 105 of Title 49, Subtitle IV, of the United States Code" in § 377.217 are changed to "the Secretary's jurisdiction under 49 U.S.C. subtitle IV, part B."

Part 378—Procedures Governing the Processing, Investigation, and Disposition of Overcharge, Duplicate Payment, or Overcollection Claims

The references to "part II or IV of the Interstate Commerce Act" in §§ 378.1 and 378.2 are changed to "49 U.S.C. subtitle IV, part B." The reference to "section 11705(b)(1) of the Interstate Commerce Act" in § 378.2(b) is changed to "49 U.S.C. 14704(b)." The words "this Commission" in § 378.2(d) are changed to "the United States Department of Transportation's Surface Transportation Board."

Rulemaking Analyses and Notice

This final rule makes only minor, technical corrections to existing regulations. The rule replaces outdated language with terms more consistent with current statutory authority and codifies the transfer of regulatory responsibilities from the Interstate Commerce Commission to the Department of Transportation. Substantive regulatory standards are not changed in any way. Therefore, the FHWA finds good cause to adopt the rule without prior notice or opportunity for public comment [5 U.S.C. 553(b)]. The DOT's regulatory policies and procedures also authorize promulgation of the rule without prior notice because it is anticipated that such action would not result in the receipt of useful information. The FHWA is making the rule effective upon publication in the **Federal Register** because it imposes no new burdens and merely corrects or clarifies existing regulations [5 U.S.C. 553(d)].

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. Since this rulemaking action makes only technical corrections to the current regulations, it is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, and since this rulemaking action makes only technical corrections to the current regulations, the FHWA hereby certifies that this action will not have a significant impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

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

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be

used to cross reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 367

Commercial motor vehicle, Financial responsibility, Insurance, Motor carriers, Motor vehicle safety, Registration, Reporting and recordkeeping requirements.

49 CFR Part 368

Administrative practice and procedure, Highways and roads, Insurance, Motor carriers.

49 CFR Part 371

Administrative practice and procedure, Brokers, Highways and roads, Motor carriers.

49 CFR Part 372

Buses, Commercial zones, Freight forwarders, Highways and roads, Motor carriers of property.

49 CFR Part 373

Buses, Highways and roads, Motor carriers, Reporting and recordkeeping requirements.

49 CFR Part 374

Baggage liability, Buses, Civil rights, Discrimination, Freight forwarders, Handicapped, Highways and roads, Motor carriers—intercity passenger service.

49 CFR Part 376

Highways and roads, Motor carriers—equipment leasing, Reporting and recordkeeping requirements.

49 CFR Part 377

Credit, Freight forwarders, Highways and roads, Motor carriers.

49 CFR Part 378

Claims, Freight forwarders, Highways and roads, Investigations, Motor carriers.

Issued on: March 21, 1997.

Jane F. Garvey,

Acting Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA amends title 49, Code of Federal Regulations, Chapter III, as follows:

PART 367—[AMENDED]

1. The authority citation for Part 367 is revised to read as follows:

Authority: 49 U.S.C. 13301 and 14504; 49 CFR 1.48.

2. In part 367, in the list below, for each section indicated in the left column, remove the word or words indicated in the middle column wherever they appear in the section, and add the words indicated in the right column:

Section	Remove	Add
367.1(a)	The Commission. The Interstate Commerce Commission	The Secretary. The Secretary of Transportation.
367.1(b)	49 U.S.C. 10922, 10923, or 10928	49 U.S.C. 13902.
367.1(c)	Commission	Secretary.
367.3(c)	§ 1023.4(b)(2)	§ 367.4(b)(2).
367.4(a)	Commission	Secretary.
367.4(a)	49 U.S.C. 10922 or 10923	49 U.S.C. 13902.
367.4(b) introductory text	Commission	Secretary.
367.4(c)(2)	Commission (in three places)	Secretary (in three places).
367.4(c)(2)	49 CFR part 1043	49 CFR part 387, subpart C.
367.4(c)(3)	Commission	Secretary.
367.4(c)(3)	49 CFR part 1044	49 CFR part 366.
367.4(d)	Commission	Secretary.
367.4(d)	49 CFR part 1043	49 CFR part 387, subpart C.
367.4(h)	Commission's	Secretary's.
367.4(h)	49 U.S.C. 10521(a)	49 U.S.C. 13501.
367.5(a) introductory text	§ 1023.4	§ 367.4.
367.5(b)	§ 1023.4(b)(2)	§ 367.4(b)(2.)
367.6(c)	§ 1023.4(c)	§ 367.4(c).
Heading to Appendix A	Part 1023	Part 367.
Heading to Appendix A	Operating under authority issued by the Interstate Commerce Commission	Registered with the Secretary of Transportation.
Appendix A	ICC (14 places)	FHWA (14 places).
Appendix A	49 CFR part 1043 (two places)	49 CFR part 387, subpart C (two places).
Appendix A	Title 49 CFR 1043.2	49 CFR 387.303.

PART 368—[AMENDED]

3. The authority citation for part 368 is revised to read as follows:

Authority: 49 U.S.C. 13301 and 13902; 49 CFR 1.48.

4. The heading of part 368 is revised to read as follows:

PART 368—APPLICATIONS FOR CERTIFICATES OF REGISTRATION BY FOREIGN MOTOR CARRIERS AND FOREIGN MOTOR PRIVATE CARRIERS UNDER 49 U.S.C. 13902(c)

5. Section 368.1 is revised to read as follows:

§ 368.1 Controlling legislation.

(a) This part governs applications filed under 49 U.S.C. 13902(c). Under this section certain foreign motor carriers and motor private carriers must hold a certificate of registration to provide certain interstate transportation services otherwise outside the registration jurisdiction of the Secretary. Neither a foreign motor carrier nor a foreign motor private carrier may provide interstate transportation of property unless the Secretary has issued the carrier a certificate of registration. The service allowable under a certificate of registration is described in 49 U.S.C. 13902(c)(4).

(b) This part applies only to carriers of a contiguous foreign country with

respect to which a moratorium is in effect under 49 U.S.C. 13902(c)(4).

6. In § 368.2 paragraphs (a), (b) (1) and (2), (c)(2) and (d) through (f) are revised to read as follows:

§ 368.2 Definitions.

(a) *The Act.* The ICC Termination Act of 1995.

* * * * *

(b) * * *

(1) Which does not hold a registration issued under 49 U.S.C. 13902(a);

(2) Which is domiciled in any contiguous foreign country, or is owned or controlled by persons of any contiguous foreign country; and

* * * * *

(c) * * *

(2) Which is owned or controlled by persons of any contiguous foreign country; and

* * * * *

(d) *Exempt items.* Commodities described in detail at or transported under 49 U.S.C. 13506(a) (4), (5), (6), (11), (12), (13), and (15).

(e) *Interstate transportation.* Transportation described at 49 U.S.C. 13501, and transportation in the United States otherwise exempt from the Secretary's jurisdiction under 49 U.S.C. 13506(b)(1).

(f) *Fit, willing and able.* Safety fitness and proof of minimum financial responsibility as defined in 49 U.S.C. 13902(a).

* * * * *

7. Section 368.3 is amended by revising paragraphs (a) and (c) and removing paragraph (d) to read as follows:

§ 368.3 Procedures used generally.

(a) All applicants must file a completed Form OP–2. All required information must be submitted in English on the Form OP–2. The application will be decided based on the submitted Form OP–2 and any attachments. Notice of the authority sought will not be published in either the **Federal Register** or the Federal Highway Administration's Office of Motor Carriers Register. Protests or comments will not be allowed. There will be no oral hearings.

* * * * *

(c) Form OP–2 may be obtained at any of the FHWA Regional Offices or by contacting the FHWA's Office of Motor Carriers Section of Licensing.

8. Section 368.5 is revised to read as follows:

§ 368.5 Where to send the application.

The original and one copy of the application shall be filed with the FHWA's Regional Office that has jurisdiction over applicant's point of domicile (the instructions to the application provide more specific information), or at such other location as the Secretary may designate in special circumstances. A check or money order for the amount of the filing fee set forth at 49 CFR 1002.2(f)(1), payable to the Federal Highway Administration's Office of Motor Carriers in United States dollars, must be submitted.

9. Section 368.6 is amended by revising the heading; by replacing the word "Commission" wherever it appears in this section with "Federal Highway Administration'; by removing paragraph (c); by replacing the reference "49 CFR 1044" with "49 CFR 366" in paragraph (b)(2); and by revising the introductory text of paragraph (b) to read as follows:

§ 368.6 Review of the application.

* * * * *

(b) Compliance will be determined solely on the basis of the application and the safety fitness of the applicant. An employee review board will decide whether the authority sought falls under the Act, and whether and to what extent the evidence warrants a grant of the authority.

* * * * *

10. Section 368.7 is revised to read as follows:

§ 368.7 Appeals.

A decision disposing of an application subject to this part is a final action of the Federal Highway Administration. Review of such an action on appeal is governed by the FHWA's appeal regulations in 49 CFR Part 386.

PART 371—[AMENDED]

11. The authority citation for part 371 is revised to read as follows:

Authority: 49 U.S.C. 13301 and 13501; 49 CFR 1.48.

§ 371.1 [Amended]

12. Section 371.1 is amended by correcting the reference "§ 1045.2" to read as "§ 371.2".

13. In § 371.3, paragraph (a) is amended by revising the introductory paragraph; paragraph (a)(2) is amended by replacing the words "lead MC-number" with the words "registration number"; and the undesignated paragraph after the first sentence in paragraph (a)(6) is removed. As revised, the text of introductory paragraph (a) reads as follows:

§ 371.3 Records to be kept by brokers.

(a) A broker shall keep a record of each transaction. For purposes of this section, brokers may keep master lists of consignors and the address and registration number of the carrier, rather than repeating this information for each transaction. The record shall show:

* * * * *

§ 371.7 [Amended]

14. Section 371.7 is amended by replacing the word "license" with "registration".

§ 371.10 [Amended]

15. Section 371.10 is amended by replacing the words "a Commission" with "the FHWA".

PART 372—[AMENDED]

16. The authority citation for part 372 continues to read as follows:

Authority: 49 U.S.C. 13504 and 13506; 49 CFR 1.48.

§ 372.101 [Amended]

17. Section 372.101 is amended by replacing the words "Part II of the Interstate Commerce Act" and "part II of the act" with "49 U.S.C. subtitle IV, part B"; and by replacing the words "section 203(b)(9) of the act" with "49 U.S.C. 13506(b)".

§ 372.103 [Amended]

18. Section 372.103 is amended by replacing the words "section 203(b)(1) of the act" with "49 U.S.C. 13506(a)(1)".

§ 372.105 [Removed]

19. Section 372.105 is removed.

§ 372.115 [Amended]

20. Section 372.115 is amended by removing the term "(49 U.S.C. 10526(a)(6))" from the text, and by replacing the words "49 U.S.C. 10526(a)(6)" and "section 10526(a)(6) of the recodified Interstate Commerce Act" with "49 U.S.C. 13506(a)(6)" in the section heading, in the section text, and in the heading and Notes 1 and 2 under "Administrative Ruling No. 133".

§ 372.117 [Amended]

21. Section 372.117 is amended by replacing the words "Commission" in paragraph (a) and "Interstate Commerce Commission" in paragraph (c) with "Secretary"; by replacing the words "section 203(b)(7a) of the Interstate Commerce Act" in paragraph (d)(1) with "49 U.S.C. 13506(a)(8)(A)"; and by replacing "section 203(b)(7a) of the Interstate Commerce Act (49 U.S.C. 303)" in paragraphs (d)(2) and (d)(3) with "49 U.S.C. 13506(a)(8)(A)".

§§ 372.201, 372.203, 372.205, 372.207, 372.209, 372.211, 372.213, 372.215, 372.217, 372.219, 372.221, 372.223, 372.225, 372.227, 372.229, 372.231, 372.233, 372.235, 372.237, 372.241, and 372.243 [Amended]

22. In the list below, for each Section indicated in the left column, remove the word or words indicated in the middle column wherever they appear in the Section, and add the words indicated in the right column:

Section	Remove	Add
372.201 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.203 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.205 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.207 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.209 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.211 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.213 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.215 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.217 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.219 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.221 introductory text.	§ 1048.101	§ 372.241.
372.223 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.225 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.227 introductory text.	Section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8))	49 U.S.C. 13506(b)(1).
372.229 introductory text.	49 U.S.C. 10526(b)(1)	49 U.S.C. 13506(b)(1).
372.231 introductory text.	Section 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act	49 U.S.C. 13506(b)(1).
372.233 introductory text.	Section 10526(b)(1) of the Interstate Commerce Act (49 U.S.C. 10526(b)(1))	49 U.S.C. 13506(b)(1).
372.235 introductory text.	Section 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act (49 U.S.C. 10526(b)(1)).	49 U.S.C. 13506(b)(1).
372.237(a)	Section 10526(b)(1) of the Interstate Commerce Act (49 U.S.C. 10526(b)(1))	49 U.S.C. 13506(b)(1).
372.237(b)	§ 1048.101	§ 372.241.
372.237(b)	Section 10526(b)(1)	49 U.S.C. 13506(b)(1).
372.241 introductory text.	Part II, Interstate Commerce Act, except the provisions of section 204 relative to the qualifications and maximum hours of service of employees and safety of operation or standards of equipment.	49 U.S.C. subtitle IV, part B.
372.243 introductory text.	§ 1048.101	§ 372.241.

PART 372—[AMENDED]

23. Subpart C of part 372 is amended by adding § 372.300 to read as follows:

§ 372.300 Distances and population data.

In the application of this subpart, distances and population data shall be determined in the same manner as provided in 49 CFR 372.243. See also definitions in 49 CFR 372.239.

24. Section 372.301 is revised to read as follows:

§ 372.301 Terminal areas of motor carriers and freight forwarders at municipalities served.

The terminal area within the meaning of 49 U.S.C. 13503 of any motor carrier of property or freight forwarder subject to 49 U.S.C. subtitle IV, part B at any municipality authorized to be served by such motor carrier of property or motor carrier of passengers in the transportation of express or freight forwarder, within which transportation by motor carrier in the performance of transfer, collection, or delivery services may be performed by, or for, such motor carrier of property or freight forwarder without compliance with the provisions of 49 U.S.C. subtitle IV, part B consists of and includes all points or places which are:

(a) Within the commercial zone, as defined by the Secretary, of that municipality, and

(b) Not beyond the limits of the operating authority of such motor carrier of property or freight forwarder.

25. In § 372.303 the introductory paragraph and paragraph (a) are revised to read as follows:

§ 372.303 Terminal areas of motor carriers and freight forwarders at unincorporated communities served.

The terminal areas within the meaning of 49 U.S.C. 13503 of any motor carrier of property or freight forwarder subject to 49 U.S.C. subtitle IV, part B, at any unincorporated community having a post office of the same name which is authorized to be served by such motor carrier of property or motor carrier of passengers in the transportation of express or freight forwarder, within which transportation by motor vehicle in the performance of transfer, collection, or delivery services may be performed by, or for, such motor carrier of property or freight forwarder without compliance with the provisions of 49 U.S.C. subtitle IV, part B, consists of:

(a) All points in the United States which are located within the limits of the operating authority of the motor carrier of property or freight forwarder involved, and within 3 miles of the post office at such authorized unincorporated point if it has a population less than 2,500, within 4 miles if it has a population of 2,500 but less than 25,000, or within 6 miles if it has a population of 25,000 or more;

* * * * *

PART 373—[AMENDED]

26. The authority citation for part 373 continues to read as follows:

Authority: 49 U.S.C. 13301 and 14706; 49 CFR 1.48.

§ 373.101 [Amended]

27. Section 373.101 is amended by removing the reference "49 CFR part 1220" in the undesignated paragraph under (e) and replacing it with "49 CFR part 379".

§ 373.103 [Amended]

28. Section 373.103 is amended by replacing the words "49 CFR part 1220" with "49 CFR part 379" in the undesignated paragraphs under (a)(11) and (b)(11) of the section.

§ 373.105 [Amended]

29. Section 373.105 is amended by replacing the words "released rates provisions at 49 U.S.C. 10730" with "provisions of 49 U.S.C. 14706(c)".

PART 374—[AMENDED]

30. The authority citation for part 374 continues to read as follows:

Authority: 49 U.S.C. 13301 and 14101; 49 CFR 1.48.

31. In part 374, Subparts A, B, C, D, and E, in the list below, for each section indicated in the left column, remove the word or words indicated in the middle column wherever they appear in the section, and add the words indicated in the right column:

Section	Remove	Add
374.101	Section 216 of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.103	Section 216 of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.103 Note	§ 1055.2 (the first time it appears)	§ 374.103 (formerly § 1055.2).
374.103 Note	§ 1055.2	§ 374.103.
374.105	Section 216 of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.107	Section 216 of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.107	Interstate Commerce Commission	Secretary, U.S. Department of Transportation.
374.109	Section 216 of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.109	The Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.111	Section 216 of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.111	Secretary of the Interstate Commerce Commission	Secretary.
374.113(b)	§ 1055.3	§ 374.105.
374.201(a)	Subchapter II of chapter 105 of title 49, United States Code.	49 U.S.C. subtitle IV, part B.
374.201(c)	49 CFR 1054.2(a)	§ 374.503 of this part.
374.307(c)(1)	Commission	Secretary.
374.307(c)(1)	49 CFR part 1064	subpart D of this part.
374.307(c)(2)(iv)	Commission	Secretary.
374.307(g)	49 CFR 1005.5	49 CFR 370.9.
374.311(b)	The Commission's appropriate Regional Office(s)	the FHWA's Regional Office(s).
374.319(a), (b)	The Commission	the Federal Highway Administration.
374.401(a)	49 U.S.C. 10521	49 U.S.C. 13501.
374.401(a)(3)	§ 1063.4(c)(3)	§ 374.307(c)(3).
374.403(a)	Part II of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.403(b), under "Identify Your Baggage".	Under I.C.C. regulations	Under FHWA regulations.
374.405	Part II of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
374.501	49 U.S.C. 10932(c)	49 U.S.C. 13506 [49 U.S.C. 10932(c)].
374.505(d)	49 U.S.C. 10922(c)(1)(F)	49 U.S.C. 13902(b)(8).

PART 376—[AMENDED]

32. The authority citation for part 376 is revised to read as follows:

Authority: 49 U.S.C. 13301 and 14102; 49 CFR 1.48.

33. In part 376, subparts A, B, C, D, and E, in the list below, for each section indicated in the left column, remove the word or words indicated in the middle column wherever they appear in the section, and add the words indicated in the right column:

Section	Remove	Add
376.1 introductory paragraph	Holding permanent or temporary operating authority from the Commission.	Registered with the Secretary.
376.1(a)	Commission	Secretary.
376.1(c)	Commission	Secretary.

Section	Remove	Add
376.2(a)	Common or contract carrier under the provisions of 49 U.S.C. 10921, 10922, 10923, 10928, 10931, or 10932.	Motor carrier under the provisions of 49 U.S.C. 13901 and 13902.
376.11 introductory paragraph.	§ 1057.31	§ 376.31.
376.11(a)	§ 1057.12	§ 376.12.
376.11(c)(1)	Commission's requirements in part 1058	FHWA's requirements in 49 CFR part 390.
376.12 introductory paragraph.	§ 1057.11(a)	§ 376.11(a).
376.12(b)	§ 1057.11(b)	§ 376.11(b).
376.12(c)(3)	Commission	Secretary.
376.12(c)(4)	49 U.S.C. 11107	49 U.S.C. 14102.
376.12(j)(1)	Commission regulations under 49 U.S.C. 10927	FHWA regulations under 49 U.S.C. 13906.
376.12(l)	§ 1057.11(c)(2)	§ 376.11(c)(2).
376.21 introductory paragraph.	§ 1057.11(c)	§ 376.11(c).
376.21(b)	Commission	Secretary.
376.22(a)	§ 1057.11(c)	§ 376.11(c).
376.22(c)(2)	§ 1057.11(b) (in two places)	§ 376.11(b) (in two places).
376.22(c)(4)	§ 1057.11(b)	§ 376.11(b).
376.22(c)(4)	§ 1057.11(d)	§ 376.11(d).
376.26	§ 1057.12 (e) through (l)	§ 376.12 (e) through (l).
376.31(b)	Hold certificates of public convenience and necessity which authorize the transportation.	Be registered with the Secretary to provide the transportation.
376.31(d)(1)	Commission's requirements in part 1058	FHWA's requirements in 49 CFR part 390.
376.42	§ 1057.22	§ 376.22.

PART 377—[AMENDED]

34. The authority citation for part 377 continues to read as follows:

Authority: 49 U.S.C. 13101, 13301, 13701–13702, 13706, 13707, and 14101; 49 CFR 1.48.

35. In part 377, subparts A and B, in the list below, for each section indicated in the left column, remove the word or words indicated in the middle column wherever they appear in the section, and add the words indicated in the right column:

Section	Remove	Add
377.101	Part II of the Interstate Commerce Act	49 U.S.C. 13702.
377.103	Part II of the Interstate Commerce Act	49 U.S.C. 13702.
377.103	§ 1052.1	§ 377.101.
377.105	The Interstate Commerce Act	49 U.S.C. 13702.
377.105	§ 1052.1	§ 377.101.
377.201(a)	Interstate Commerce Commission regulation by rail, motor, and water.	Federal Highway Administration regulation by motor.
377.205(d)(3)	Within the meaning of 49 U.S.C. 10562(3) and (4)	
377.205(e)	[remove paragraph (e)]	
377.211	49 CFR 1104.7(a)	49 CFR 386.32(a).
377.213	[removed]	[Reserved].
377.215(a)	49 CFR 1056.3(d)	49 CFR 375.3(d).
377.215(b)(1)	49 CFR 1056.19	49 CFR 375.19.
377.217	Interstate Commerce Commission jurisdiction under Subchapters I, II, or III of Chapter 105 of Title 49, Subtitle IV, of the United States Code.	The Secretary's jurisdiction under 49 U.S.C. subtitle IV, part B.

PART 378—[AMENDED]

36. The authority citation for part 378 is revised to read as follows:

Authority: 49 U.S.C. 13321, 14101, 14704, and 14705; 49 CFR 1.48.

37. In part 378, in the list below, for each section indicated in the left column, remove the word or words indicated in the middle column wherever they appear in the section, and add the words indicated in the right column:

Section	Remove	Add
378.1	Part II or IV of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
378.2(a)	Part II or IV of the Interstate Commerce Act	49 U.S.C. subtitle IV, part B.
378.2(b)	Section 11705(b)(1) of the Interstate Commerce Act	49 U.S.C. 14704(b).
378.2(d)	Part 1056	Part 375.
378.2(d)	This Commission	The United States Department of Transportation's Surface Transportation Board.
378.4(a)	§ 1008.8	§ 378.8.
378.4(d)	§ 1008.5(c)	§ 378.5(c).
378.5(a)	§ 1008.6	§ 378.6.

Section	Remove	Add
378.5(b)	§ 1008.9	§ 378.9.
378.5(c)	§ 1008.8	§ 378.8.
378.6	§ 1008.7	§ 378.7.

[FR Doc. 97–7961 Filed 3–31–97; 8:45 am]
BILLING CODE 4910–22–P

DEPARTMENT OF COMMERCE

50 CFR Part 648

National Oceanic and Atmospheric Administration

[Docket No. 970324064–7064–01; I.D. 021997B]

RIN 0648–AJ32

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 23

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 23 to the Northeast Multispecies Fishery Management Plan (FMP). This rule closes Federal waters at the times specified to vessels fishing with sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets, in parts of the following right whale critical habitat areas: Cape Cod Bay from March 27, 1997 through May 15, 1997, and from January 1 through May 15 in subsequent years; and the Great South Channel from April 1 through June 30, annually. The intent of this action is to restrict multispecies fishing activities that have been determined to jeopardize the continued existence of the northern right whale.

EFFECTIVE DATE: March 27, 1997.

ADDRESSES: Copies of Amendment 7 to the FMP, its regulatory impact review (RIR) and the final regulatory flexibility analysis (FRFA) contained with the RIR, and its final supplemental environmental impact statement, are available upon request from Paul Howard, Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906–1097. Framework Adjustment 23 documents, the marine mammal stock assessment report, and biological opinions are available from Andrew A. Rosenberg, Ph.D, Regional Administrator, Northeast Region, NMFS (Regional Administrator), One Blackburn Drive, Gloucester, MA 01930–2298.

FOR FURTHER INFORMATION CONTACT: Lt. Dan Morris (NOAA Corps), Resource Conservation Officer, NMFS, Northeast Region, Habitat and Protected Resources Division, 508–281–9388.

SUPPLEMENTARY INFORMATION:

Background

Several marine species listed as threatened or endangered under the Endangered Species Act (ESA) occur regularly in waters covered by the FMP. The NMFS, the agency responsible for implementation of the FMP, is required by section 7 of the ESA to consider what impacts fishing activities governed by the FMP and its implementing regulations may have on ESA-listed species. As a result of this deliberative process, NMFS issued a biological opinion [1] on December 13, 1996, concluding that the fishing activities governed by the FMP and its implementing regulations are likely to jeopardize the continued existence of the northern right whale (*Eubalaena glacialis*).

The northern right whale is the most endangered large whale species in the Northwest Atlantic Ocean. The 1995 Stock Assessment Report (Blaylock *et al.*, 1995) prepared by NMFS pursuant to the 1994 Marine Mammal Protection Act amendments reference the 1992 estimate of 295 (Knowlton *et al.*, 1994) as the current minimum population estimate for the northern right whale.

The Potential Biological Removal (PBR) level is the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing the stock to reach and or sustain its optimum sustainable population level. The PBR level for right whales is currently set at 0.4 individuals per year, or two human-induced whale mortalities or serious injuries every 5 years (Blaylock *et al.*, 1995). Based on a minimum estimate of known serious injuries or mortalities, the current PBR level has been exceeded in 20 of the past 27 years. This level of interaction is based on actual reported numbers, rather than an estimate based on extrapolations to total shipping and fishing effort.

During January and February of 1996, an unprecedented number of right whale deaths (six or seven) was reported from the Southeast right whale critical habitat/calving grounds off Georgia and Florida. Because the northern right whale population is so small and its reproductive rate so low, anthropogenic impacts, such as ship strikes and fishery entanglements, inhibit the species' recovery and may jeopardize the population's continued existence. A report on these mortalities was presented by the Right Whale Research Group of the New England Aquarium to the New England and Southeast Right and Humpback Whale Recovery Plan Implementation Teams along with information from 1995 and 1996 on levels of known and estimated right whale mortality. This information reflected a possible change in the status of the species, as measured by the environmental baseline upon which all previous section 7 consultations had been conducted. Based on this new information, NMFS reinitiated consultation on the FMP on October 29, 1996.

The multispecies fishery includes the use of sink gillnets, a gear type that is known to cause serious injury to right whales. Approximately 15 right whale entanglements in gillnet gear were recorded between 1970 and 1996; approximately 13 were sighted in Massachusetts, the Great South Channel, the Bay of Fundy, and the Gulf of Maine combined; and 5 were identified as monofilament or sink gillnet gear. Given the historical record of right whale entanglements in gillnet gear, the level of observed right whale mortalities over the past 18 months from all sources (including ship strikes, fishery interactions and natural causes), and the uncertainties about the status of the population and its rate of recovery, NMFS, on December 13, 1996, concluded that the current and proposed fishing activities carried out under the FMP are likely to jeopardize the continued existence of the northern right whale.

When NMFS concludes that a Federal action is likely to jeopardize the continued existence of a species, the

[1] See National Marine Fisheries Service Biological Opinion, issued on November 30, 1993, relating to Amendment 5 of the Multispecies FMP, for a discussion of the abundance, distribution, and life history of right whales, along with a discussion of factors contributing to the mortality of right whales, including entanglements with sink gillnet gear and other gillnet gear capable of catching multispecies.

agency is required to recommend reasonable and prudent alternative(s) to the action which, when implemented, would remove the threat of jeopardy to the species in question. The reasonable and prudent alternative in the Multispecies FMP Biological Opinion (December 13, 1996) includes the requirement that NMFS request the Council to accomplish a framework adjustment action to close most of the Great South Channel right whale critical habitat to sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets, used in the bait fishery, during the period of peak right whale abundance. NMFS made this request to the Council at the December 11–12, 1996, meeting in order to allow the action to be completed under the framework adjustment process prior to April 1, 1997, the deadline required by the biological opinion.

Concurrently, the Commonwealth of Massachusetts has prohibited gillnets from the designated right whale critical habitat in Cape Cod Bay within State waters from January 1 through May 15. As a portion of the Cape Cod Bay Critical Habitat lies in Federal waters, NMFS has requested that the Council act to implement restrictions consistent with the State's in that Federal area, as well.

Implemented fully and in a timely manner, this measure will directly reduce the likelihood of right whale entanglements in sink gillnet gear and other gillnet gear capable of catching multispecies. The exception for single pelagic gillnets (sometimes referred to as a small-mesh pelagic net or baitnet by participants in the fishery) provides for the use of this gear to harvest bait for the tuna and lobster fisheries. Framework Adjustment 16 to the FMP (62 FR 9377, March 3, 1997) referred to these single pelagic nets as small-mesh pelagic gillnets, not longer than 300 ft (91.44 m) and not more than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.62 cm), and requires that the net be attached to the boat and fished in the upper two-thirds of the water column. These small nets are constantly monitored and should pose little risk of entanglement to right whales. If a whale should become entangled in a legally deployed baitnet, disentanglement efforts should begin immediately to minimize the threat of the whale becoming injured seriously or killed. Accordingly, these final regulations are applicable to all sink gillnets and other gillnet gear capable of catching multispecies, except for single pelagic gillnets as described in § 648.81(f)(2)(ii). In addition, gillnet gear modifications may be developed that would minimize the risk of whale entanglement and/or minimize the chances that an entanglement will result in the serious injury or mortality of a whale. If such gear modifications are determined to represent an acceptable risk, the Regional Administrator may authorize an experimental fishery in the time/area closures under this action. Since the northern right whale is an endangered species, the efficacy of proposed gear modifications cannot be directly tested. Therefore, before implementation through an experimental fishery, proposed gear modifications must be subjected to rigorous technical review for practicability and potential effectiveness. The process by which proposed gear modifications will undergo technical review for potential effectiveness and practicability is as follows:

- Ideas for gear modifications will be sought from the fishing industry, gear specialists, the academic community, and conservation organizations.
- Gear modification proposals will be reviewed and refined by the Gear Modification Development Group. Among others, the Group will include a core of engineers or other specialists who can provide detailed technical review of proposals.
- The Gear Modification Development Group will forward acceptable proposals to the Council's Marine Mammal Committee and/or responsible fisheries committee for its consideration.
- The Committee(s) will report to the full Council, and the Council will recommend to the NMFS Regional Administrator what gear modifications should be implemented as an experimental fishery in the closed areas. The Regional Administrator will decide within 60 days whether to authorize the experimental fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

The Council is making this adjustment to the regulations under the framework abbreviated rulemaking procedure codified at 50 CFR part 648, subpart F. This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council must provide the public with advance notice of both the proposals and the analysis, and opportunity to comment on them prior to and at a second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Administrator that the measures be published as a final rule, if certain conditions are met. The Regional Administrator may publish the measures as a final rule, or as a proposed rule if additional public comment is needed.

Adherence to Framework Procedure Requirements

The Council considered the public comments prior to making its recommendation to the Regional Administrator under the provisions for abbreviated rulemaking in this FMP. The Council requested publication of these management measures as a final rule after considering the required factors stipulated under the framework measures in the FMP, 50 CFR 648.90, and has provided supporting analyses for each factor considered. NMFS concurs with the Council's analysis.

Comments and Responses

NMFS requested that the Council initiate action on Framework Adjustment 23 at its meeting on December 11–12, 1996. The proposed action was discussed by the Council at that meeting and both the Council and the public had the opportunity to comment at the next two Council meetings (the minimum required under the FMP framework adjustment process). The first meeting was held on January 16, 1997, and the second meeting took place on January 29–30, 1997. Both Council meetings were held in Danvers, MA. Documents summarizing the Council's proposed action, the biological analyses upon which this decision was based and potential economic impacts were available for public review 5 days prior to the second meeting as required under the framework adjustment process. Written comments were accepted through January 30, 1997. Comments on the Council's proposal were received from a Council member, the International Wildlife Coalition and Massachusetts Gillnetters Association.

Comment 1: NMFS, in several forums and documents, has stated that fishery entanglements are the known cause of a relatively small portion of the observed right whale mortalities and that entanglement in sink gillnet gear from a U.S. fisher has never been identified as cause of a right whale's death.

Response: Of the 41 right whale mortalities observed since 1970 (New England Aquarium, unpublished data), 2 have been attributed to fishery entanglements and 14 have been attributed to ship strikes. The remainder of the mortalities are from unknown or natural causes. Since 1970, there was a total of approximately 31 records of right whale entanglements in all types

of commercial fishing gear that did not result in immediate mortality (NMFS, unpublished data). Although the gear type often cannot be attributed to a specific fishery, gear types that have been identified include a weir, traps, several types of nets, and pot/trap gear. As the gear is often unmarked and the entangled whales can carry it for hundreds of miles, the country of origin cannot always be determined.

Furthermore, entanglement in sink gillnet gear has been documented in Canadian waters. Because this same gear type is used by U.S. fishers in right whale high-use areas, there is a potential for entanglement in U.S. gillnet gear.

Comment 2: Ship strikes are a far greater source of mortality, yet the U.S. sink gillnet fishery is held responsible and restricted to reduce mortalities. Gillnetters have been singled out as the single culprit of a multi-faceted problem. Such an approach is illogical, unconscionable, and probably ineffective.

Response: Recovery of the right whale population is a multi-faceted problem involving the many water-borne activities that may affect the whales. It is certain that ship strikes present a significant threat to right whales. NMFS is aggressively working with the shipping community on the problem. A sighting and reporting network has been established to warn vessel traffic of the presence of whales in high use areas. Other outreach programs are being developed; for example, NMFS is helping to support a workshop on the problem for all components of the shipping industry. The Commonwealth of Massachusetts, U.S. Navy, U.S. Coast Guard, NMFS, and the Center for Coastal Studies have provided resources for sighting and outreach efforts. Also, NMFS recently issued an interim final rule that prohibits vessels from approaching right whales to within 500 yd (460 m) (62 FR 6729, February 13, 1997).

As noted above, right whales are known to have become entangled in gear types other than multispecies gillnet gear. Under separate authority, NMFS intends to place restrictions on the lobster trap/pot fishery (along with provisions for experimental fisheries with approved gear modifications) similar to those imposed on the multispecies gillnet fishery by this action. NMFS is not considering the impacts of the sink gillnet fishery in isolation, but in combination with impacts of other activities.

Comment 3: The proposed action allows fishing to continue in the portion of the designated Great South Channel Critical Habitat to the west of LORAN C 13710. While this regulation may limit the potential for increased interaction between right whales and gillnets within the critical habitat, the current lack of fishery activity within the time and area of the proposed action results in little or no reduction in the potential for entanglement. Therefore, the proposed action is unlikely to meet its objective. The entire critical habitat should be closed from April through June of each year.

Response: Of all the right whale sightings in the Great South Channel Critical Habitat from April through June, 97 percent have been in the area to the east of LORAN C 13710 (Dr. James Hain, NEFSC, report to the Large Whale Take Reduction Team). This action removes sink gillnets and other gillnet gear capable of catching multispecies finfishes, with the exception of a single pelagic gillnet (as described in § 648.81(f)(2)(ii)), from this area and accordingly, could reduce the likelihood of a right whale becoming entangled in a gillnet in the critical habitat area by 97 percent. Arguably, the closure of the entire critical habitat area would affect more fishers more significantly than the proposed action and may provide considerable incentive for the industry to develop and operationally test a range of methods and gear modifications. On the other hand, the broader closure would not offer any significant additional risk reduction while impacting a significantly larger number of fishing vessels that utilize the western portion of the critical habitat area in the spring.

Comment 4: Under the action, experimental fisheries may be authorized in the closed areas if gear modifications are developed that would reduce the risks of entanglement and/or minimize the injurious effect of potential entanglements. To ensure timely and consistent review of proposed gear modifications, NMFS needs to establish a technical review process.

Response: NMFS has developed a process for review and development of gear modifications that would potentially minimize the risks of right whale entanglements. The process would establish first a Gear Modification Development Group, consisting of a core of engineers and gear specialists, which would solicit, review for potential effectiveness and practicability, and provide technical advice on gear modification proposals from the fishing industry, academic community, conservation organizations, and the general public. Next, under the process, the Gear Modification Development Group would report its findings to the Marine Mammal Committee and/or Responsible Fisheries Committee of the Council for their consideration. The Committees would then report to the full Council, and the Council would recommend to the Regional Administrator what acceptable gear modifications should be implemented as an experimental fishery or other appropriate measures in the closed areas.

Comment 5: NMFS should initiate and/or finance the development of gear modifications.

Response: The financing of gear development is being considered by NMFS. Presently, no funds are earmarked for this purpose.

Classification

Because prior notice and opportunity for comment are not required for this regulation by 5 U.S.C. 553 or by any other law, under 5 U.S.C. 603 and 604, preparation of an initial or final regulatory flexibility analysis is not required by the Regulatory Flexibility Act and none has been prepared.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (APA). Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and an opportunity for public comment to be heard and considered. The AA finds that under 5 U.S.C. 553(d), the need to have this regulation in place by April 1, 1997, is good cause to waive the 30-day delay in effectiveness of this regulation. Delay of implementation of this regulation beyond April 1, 1997, would likely jeopardize the continued existence of northern right whales.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 26, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended to read as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 648.14(a)(89) is revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(89) Fail to remove, use, set, haul back, fish with, or possess on board a vessel, unless stowed in accordance with § 648.81(e)(4), sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(2)(ii)), in the areas and for the times specified in § 648.87 (a) and (b), except as provided in §§ 648.81(f)(2)(ii) and 648.87 (a) and (b), or unless otherwise authorized in writing by the Regional Director.

* * * * *

3. Section 648.87 is amended by revising the section heading and paragraph (a) and paragraph (b) to read as follows:

§ 648.87 Gillnet requirements to reduce or prevent marine mammal takes.

(a) *Areas closed to gillnet gear capable of catching multispecies to reduce harbor porpoise takes.* Sections 648.81 (f) through (h) set forth closed area restrictions to reduce the take of harbor porpoise consistent with the harbor porpoise mortality reduction goals. Further, all persons owning or operating vessels in the EEZ portion of the areas and times specified in paragraphs (a) (1) and (2) of this section must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(2)(ii)), and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(f)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (a) (1) and (2) of this section. Also, all persons owning or operating vessels issued a limited access multispecies permit must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(2)(ii)), from the areas and for the times specified in paragraphs (a) (1) and (2) of this section, and, may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnets or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(2)(ii)) in the areas and for the times specified in paragraphs (a) (1) and (2) of this section.

(1) *Mid-coast Closure Area.* (i) From March 25 through April 25 and from September 15 through December 31 of each fishing year, the restrictions and requirements specified in paragraph (a) of this section apply to the Mid-coast Closure Area, as defined under § 648.81(g)(1), except as provided in paragraph (a)(1)(ii) of this section.

(ii) Vessels subject to the restrictions and regulations specified in paragraph (a) of this section may fish in the Mid-coast Closure Area, as defined under § 648.81(g)(1), from November 1 through December 31 of each fishing year, provided that an acoustic deterrent device ("pinger") is attached at the end of each string of nets and at the bridle of every net within a string of nets, and is maintained as operational and functioning. Each pinger, when immersed in water, must broadcast a 10kHz +/− 2kHz sound at 132 dB +/ −4dB re 1 micropascal at 1 m. This sound must last 300 milliseconds and repeat every 4 seconds.

(2) *Cape Cod South Closure Area.* From March 1 through March 30 of each fishing year, the restrictions and requirements specified in paragraph (a) of this section apply to the Cape Cod South Closure Area (copies of a chart depicting this area are available from the Regional Director upon request), which is the area bounded by straight lines connecting the following points in the order stated.

CAPE COD SOUTH CLOSURE AREA

Point	N. Latitude	W. Longitude
CCS1	(1)	71°45′ W
CCS2	40°40′ N	71°45′ W
CCS3	40°40′ N	70°30′ W
CCS4	(2)	70°30′ W

[1] RI Shoreline.
[2] MA Shoreline.

(b) *Areas closed to gillnet gear capable of catching multispecies to prevent right whale takes.* All persons owning or operating vessels must remove all of their sink gillnet gear and gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(2)(ii)), from the EEZ portion of the areas and for the times specified in (b) (1) and (2) of this section, and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(f)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (b) (1) and (2) of this section.

(1) *Cape Cod Bay Critical Habitat Closure Area.* From March 27, 1997 through May 15, 1997 and from January 1 through May 15 of each subsequent year, the restrictions and requirements specified in paragraph (b) of this section apply to the Cape Cod Bay Critical Habitat Closure Area (copies of a chart depicting this area are available from the Regional Director upon request), which is the area bounded by straight lines connecting the following points in the order stated.

CAPE COD BAY CRITICAL HABITAT CLOSURE AREA

Point	N. Latitude	W. Longitude
CCB1	42°12′ N	70°30′ W
CCB2	42°12′ N	70°15′ W
CCB3	42°08′ N	70°12.4′ W
Then westerly along the 3 NM state boundary to		
CCB4	42°08′ N	70°30′ W
Then due north to CCB1.		

(2) *Great South Channel Critical Habitat Closure Area.* From April 1 through June 30 of each year, the restrictions and requirements specified in paragraph (b) of this section apply to the Great South Channel Critical Habitat Closure Area (copies of a chart depicting this area are available from the Regional Director upon request), which is the area bounded by straight lines connecting the following points in the order stated.

GREAT SOUTH CHANNEL CRITICAL HABITAT CLOSURE AREA

Point	N. Latitude	W. Longitude
GSC1	41°02.2′ N	69°02′ W
GSC2	41°43.5′ N	69°36.3′ W
GSC3	42°10′ N	68°31′ W
GSC4	41°38′ N	68°13′ W

* * * * *

[FR Doc. 97–8234 Filed 3–27–97; 4:41 pm]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–257–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Lockheed Model L–1011–385 series airplanes, that currently requires various types of inspections to detect fatigue cracking of certain areas of the rear spar caps, web, skin, and certain fastener holes; and repair or modification, if necessary. This action would reduce the repetitive inspection interval for all of the currently required inspections, except for the x-ray inspections. It also would revise the terminating modification provision for some airplanes. This proposal is prompted by reports of cracks found during the currently-required inspections, which had progressed to lengths greater than predicted. The actions specified by the proposed AD are intended to ensure that fatigue cracking is detected and corrected in a timely manner before it can lead to rupture of the rear spar, extensive damage to the wing, and spillage of fuel.

DATES: Comments must be received by May 9, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–257–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7367; fax (404) 305–7348.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–NM–257–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–257–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On March 28, 1996, the FAA issued AD 96–07–13, amendment 39–9563 (61 FR 16379, April 15, 1996), applicable to all Lockheed Model L–1011–385 series airplanes. That AD requires repetitive visual, x-ray, eddy current, and ultrasonic inspections to detect fatigue cracking of certain areas of the rear spar caps, web, skin, and certain fastener holes; and repair or modification, if necessary. It also provides for modification of the rear spar upper and lower caps between Inner Wing Station (IWS) 228 and 346 as terminating action for the requirements of the AD.

AD 96–07–13 was prompted by reports of fatigue cracking that occurred in these areas. The requirements of that AD are intended to ensure that fatigue cracking is detected and corrected in a timely manner. Such cracking, if not corrected, could lead to rupture of the rear spar and, consequently, result in extensive damage to the wing and spillage of fuel.

Actions Since Issuance of Previous Rule

Since the issuance of AD 96–07–13, the FAA has received reports indicating that fatigue cracks detected during inspections performed in accordance with that AD had progressed to lengths greater than predicted. One finding indicated that a crack apparently had grown substantially during the repetitive inspection period. These new data indicate that, in order to detect and correct the subject fatigue cracking before it can progress to critical lengths, the currently required inspections must be performed more frequently.

Additionally, the manufacturer has notified the FAA that the modification of the rear spar upper and lower caps on Model L–1011–385–3 airplanes, which was described in Part I of Lockheed Service Bulletin 093–57–203, Revision 4, dated March 27, 1995, has been superseded by a web replacement that is described in Lockheed Service Bulletin 093–57–215.

Explanation of Relevant Service Information

The FAA has reviewed and approved Lockheed Service Bulletin 093–57–203, Revision 5, dated April 22, 1996, which describes procedures for conducting repetitive inspections to detect fatigue cracking in the inboard web periphery from IWS 346 to IWS 228. It recommends that the inspections be repeated at shorter intervals than those recommended in Revision 4 of this service bulletin (dated March 27, 1995). The shorter intervals will ensure that cracking is detected in a more timely manner.

Additionally, Revision 5 does not contain procedures for the modification of the rear spar upper and lower caps for Model L–1011–385–3 airplanes, which was contained in Revision 4. That modification has been revised, and the procedures for it are now contained in Lockheed L–1011 Service Bulletin 093–57–215, dated April 11, 1996.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 96–07–13. It would continue to require the same types of inspections to detect fatigue cracking of certain areas of the rear spar caps, web, skin, and certain fastener holes; and repair or modification, if necessary. However, except for the currently required x-ray inspections, these inspections would be required to be repeated at shorter intervals. These actions would be required to be accomplished in accordance with Revision 5 of Lockheed Service Bulletin 093–57–203, described previously.

This new proposed AD would continue to provide for terminating action for the repetitive inspections, as was provided in AD 96–07–13. However, terminating action for Model L–1011–385–3 airplanes would be required to be accomplished in accordance with the procedures specified in Lockheed L–1011 Service Bulletin 093–57–215.

Cost Impact

There are approximately 236 Lockheed Model L–1011–385 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 118 airplanes of U.S. registry would be affected by this proposed AD.

The inspections that are proposed in this AD action would take approximately 64 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. [This work hour estimate assumes that X-ray inspections are done of both upper and lower caps, and that the ultrasonic inspection indicates cracking in each of five bolt holes (per wing), thus requiring subsequent bolt hole eddy current inspections to confirm crack findings. The estimate includes inspections of both wings.] Based on these figures, the cost impact on U.S. operators of the proposed inspection requirements of this AD is estimated to be $453,120, or $3,840 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9563 (61 FR 16379, April 15, 1996), and by adding a new airworthiness directive (AD), to read as follows:

Lockheed: Docket 96–NM–257–AD. Supersedes AD 96–07–13, Amendment 39–9563.

Applicability: All Model L–1011–385–1, L–1011–385–3, L–1011–385–1–14, and L–1011–385–1–15 series airplanes; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent rupture of the rear spar due to the problems associated with fatigue cracking, which could result in extensive damage to the wing and fuel spillage, accomplish the following:

Note 2: The inspections and follow-on actions described in Lockheed L–1011 Service Bulletin 093–57–203 include:

—repetitive X-ray (radiographic) inspections;
—repetitive eddy current surface scan inspections;
—bolt hole eddy current inspections at various locations;
—repetitive ultrasonic inspections in conjunction with eddy current surface scan inspections (for certain airplanes); and
—repetitive low frequency eddy current ring probe inspections.

(a) *For airplanes on which the inspections and follow-on actions required by AD 96–07–13, amendment 39–9563, have been initiated prior to the effective date of this AD:* At the times specified in Table I of Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995; or within 6 months after May 15, 1996 (the effective date of AD 96–07–13, amendment 39–9563), whichever occurs later:

Perform initial inspections and various follow-on actions to detect cracking in the areas specified in, at the times indicated in, and in accordance with Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995, or Revision 5, dated April 22, 1996.

(1) If no cracking is found, repeat the repetitive inspections and follow-on actions in accordance with Table I of the Lockheed service bulletin. As of the effective date of this AD, these actions shall be repeated at the times specified only in accordance with Table 1 of Revision 5 of the Lockheed service bulletins. To avoid unnecessary grounding of airplanes that are currently being inspected in accordance with the schedule specified in Revision 4 of the Lockheed service bulletin, the next repeated action that is to be accomplished after the effective date of this AD shall be performed at the time specified in Table I of Revision 5 of the Lockheed service bulletin, or within 30 days after the effective date of this AD, whichever occurs later.

(2) If any finding of cracking is confirmed, prior to further flight, accomplish paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD.

(i) Repair the cracked area in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Thereafter, perform the repetitive inspections and follow-on actions as specified in paragraph (a)(1) of this AD.

(ii) Repair the rear spar upper and lower caps between IWS 228 and 346 in accordance with the Lockheed Model L–1011 Structural Repair Manual. Thereafter, perform the repetitive inspections and follow-on actions required by paragraph (a)(1) of this AD. Or

(iii) Modify the rear spar upper and lower caps and web in accordance with the applicable Lockheed service bulletin listed in this paragraph, below. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

—Lockheed L–1011 Service Bulletin 093–57–184, Revision 7, dated December 6, 1994, as amended by Change Notification 093–57–184, R7–CN1, dated August 22, 1995; or

—Lockheed Service Bulletin 093–57–196, Revision 6, dated December 6, 1994, as amended by Change Notification 093–57–196, R6–CN1, dated August 22, 1995; or

—Lockheed L–1011 Service Bulletin 093–57–215, dated April 11, 1996. Modification of Model L–1011–385–3 airplanes must be accomplished in accordance with this service bulletin.

Note 3: Accomplishment of the modification specified in paragraph (a)(2)(iii) of this AD prior to the effective date of this AD in accordance with the following Lockheed service bulletins, as applicable, is considered to be in compliance with this paragraph:

- Lockheed L–1011 Service Bulletin 093–57–184, Revision 6, dated October 28, 1991
- Lockheed L–1011 Service Bulletin 093–57–184, Revision 7, dated December 6, 1994
- Lockheed L–1011 Service Bulletin 093–57–196, Revision 5, dated October 28, 1991
- Lockheed L–1011 Service Bulletin 093–57–196, Revision 6, dated December 6, 1994

(b) *For airplanes on which the inspections and follow-on actions required by AD 96–07–13, amendment 39–9563, have not been initiated prior to the effective date of this AD:* At the times specified in Table I of Lockheed L–1011 Service Bulletin 093–57–203, Revision 5, dated April 22, 1996; or within 30 days after the effective date of this AD; whichever occurs later: Perform initial inspections and various follow-on actions to detect cracking in the areas specified in, at the times indicated in, and in accordance with Lockheed L–1011 Service Bulletin 093–57–203, Revision 5, dated April 22, 1996.

(1) If no cracking is found: Repeat the inspections and follow-on actions in accordance with the times specified in Table I of the Lockheed service bulletin.

(2) If any finding of cracking is confirmed: Prior to further flight, accomplish either paragraph (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this AD.

(i) Repair the cracked area in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Thereafter, perform the repetitive inspections and follow-on actions at the times specified in Table 1 of the Lockheed service bulletin. Or

(ii) Repair the rear spar upper and lower caps between IWS 228 and 346 in accordance with the Lockheed Model L–1011 Structural Repair Manual. Thereafter, perform the repetitive inspections and follow-on actions at the times specified in Table 1 of the Lockheed service bulletin. Or

(iii) Modify the rear spar upper and lower caps and web in accordance with paragraph (a)(2)(iii) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. 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 4: 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.

Issued in Renton, Washington, on March 25, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8125 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–194–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A310 and A300–600 series airplanes. This proposal would require modifying the rudder trim switch and control knob. This proposal is prompted by reports of in-flight uncommanded rudder trim activation due to inadvertent activation of the rudder trim control switch, failure of the switch, or incorrect installation of the switch. The actions specified by the proposed AD are intended to prevent such uncommanded rudder trim activation, which could result in uncommanded yaw/roll excursions and consequent reduced controllability of the airplane.

DATES: Comments must be received by May 9, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–194–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1503; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments

submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–NM–194–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–194–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Industrie Model A310 and A300–600 series airplanes. The DGAC advises it received reports indicating that uncommanded rudder trim activation occurred during flight on these airplanes. These events were attributed to the following causes:

- Unintentional activation of the rudder trim when documentation was inadvertently placed against the control knob;
- Failure of the rudder trim control switch on panel 408VU; or

Incorrect installation of the rudder trim control switch.

Uncommanded activation of the rudder trim, if not corrected, could lead to uncommanded yaw/roll excursions and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus Industrie has issued the following service bulletins that describe procedures to modify the rudder trim switch and control knob:

- Service Bulletin A300–27–6022, Revision 2, dated August 28, 1995 (for Model A300–600 series airplanes).
- Service Bulletin A300–27–6027, Revision 2, dated August 22, 1995; and Revision 3, dated March 13, 1996 (for Model A300–600 series airplanes).
- Service Bulletin A310–27–2058, Revision 2, dated August 28, 1995 (for Model A310 series airplanes).
- Service Bulletin A310–27–2071, Revision 2, dated August 22, 1995; and Revision 3, dated March 13, 1996 (for Model A310 series airplanes).

The modification procedures include replacing the rudder trim switch, control knob, and associated wires with new components and wiring; reinstalling panel 408VU; and conducting tests to ensure proper operation of the assembly. The accomplishment of these modifications will preclude uncommanded rudder trim activation.

The DGAC classified the previously described service bulletins as mandatory and issued French airworthiness directive (C/N) 95–246–193(B), dated December 6, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modifying the rudder trim switch and control knob. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

The FAA estimates that 85 Airbus Industrie Model A310 and A300–600 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 7 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $789 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $102,765, or $1,209 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 96–NM–194–AD.

Applicability: Model A310 and A300–600 series airplanes, on which Airbus Industrie Modifications 8566 and 10866 have not been incorporated; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability

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

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded activation of the rudder trim, which, if not corrected, could lead to uncommanded yaw/roll excursions and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, replace the rudder trim switch, control knob, and associated wires with new components and wiring in accordance with the applicable Airbus Industrie service bulletin specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For Model A300–600 series airplanes: Airbus Service Bulletins A300–27–6022, Revision 2, dated August 28, 1995; and A300–27–6027, Revision 2, dated August 22, 1995, or Revision 3, dated March 13, 1996.

(2) For Model A310 series airplanes: Airbus Service Bulletins A310–27–2058, Revision 2, dated August 28, 1995; and A310–27–2071, Revision 2, dated August 22, 1995, or Revision 3, dated March 13, 1996.

Note 2: Modifications accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–27–6027, Revision 2, dated August 22, 1995 (for Model A300–600 series airplanes), or A310–27–2071, Revision 2, dated August 22, 1995 (for Model A310 series airplanes), are considered acceptable for compliance with the applicable action specified in this AD.

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

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

(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.

Issued in Renton, Washington, on March 25, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8126 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–171–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400, –400D, and –400F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–400, –400D, and –400F series airplanes. This proposal would require modification of the P212 and P213 panels of the cabin pressure control system. This proposal is prompted by a report of in-flight loss of cabin pressurization control due to a single failure of the auxiliary power unit (APU) battery. The actions specified by the proposed AD are intended to prevent loss of control of the cabin pressurization system, which could result in rapid depressurization of the airplane. Such rapid depressurization could result in deleterious physiological effects on the passengers and crew; and airplane diversions, which represent an increased risk to the airplane, passengers, and crew.

DATES: Comments must be received by May 9, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–171–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from 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.

FOR FURTHER INFORMATION CONTACT: Clayton R. Morris, Jr., Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2794; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–NM–171–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–171–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA received a report indicating that power from the 28-volt direct current (DC) hot battery bus of the auxiliary power unit (APU) was lost during flight on a Model 747–400 series airplane. Loss of power from the hot battery bus resulted in loss of a discrete signal to both interface control units (ICU's). Loss of the discrete signal indicated that "manual" control mode was selected, but the cabin pressure control system was still in "automatic" control mode. The ICU's went into standby mode and transmitted this status to both cabin pressure controllers (CPC's). The CPC's then went into

standby mode and ceased trying to control the outflow valves.

Loss of power from the hot battery bus also prevented the flight crew from driving the outflow valves in the "manual" control mode. When the ICU's went into standby mode, power to the outflow valve brakes was severed; this caused the brakes to engage. With the brakes engaged, the outflow valves were locked in the last commanded position. The flight crew reported receiving several engine indication and crew alerting system (EICAS) messages, and followed procedures to select the cabin pressurization control system to "manual" control mode.

The airplane continued to cruise at an altitude of 35,000 feet without cabin pressurization problems. The cabin pressure differential at 35,000 feet was about 8.6 pounds per square inch differential (psid). (Cabin pressure differential is the difference between the airplane cabin pressure and the ambient pressure; 8.6 psid is considered to be normal at an altitude of 35,000 feet.)

Later during the flight, the flight crew initiated a step climb to 39,000 feet. The combination of both outflow valves being locked in the last commanded position and the decrease in ambient pressure [about 0.6 pounds per square inch (psi)] due to the step climb caused the cabin pressure differential to increase to just over 9.1 psid. Both positive pressure relief valves opened due to the higher cabin pressure differential. With the air conditioning packs operating in "Hi Flow" mode and the positive pressure relief valves open, air conditioning pack number 2 automatically was commanded "OFF." The flight crew also selected one of the two remaining air conditioning packs "OFF." The loss of two-thirds of the cabin air inflow plus both outflow valves locking in the last commanded position caused the cabin pressure altitude to climb rapidly. At some point within two minutes after initiation of the step climb, the flight crew should have received a cabin pressure altitude warning at 10,000 feet and initiated an emergency descent. Analysis indicates that the cabin pressure altitude may have reached as high as 16,000 feet. The flight crew leveled off at 14,000 feet and diverted the airplane.

The flight crew landed the airplane about 50 minutes later with one air conditioning pack still operating, which caused the airplane to repressurize above the maximum pressure differential allowed to open the passenger doors. The flight crew turned off the last air conditioning pack about five minutes after landing (at a cabin pressure differential of about 0.7 psid). The airplane depressurized within one minute; the crew then was able to open the passenger doors.

Unsafe Conditions

Because the flight crew could not control the cabin pressurization system during flight, rapid depressurization of the airplane occurred. Such rapid depressurization increases the potential for deleterious physiological effects on the passengers and crew. In addition, the inability to control cabin pressurization can result in airplane diversions, which represent an increased risk to the airplane, passengers, and crew due to the unplanned nature of the event and the potential for overweight landings.

Additionally, when the cabin pressure differential exceeded the maximum pressure differential allowed to open the passenger doors after landing, the only means available to reduce the cabin pressure differential to a level low enough to allow the doors to be opened was through the airplane's inherent leakage. If an emergency condition existed upon landing (e.g., cabin fire, airplane fire, ditching, etc.) that required the passengers and crew to immediately exit the airplane, the crew would not have been able to open the passenger doors.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–21A2381, dated June 27, 1996, which describes procedures for modification of the P212 and P213 panels of the cabin pressure control system. Accomplishment of the modification entails the following:

- For certain airplane groups: changing the wiring in the P212 and P213 panels; replacing the existing two-pole relays with new four-pole relays; and performing a test of both panels.
- For one airplane group, accomplishment of the modification involves changing the wiring in the P212 panel; replacing the existing two-pole relays with new four-pole relays; replacing the existing P213 panel with a new P213 panel; and performing a test of both panels.

Accomplishment of the modification will provide power to the ICU and continuous auto control of cabin pressurization when the APU hot battery bus is lost.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the P212 and P213 panels of the cabin pressure control system. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Cost Impact

There are approximately 351 Boeing Model 747–400, –400D, and –400F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 43 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $389 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $37,367, or $869 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 96–NM–171–AD.

Applicability: Model 747–400, –400D, and –400F series airplanes; as identified in Boeing Alert Service Bulletin 747–21A2381, dated June 27, 1996, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of control of the cabin pressurization system, which could result in rapid depressurization of the airplane and consequent deleterious physiological effects on the passengers and crew; and airplane diversions, which represent an increased risk to the airplane, passengers, and crew; accomplish the following:

(a) Within 180 days after the effective date of this AD, modify the P212 and P213 panels of the cabin pressure control system as specified in paragraph (a)(1) or (a)(2) of this AD, as applicable, in accordance with Boeing Alert Service Bulletin 747–21A2381, dated June 27, 1996.

(1) For Groups 1 through 7 airplanes, as identified in the alert service bulletin: Change the wiring in the P212 and P213 panels; replace the existing two-pole relays with new four-pole relays; and perform a test of both panels.

(2) For Group 8 airplanes, as identified in the alert service bulletin: Change the wiring in the P212 panel; replace the existing two-pole relays with new four-pole relays; replace the existing P213 panel with a new P213 panel; and perform a test of both panels.

(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 2: 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.

Issued in Renton, Washington, on March 25, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8129 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 97–NM–25–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes. This proposal would require a one-time inspection of the main landing gear (MLG) retaining bolt to ensure that it is installed correctly, and adjustments or repairs, if necessary. This proposal is prompted by a report indicating that a disconnected retaining bolt was found in the MLG forward trunnion joint of a Model 767 series airplane. The actions specified by the proposed AD are intended to prevent aft-acting trunnion loads from being transferred to the MLG beam, and consequent fracture and collapse of the MLG; this condition could result in the loss of control of the airplane on the ground.

DATES: Comments must be received by May 9, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–25–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from 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.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2783; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97–NM–25–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–25–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Boeing notified the FAA that an unsafe condition may exist on certain Model 767 series airplanes. Boeing advises that the FAA received a report indicating that a disconnected retaining bolt was found in the forward trunnion joint of the main landing gear (MLG) during the first "2C" check of a Model 767–300 series airplane. The inspection revealed these findings:

1. The retaining bolt was found jammed between the H-fitting and wing rear spar.

2. The aft trunnion joint and MLG beam did not show any damage.

3. The tabs of the retaining ring were not engaged with the mating slots in the bearing housing before the retaining bolt was tightened into the outer cylinder of the MLG. This allowed the retaining bolt to turn and back out of the forward trunnion threads.

The retaining bolt provides axial retention of the spherical bearing in the forward trunnion joint, which is the design load path for transferring aft-acting landing gear trunnion loads into the wing rear spar H-fitting. If the retaining bolt is disconnected, the aft-acting trunnion loads are not transferred by the design load path to the H-fitting of the wing rear spar, but are instead transferred to the MLG beam at the aft trunnion joint. This condition, if not corrected, could cause the MLG to fracture and collapse, and could result in the loss of control of the airplane on the ground.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–32A0157, dated October 10, 1996, which describes procedures for a one-time inspection of the MLG retaining bolt to ensure that it is installed correctly, and adjustments or repairs, if necessary. Accomplishment of these procedures will preclude the aft-acting landing gear trunnion loads from being transferred to the MLG beam.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection of the MLG retaining bolt to ensure that it is installed correctly, and adjustments or repairs, if necessary. These actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Cost Impact

There are approximately 598 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 151 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $45,300, or $300 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 97–NM–25–AD.

Applicability: Model 767 series airplanes, line positions 1 through 600 inclusive, except line positions 579 and 586; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent aft-acting landing gear trunnion loads from being transferred to the main landing gear (MLG) beam, and consequent fracture and collapse of the MLG and loss of control of the airplane on the ground, accomplish the following:

(a) Within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs later, perform a one-time inspection of the MLG retaining bolt to ensure that it is installed correctly, in accordance with Boeing Alert Service Bulletin 767–32A0157, dated October 10, 1996. If the retaining bolt is incorrectly installed, prior to further flight, make adjustments or repairs in accordance with the alert service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 2: 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.

Issued in Renton, Washington, on March 25, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8128 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 97–ANE–07]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Pratt & Whitney JT8D series turbofan engines, that currently requires inspections of low pressure turbine (LPT) blade sets for blade shroud crossnotch wear, and removal, if necessary. In addition, the current AD requires, as a terminating action to the inspections, installation of improved LPT containment hardware, and installation of an improved No. 6 bearing scavenge pump bracket bushing. This action would keep the compliance actions of the current AD intact but change the compliance time for full compliance from the current calendar end-date to December 31, 1998. This proposal is prompted by a report of a fourth stage hub manufacturing defect that led to the failure of the hub and subsequent release of LPT blades. The actions specified by the proposed AD are intended to prevent damage to the aircraft resulting from engine debris following an LPT blade, shaft, or hub failure.

DATES: Comments must be received by May 1, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–ANE–07, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97–ANE–07." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–ANE–07, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

On September 22, 1994, the Federal Aviation Administration (FAA) issued airworthiness directive AD 94–20–08, Amendment 39–9036 (59 FR 51842, October 15, 1994), applicable to Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –17, and –17R series turbofan engines, to require inspections of low pressure turbine (LPT) blade sets for blade shroud crossnotch wear, and removal, if necessary. In addition, the current AD requires, as a terminating action to the inspections, installation of improved LPT containment hardware, and installation of an improved No. 6 bearing scavenge pump bracket bushing. That action was prompted by reports of uncontained engine failures. That condition, if not corrected, could result in damage to the aircraft resulting from engine debris following an LPT blade, shaft, or hub failure.

Since the issuance of that AD, the FAA has developed a two-part risk management plan intended to address the threat of blade release due to fourth stage LPT hub failure. One part of the management plan is a proposed rule, Docket No. 96–ANE–32 (62 FR 1299, January 9, 1997), which proposes the initial and repetitive inspections and removal from service of defective disks in a suspect population. The other part of the risk management plan is this proposed AD, which reduces the threat of uncontainment by changing the compliance date of the current AD, 94–20–08. The current AD addresses two threats to uncontainment in a blade failure and a shaft fracture by requiring initial and repetitive inspections of worn shroud crossnotches on third and fourth stage LPT blades until improved containment hardware can be installed. To address the threat of shaft fracture, the improved containment hardware installation is required, as well as an improved No. 6 bearing scavenge pump bracket bushing to provide for better rotor meshing. The compliance deadline for incorporating the improved containment hardware and the bearing bracket bushing is currently December 31, 1999, or 7,000 cycles since November 14, 1994, or 8,000 hours since November 14, 1994, whichever occurs later. To address the additional threat of uncontainment in the form of a fourth stage LPT hub fracture, which results in a blade release, the calendar end-date for completing compliance to the requirements of the superseded AD is changed to December 31, 1998, or 7,000 cycles since November 14, 1994, or 8,000 hours since November 14, 1994, whichever occurs first.

The FAA has reviewed and approved the technical contents of the following service documents: PW ASB No. A5913, Revision 6, dated October 15, 1993, that

describes the third and fourth stage LPT blade set inspection procedures and replacement requirements; PW ASB No. A6110, Revision 1, dated October 15, 1993, that describes procedures for installation of improved LPT containment hardware; PW ASB No. A6131, dated August 24, 1993, that describes procedures for installation of an improved No. 6 bearing scavenge pump bracket bushing; and PW SB No. 5748, Revision 5, dated August 3, 1993, that describes procedures for removing material from the inner platform leading edge on third and fourth stage LPT vane and vane cluster assemblies, and remarking these modified vanes with new identification numbers.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 94–20–08 to keep the compliance actions of the current AD intact but change the compliance time for full compliance from the current calendar end-date to December 31, 1998.

The FAA has determined that the changes to the AD would neither increase the scope of the required actions over the current AD, nor increase the economic burden on operators over the costs of complying with the current AD. While the proposed new AD would alter the compliance times, operators should still be able to perform the required actions at scheduled maintenance. Therefore the FAA has determined that this new AD would result in no additional economic impact.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9036 (59 FR 51842, October 15, 1994) and by adding a new airworthiness directive to read as follows:

Pratt & Whitney: Docket No. 97–ANE–07. Supersedes AD 94–20–08, Amendment 39–9036.

Applicability: Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –17, and –17R turbofan engines, installed on but not limited to Boeing 737 and 727 series aircraft, and McDonnell Douglas DC–9 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the aircraft resulting from engine debris following a low pressure turbine (LPT) blade, shaft, or hub failure, accomplish the following:

(a) For engines that do not contain fan exhaust inner front duct segment assemblies that are installed in accordance with PW Alert Service Bulletin (ASB) No. 6039, Revision 3, dated October 15, 1993, or earlier revisions of PW ASB No. 6039, and either PW honeycomb third stage outer airseal Part Number (P/N) 801931, 802097, 797594, or 798279; or Pyromet Industries, Inc., honeycomb third stage outer airseal P/N PI9336; or McClain International, Inc., honeycomb third stage outer airseal P/N M2433; or a turbine case shield assembly installed in accordance with PW ASB No. 6039, Revision 3, dated October 15, 1993, or earlier revisions of PW ASB No. 6039; or a third stage blade set that has third stage turbine blades that were installed in accordance with PW SB No. 5331, dated October 27, 1982, accomplish the following:

(1) Conduct initial and repetitive inspections on installed third and fourth stage LPT blade sets, and remove and replace with serviceable blade sets, as necessary, in accordance with Part 1 of the Accomplishment Instructions of PW ASB No. A5913, Revision 6, dated October 15, 1993; or PW ASB No. 5913, Revision 5, dated August 10, 1992; or PW ASB No. 5913, Revision 4, dated February 20, 1992, as follows:

(i) Initially inspect the blade shroud crossnotches of the third stage LPT blade set when specified in paragraphs (a)(1)(i)(A) or (a)(1)(i)(B) of this AD, whichever occurs later. Engines that contain a third stage blade set that have third stage turbine blades that were installed per the requirements specified in PW Service Bulletin No. 5331, dated October 27, 1982, do not require the third stage blade set inspection.

(A) Inspect within 6,000 cycles or 6,000 hours time in service, whichever occurs first, since new, since the last blade shroud crossnotch inspection specified in Section 72–53–12 of PW JT8D Engine Manual P/N 481672, or since last blade shroud crossnotch repair that was accomplished per the requirements specified in Section 72–53–12 of PW JT8D Engine Manual P/N 481672; or

(B) Inspect within 1,000 cycles or 1,000 hours time in service since November 14, 1994, whichever occurs first.

(ii) Initially inspect the blade shroud crossnotches of the fourth stage LPT blade set when specified in paragraph (a)(1)(ii)(A) or (a)(1)(ii)(B) of this AD, whichever occurs later. Engines that contain fan exhaust inner front duct segment assemblies that were installed per the requirements of PW ASB No. 6039, Revision 3, dated October 15, 1993, or earlier revisions of PW ASB No. 6039, do not require the fourth stage blade set inspection.

(A) Inspect within 6,000 cycles or 6,000 hours time in service, whichever occurs first, since new, since the last blade shroud crossnotch inspection specified in Section 72–53–13 of PW JT8D Engine Manual P/N 481672, or since last blade shroud crossnotch repair that was accomplished per the requirements specified in Section 72–53–13 of PW JT8D Engine Manual P/N 481672; or

(B) Inspect within 1,000 cycles or 1,000 hours time in service since November 14, 1994, whichever occurs first.

(iii) Thereafter, inspect the third and fourth stage LPT blade sets in accordance with the procedures and intervals specified in PW ASB No. A5913, Revision 6, dated October 15, 1993;

(2) At the next shop visit after November 14, 1994; but not later than December 31, 1998, or 8,000 hours time in service since November 14, 1994, or 7,000 cycles since November 14, 1994, whichever occurs first, install the improved inner front fan exhaust duct and associated hardware in accordance

with Part A of the Accomplishment Instructions of PW ASB No. A6110, Revision 1, dated October 15, 1993.

(3) At the next access to the third stage turbine air sealing ring after November 14, 1994, but not later than December 31, 1998, or 8,000 hours time in service since November 14, 1994, or 7,000 cycles since November 14, 1994, whichever occurs first, install the improved third stage turbine air sealing ring and associated hardware in accordance with Part B of the Accomplishment Instructions of PW ASB No. A6110, Revision 1, dated October 15, 1993.

Note 2: Third stage turbine outer air seal, P/N M2533, is an acceptable alternative to PW P/N 811962 for compliance with this paragraph.

(4) At the next shop visit after November 14, 1994, but not later than December 31, 1998, or 8,000 hours time in service since November 14, 1994, or 7,000 cycles since November 14, 1994, whichever occurs first, install the improved No. 6 bearing scavenge pump bracket bushing in accordance with the Accomplishment Instructions of PW ASB No. A6131, dated August 24, 1993.

(5) Accomplishment of the installations required by paragraphs (a)(2), (a)(3), and (a)(4) of this AD constitutes terminating action to the repetitive inspections required by paragraph (a)(1) of this AD.

(b) For engines that do contain fan exhaust inner front duct segment assemblies that are installed in accordance with PW ASB No. 6039, Revision 3, dated October 15, 1993, or earlier revisions of PW ASB No. 6039, and either PW honeycomb third stage outer airseal P/N 801931, 802097, 797594, or 798279; or Pyromet Industries, Inc., honeycomb third stage outer airseal P/N PI9336; or McClain International, Inc., honeycomb third stage outer airseal P/N M2433; or a turbine case shield assembly installed in accordance with PW ASB No. 6039, Revision 3, dated October 15, 1993, or earlier revisions of PW ASB No. 6039; or a third stage blade set that has third stage turbine blades that were installed in accordance with PW SB No. 5331, dated October 27, 1982, perform the installations required by paragraphs (a)(2), (a)(3), and (a)(4) of this AD, at the times specified in those respective paragraphs.

(c) For the purpose of this AD, a shop visit is defined as an engine removal, where engine maintenance entails separation of pairs of major mating engine flanges or the removal of a disk, hub, or spool at a maintenance facility that is capable of compliance with the instructions of this AD, regardless of other planned maintenance, except for field maintenance type activities performed at this maintenance facility in lieu of performing them on-wing or at another peripheral facility.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

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

Issued in Burlington, Massachusetts, on March 24, 1997.

James C. Jones,

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

[FR Doc. 97–8164 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–172–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes. This proposal would require a visual inspection to detect cracks in the aft mount beam assembly of the engine; and replacement of any cracked beam with a new beam or beam assembly. The proposal also would require a fluorescent penetrant inspection to detect cracks in the aft mount beam assembly of the engine, and various follow-on actions. This proposal is prompted by reports indicating that, apparently due to manufacturing defects during the forging process, cracking was found in two engine aft mount beams. The actions specified by the proposed AD are intended to detect and correct such cracking, which could result in reduced structural integrity of the aft mount beam assembly of the engine.

DATES: Comments must be received by May 12, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–172–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; or Pratt & Whitney, 400 Main Street, East Hartford, Connecticut 06108. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–NM–172–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–172–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the

airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A310 and A300–600 series airplanes. The DGAC advises that it has received reports indicating that, during overhaul maintenance following a fluorescent penetrant inspection, cracking was found in two engine aft mount beams on Airbus Model A310 series airplanes. One of the beams had a long surface crack, and the other beam had smaller branch cracks. The apparent cause of such cracking has been attributed to the forging process during manufacturing. Cracking in the aft mount beam assembly of the engine, if not detected and corrected, could result in reduced structural integrity of the aft mount beam assembly.

Explanation of Relevant Service Information

Pratt & Whitney has issued Alert Service Bulletin PW7R4 A71–129, Revision 1, dated August 30, 1995, and Service Bulletin PW4NAC A71–149, Revision 1, dated August 30, 1995. These service bulletins describe procedures for performing a visual inspection to detect cracks in the aft mount beam assembly of the engine; and replacement of any cracked beam with a new beam or beam assembly. These service bulletins also describe procedures for performing a fluorescent penetrant inspection to detect cracks in the aft mount beam assembly of the engine, and various follow-on actions. (These follow-on actions include an eddy current inspection, reidentification of the beam, and replacement of any cracked beam.) The DGAC classified these service bulletins as mandatory and issued French airworthiness directive (C/N) 96–020–195(B), dated January 31, 1996, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a visual inspection to detect cracks in the aft mount beam assembly of the engine; and replacement of any cracked beam with a new beam or beam assembly. The proposed AD also would require a fluorescent penetrant inspection to detect cracks in the aft mount beam assembly of the engine, and various follow-on actions. The actions would be required to be accomplished in accordance with the applicable service bulletin described previously.

Cost Impact

The FAA estimates that 8 Airbus Model A310 and A300–6000 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the visual inspection proposed by this AD on U.S. operators is estimated to be $960, or $120 per airplane.

It would take approximately 34 work hours per airplane to accomplish the proposed fluorescent penetrant inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the flourescent penetrant inspection proposed by this AD on U.S. operators is estimated to be $16,320, or $2,040 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 96–NM–172–AD.

Applicability: Model A310 and A300–600 series airplanes, equipped with Pratt & Whitney Model JT9D–7R4D1, JT9D–7R4E1, JT9D–7R4H1, PW4151, PW4156A, PW4158 engines; 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 detect and correct cracking in the aft mount beam assembly of the engine, which could result in reduced structural integrity of the aft mount beam assembly, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform a visual inspection to detect cracks in the aft mount

beam assembly of the engine, in accordance with Part 1 of the Accomplishment Instructions of Pratt & Whitney Alert Service Bulletin PW7R4 A71–129, Revision 1, dated August 30, 1995, or Pratt & Whitney Service Bulletin PW4NAC A71–149, Revision 1, dated August 30, 1995; as applicable.

(1) If no crack is detected, no further action is required by this paragraph.

(2) If any crack is detected, prior to further flight, replace the cracked beam with a new beam or beam assembly, in accordance with the applicable service bulletin.

(b) Within 4,000 flight cycles after the effective date of this AD, perform a fluorescent penetrant inspection to detect cracks in the aft mount beam assembly of the engine, in accordance with Part 2 of the Accomplishment Instructions of Pratt & Whitney Alert Service Bulletin PW7R4 A71–129, Revision 1, dated August 30, 1995, or Pratt & Whitney Service Bulletin PW4NAC A71–149, Revision 1, dated August 30, 1995; as applicable.

(1) If no crack is detected, prior to further flight, perform an eddy current inspection to detect cracks in the aft mount beam assembly of the engine, in accordance with the applicable service bulletin.

(i) If no crack is detected, prior to further flight, reidentify the beam in accordance with the applicable service bulletin.

(ii) If any crack is detected, prior to further flight, replace the cracked beam with a new beam or beam assembly, in accordance with the applicable service bulletin.

(2) If any crack is detected, prior to further flight, replace the cracked beam with a new beam or beam assembly, in accordance with the applicable service bulletin.

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

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

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

Issued in Renton, Washington, on March 26, 1997.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8251 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–215–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A300, A300–600, and A310 series airplanes. This proposal would require inspecting the bearings located in the mechanical control linkage of the nose landing gear (NLG) free-fall mechanism for discrepancies, replacing any discrepant bearings with stainless steel bearings, and conducting a test to ensure that the NLG free-fall mechanism extends properly. This proposal is prompted by a report indicating that, during an operational test of the NLG, the landing gear failed to extend. The actions specified by the proposed AD are intended to prevent the bearings from seizing, which could lead to the loss of NLG free-fall extension capability.

DATES: Comments must be received by May 12, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–215–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–NM–215–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–215–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on all Airbus Model A300, A300–600, and A310 series airplanes. The DGAC advises that one Model A300 operator reported that, during an operational test of free-fall extension of the nose landing gear (NLG), the free-fall handle could not be rotated and the NLG failed to extend.

Investigations revealed that after 17,000 flight cycles and 27,000 flight hours, four bearings of the NLG free-fall mechanism were severely corroded and had seized. The bearings are located in the mechanical control linkage of the NLG free-fall mechanism. Analysis disclosed that the corroded bearings were made of carbon steel instead of stainless steel, as specified in the type design.

Corrosion of the bearings could cause them to seize, which, if not corrected,

could lead to the loss of NLG free-fall extension capability.

Explanation of Relevant Service Information

Airbus has issued the following service bulletins, all dated April 29, 1996, which describe procedures for inspecting the four bearings located in the mechanical control linkage of the NLG free-fall mechanism for discrepancies, replacing carbon steel bearings with stainless steel bearings, and conducting a test to ensure that the NLG free-fall mechanism extends properly:

- Service Bulletin A300–32–0418, Revision 1.
- Service Bulletin A300–32–6061, Revision 1.
- Service Bulletin A310–32–2098, Revision 1.

Accomplishment of these procedures will preclude potential corrosion and seizure of the bearings, which could lead to the loss of NLG free-fall extension capability.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directive (C/N) 96–052–197(B), dated March 13, 1996, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require inspecting the four bearings located in the mechanical control linkage of the NLG free-fall mechanism for discrepancies, replacing discrepant bearings with stainless steel bearings, and conducting a test to ensure that the NLG free-fall mechanism extends properly. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

The FAA estimates that 127 Model A300, A300–600, and A310 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $552 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $176,784, or $1,392 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 96–NM–215–AD.

Applicability: All Model A300, A300–600, and A310 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the bearings in the mechanical control linkage of the nose landing gear (NLG) free-fall mechanism from seizing, which could lead to the loss of NLG free-fall extension capability, accomplish the following:

(a) Within 30 days after the effective date of this AD, conduct an inspection to determine whether carbon steel or stainless steel bearings are installed in the mechanical control linkage of the NLG free-fall mechanism, in accordance with Airbus Service Bulletin A300–32–0418 (for Model A300 series airplanes), A300–32–6061 (for Model A300–600 series airplanes), or A310–32–2098 (for Model A310 series airplanes), all Revision 1, all dated April 29, 1996.

(b) If stainless steel bearings are installed, prior to further flight, conduct a test to ensure that the NLG free-fall mechanism extends properly, in accordance with Airbus Service Bulletin A300–32–0418 (for Model A300 series airplanes), A300–32–6061 (for Model A300–600 series airplanes), or A310–32–2098 (for Model A310 series airplanes), all Revision 1, all dated April 29, 1996.

(c) If carbon steel bearings are installed, prior to further flight, replace them with stainless steel bearings, and conduct a test to ensure that the NLG free-fall mechanism extends properly, in accordance with Airbus Service Bulletin A300–32–0418 (for Model A300 series airplanes), A300–32–6061 (for Model A300–600 series airplanes), or A310–32–2098 (for Model A310 series airplanes), all Revision 1, all dated April 29, 1996.

(d) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

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

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

Issued in Renton, Washington, on March 26, 1997.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8253 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 91–CE–87–AD]

RIN 2120–AA64

Airworthiness Directives; De Havilland DHC–6 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD), which would have superseded AD 80–13–11 R2. That AD currently requires repetitively inspecting the elevator, flap, aileron, and rudder control rods for cracks on certain de Havilland DHC–6 series airplanes, replacing any cracked rod, and installing rod sleeves. The previous document would have required replacing the elevator trim and elevator/flap interconnect rods, the aileron control rods, the elevator control rods, and the rudder control rods with parts of improved design, and repetitively inspecting these rods thereafter at certain intervals. These replacements would reduce the need for the number of repetitions of the inspections currently required by AD 80–13–11 R2. The Federal Aviation Administration (FAA) has determined that the flap control rods should also be replaced with parts of improved design as terminating action for repetitive inspections currently required by AD 80–03–08. The proposed action would supersede both AD 80–13–11 R2 and AD 80–03–08 and would require the replacements as terminating action to the repetitive inspections currently required. The proposed action is part of the FAA's policy on commuter class aircraft, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. The actions specified by the proposed AD are intended to prevent cracking of these control rods, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Comments must be received on or before June 13, 1997.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–87–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256–7523; facsimile (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 91–CE–87–AD." The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–87–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain de Havilland DHC–6 series airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 12, 1993 (58 FR 52714). The NPRM proposed to supersede AD 80–13–11 R2 with a new AD that would (1) require replacing elevator trim and elevator/flap interconnect rods, and the flap, aileron, elevator, and rudder control rods with parts of improved design; and (2) retain the aileron control rod inspections currently required by AD 80–13–11 R2, but reduce the number of repetitions of these inspections. Accomplishment of the proposed replacement as specified in the NPRM would be in accordance with de Havilland Service Bulletin (SB) No. 6/502, dated March 24, 1989. Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with de Havilland SB No. 6/390, Revision E, dated December 20, 1991.

Interested persons have been afforded an opportunity to participate in the making of this AD. No comments were received on the NPRM or on the FAA's determination of the cost on the public.

The FAA's Aging Commuter-Class Aircraft Policy

The actions specified in the NPRM are part of the FAA's aging commuter class aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design

change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Events Leading to the Issuance of This Supplemental NPRM

Since issuing the NPRM, the FAA has determined that AD 80–03–08 is also one that should be superseded by this action to coincide with the FAA's aging commuter aircraft policy. AD 80–03–08 currently requires repetitively inspecting the flap control rods on de Havilland DHC–6 series airplanes. De Havilland SB No. 6/502 also specifies procedures for replacing the flap control rods with parts of improved design. The FAA has determined that when these replacements are incorporated, the number of repetitive inspections of these control rods can be reduced.

After reviewing all information related to the events leading to this supplemental NPRM, the FAA has determined that (1) the flap control rod replacements should be added to the document; and (2) AD action should be taken to prevent cracking of the elevator trim and elevator/flap interconnect rods, the aileron control rods, the elevator control rods, the rudder control rods, and the flap control rods. If not detected and corrected, a cracked control rod could result in loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other de Havilland DHC–6 series airplanes of the same type design, the proposed AD would supersede both AD 80–13–11 R2 and AD 80–03–08 with a new AD that would (1) require replacing elevator, flap, aileron, and rudder control rods and elevator trim and elevator flap/interconnect control rods with improved parts; and (2) retain the aileron control rod inspections currently required by AD 80–13–11 R2, but reduce the number of repetitions of these inspections. Accomplishment of the proposed replacements would be in accordance with de Havilland SB No. 6/502, dated March 24, 1989. Accomplishment of the proposed inspections would be in accordance with de Havilland SB No. 6/390, Revision E, dated December 20, 1991, and de Havilland SB No. 6/388, Revision C, dated October 29, 1982.

The FAA prepared a Regulatory Flexibility Determination and Analysis for the original proposal. This analysis was based on all owners/operators of de Havilland DHC–6 airplanes replacing all control rods specified in de Havilland SB No. 6/502. Because the replacement flap control rods that the FAA is adding to the proposal are already included in de Havilland SB No. 6/502, there is no need to accomplish a separate Regulatory Flexibility Determination and Analysis. The FAA is reprinting the synopsis of this analysis in this document.

Cost Impact

The FAA estimates that 169 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 20 workhours (4 workhours/ inspection and 16 workhours/replacement) per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $15,600 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,839,200.

AD 80–13–11 R2 and AD 80–03–08, which would both be superseded by the proposed action, currently require inspecting these control rod assemblies. These inspections take approximately 32 workhours at an average cost of $60 per hour; approximately $1,920 per airplane or $324,480 for the entire fleet. The inspection procedures of the proposed AD would be less costly and less frequent than those required by AD 80–13–11 R2 and AD 80–03–08.

With the above figures in mind, including the costs for the modification proposed by this action, the proposed AD would cost an additional $14,880 per airplane over that already required by AD 80–13–11 R2 and AD 80–03–08, or a total additional fleet cost of $2,524,860. These figures do not account for the recurring costs through the repetitive inspection requirement of AD 80–13–11 R2 and AD 80–03–08, and the proposed AD. The proposed AD would only require repetitive inspections every 2,400 hours time-in-service (TIS) after the control rod assembly is replaced, where AD 80–13–11 R2 currently requires repetitive inspections every 800 hours TIS and AD 80–03-08 requires repetitive inspections every 200 hours TIS.

The incremental costs of the proposed AD would depend on the remaining service life of a DHC–6 airplane and its utilization, i.e., the number of hours TIS per year. The proposed AD would provide a cost savings over that already required to most owner/operators of de Havilland DHC–6 airplanes. The following examines the incremental costs to owners of de Havilland DHC–6 series airplanes with remaining service lives of 10, 20, and 30 years if the airplanes are utilized between 100 and 2,500 hours TIS annually.

The proposed AD would provide a cost savings at a service life of 10 years for operators utilizing their airplanes less than 135 hours TIS or more than 1,000 hours TIS annually, and would provide a cost savings at service lives of 20 and 30 years for all de Havilland DHC–6 series airplanes, regardless of airplane usage. The savings resulting from the less frequent inspections more than offset the costs of replacing the control rods. The cost savings would be at least $2,800 at an average 20-year remaining service life and utilizing a 7 percent interest rate. For a 30-year remaining service life, the operator should realize a cost savings of at least $6,000 (with a 7 percent interest rate).

De Havilland DHC–6 series airplanes that are utilized between 135 and 1,000 hours TIS annually may not see a cost savings when replacing the control rods based upon a 10-year remaining service life. Before issuing this supplemental notice of proposed rulemaking, the FAA took into account that the costs of replacing the rods could be greater than the savings from the inspections required by the proposed AD for operators utilizing their airplanes within this range.

The Proposed AD's Impact Utilizing the FAA's Aging Commuter Class Aircraft Policy

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 169 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 50 percent are operated in scheduled passenger service by 14 different operators. A significant number of the remaining 50 percent are operated in other forms of air transportation such as air cargo and air taxi.

The proposed AD allows 500 hours time-in-service (TIS) before accomplishment of the design modification would become mandatory. The average utilization of the fleet for those airplanes in commercial commuter service is approximately 25 to 50 hours TIS per week. Based on

these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within two to five calendar months after the proposed AD would become effective. Based on these scheduled operation figures, repetitive inspections for the proposed AD for operators who had accomplished the modification would be required approximately every one to two years. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow two to five years before the proposed modification would be mandatory. Based on these nonscheduled operation figures, repetitive inspections for the proposed AD for operators who had accomplished the modification would be required approximately every 12 to 24 years.

Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionally burdened by government regulations. The RFA requires government agencies to determine whether rules would have a "significant economic impact on a substantial number of small entities," and, in cases where they would, conduct a Regulatory Flexibility Analysis in which alternatives to the rule are considered. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, outlines FAA procedures and criteria for complying with the RFA. Small entities are defined as small businesses and small not-for-profit organizations that are independently owned and operated or airports operated by small governmental jurisdictions. A "substantial number" is defined as a number that is not less than 11 and that is more than one-third of the small entities subject to the proposed rule, or any number of small entities subject to the rule which is substantial in the judgment of the rulemaking official. A "significant economic impact" is defined as an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types. FAA Order 2100.14A sets the size threshold for small entities operating aircraft for hire at nine aircraft owned and the annualized cost threshold at $65,300 for scheduled operators and $5,000 for unscheduled operators.

The 169 U.S.-registered airplanes affected by the proposed AD are owned according to the following breakdown: 13 by individuals, 8 by U.S. government agencies, and 148 by businesses or not-for-profit enterprises. Of the 148 entities, one owns 26 airplanes, one owns 11 airplanes, nineteen own between 2 and 9 airplanes, and fifty own 1 airplane each.

The FAA cannot determine the sizes of all the 148 owner entities nor the relative significance of the costs or cost savings estimated above. However, more than one-third of these entities operate de Havilland DHC–6 series airplanes in scheduled service. According to statistics obtained by the FAA, these airplane operators in scheduled service utilize the affected airplanes an average of 1,383 hours TIS annually, and general aviation operators utilize their airplanes an average of 706 hours TIS annually. These figures may have a standard of error of 14.4 percent and the general aviation average may include some airplanes in commuter service. The FAA cannot reasonably estimate the distribution of these hours among the de Havilland DHC–6 fleet.

Because of these uncertainties, no cost thresholds for significant economic impact can be reasonably determined. The FAA solicits comments concerning the impact of this proposed AD on small entity owners of the affected airplanes. Based on the possibility that this proposed AD could have a significant impact on a substantial number of small entities, the FAA conducted a Regulatory Flexibility Determination and Analysis. A copy of this analysis may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing both AD 80–13–11 R2, Amendment 39–4703, and AD 80–03–08, Amendment 39–3682, and by adding the following new AD:

De Havilland: Docket No. 91–CE–87–AD. Supersedes AD 80–13–11 R2, Amendment 39–4703, and AD 80–03–08, Amendment 39–3682.

Applicability: Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 airplanes (all serial numbers), certificated in any category.

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

Compliance: Required as indicated, unless already accomplished.

To prevent loss of control of the airplane caused by cracked elevator, flap, aileron, elevator trim, elevator/flap interconnect, and rudder control rods, accomplish the following:

(a) Within the next 500 hours time-in-service

(TIS) after the effective date of this AD, replace the following 2024–T3 or 2024–T81 control rods with 6061–T6 control rods in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland Service Bulletin (SB) No. 6/502, dated March 24, 1989:

(1) Flap Control Rods: Modification No. 6/1781;

(2) Elevator Trim and Elevator/Flap Interconnect Control Rods: Modification No. 6/1785;

(3) Aileron Control Rods: Modification No. 6/1791;

(4) Elevator Control Rods: Modification No. 6/1792; and

(5) Rudder Control Rods; Modification No. 6/1802.

Note 2: The specific part numbers of the 2024–T3 or 2024–T81 control and interconnect control rods and their 6061–T6 replacement part numbers are contained in de Havilland SB No. 6/502, dated March 24, 1989.

(b) Within 2,400 hours TIS after the replacement required by paragraph (a) of this AD, and thereafter at intervals not to exceed 2,400 hours TIS, inspect all the affected control rods for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/390, Revision E, dated December 20, 1991; or de Havilland SB No. 6/388, Revision C, dated October 29, 1982, as applicable. Prior to further flight, replace any cracked rod with a new 6061–T6 rod as specified in and in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/502, dated March 24, 1989.

(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) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 80–13–11 R2, Amendment 39–4703, and AD 80–03–08, Amendment 39–3682.

Issued in Kansas City, Missouri, on March 26, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–8252 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 41

RIN 1076–AD08

Grants to Tribally Controlled Community Colleges and Navajo Community College

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to revise part 41 to improve the clarity of the regulations and understanding of the public as mandated by Executive Order 12866. The regulations have been reorganized and rewritten in plain English.

DATES: Comments must be received on or before June 2, 1997.

ADDRESSES: Mail comments to Joann S. Morris, Director, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 3512–MIB, Washington, D.C. 20240; or, hand deliver them to Room 3512 at the above address. Comments will be available for inspection at this address from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately April 15, 1997.

FOR FURTHER INFORMATION CONTACT: Garry R. Martin, Office of Indian Education Programs, Bureau of Indian Affairs at telephone (202) 208–4871.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Publication of the proposed rule by the Department of the Interior (Department) provides the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding the proposed rule to the location identified in the "addresses" section of this document.

Executive Order 12988

The Department has certified to the Office of Management and Budget (OMB) that the proposed rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

This proposed 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.*).

Executive Order 12630

The Department has determined that this proposed rule does not have "significant" takings implications. The proposed rule does not pertain to "taking" of private property interests, nor does it impact private property.

Executive Order 12612

The Department has determined that this proposed rule does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of States.

NEPA Statement

The Department has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Unfunded Mandates Act of 1995

This proposed rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d); the Department of the Interior has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

All information is to be collected annually from each applicant. The annual reporting and recordkeeping burden for this collection of information is estimated to average 3 hours for each response for 24 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total annual reporting and recordkeeping burden for this collection is estimated to be 72 hours.

Organizations and individuals desiring to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10202, New Executive Office Building, Washington, D.C. 20503; Attention: Desk Officer for the U.S. Department of the Interior.

The Department considers comments by the public on this proposed collection of information in:

Evaluating 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;

Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

Enhancing the quality, usefulness, and clarity of the information to be collected; and

Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to the OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Bureau of Indian Affairs on the proposed regulations.

Drafting Information

The primary author of this document is Garry R. Martin, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 41

Indians—tribally controlled colleges; Indians—educational grants.

For the reasons given in the preamble, part 41 in Chapter I of Title 25 of the Code of Federal Regulations is proposed to be revised as set forth below:

PART 41—GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

General Provisions

Sec.

Authority: 25 U.S.C. 1801–1852; 25 U.S.C. 640a–640c–3

General Provisions

§ 41.1 What does this part cover?

The Congress of the United States has required the Department of Interior to provide funding for the establishment, operation, and improvement of Tribally Controlled Community Colleges (TCCCs) to ensure the growth of educational opportunities for Indian people. This part contains procedures for providing funding and technical assistance as authorized by the Tribally Controlled Community College Assistance Act of 1978 (Act), as amended, and the Navajo Community College Act of 1971, as amended.

§ 41.2 What terms are used in this part?

Ability to benefit means that a person without a high school diploma or its equivalent and whose age is beyond the States compulsory attendance law may be admitted conditionally as a special student in an educational program. All higher education institutions must establish, publish, and apply reasonable standards for the student to benefit which will include testing that measures the student's aptitude to successfully complete the course in which he/she is enrolled.

Academic facilities means structures used for classroom instruction, program administration and maintenance at an institution of higher education. This includes buildings used for academic, vocational, and cultural instruction; dormitories; service buildings used for storage or utilities essential to the operation of these facilities; and the campus grounds.

Academic term means a semester, quarter, trimester, or other period that the TCCC refers to as a division of its academic year.

Academic year means a period established by a tribal college as the annual period of operation of its education programs.

Act means Title I and Title II of the Tribally Controlled Community College Assistance Act of 1978, Public Law 95–471; 92 Stat. 1325, 25 U.S.C. 1801 *et seq.*, as amended.

Assistant Secretary means the Assistant Secretary—Indian Affairs or his/her designee.

BIA means the Bureau of Indian Affairs, U.S. Department of the Interior.

Director means the Director, Office of Indian Education Programs (OIEP), Bureau of Indian Affairs or his/her designee.

Endowment fund means an interest bearing account established by a TCCC that:

(1) Is exempt from taxation;

(2) Is maintained for the purpose of generating income for the support of the TCCC; and

(3) May include real and personal property (buildings, land, and money).

Indian means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior because of his/her status as an Indian.

Indian student count (ISC) means a number equal to the total number of Indian students enrolled in each TCCC, determined on the basis of the quotient of the sum of the credit hours of all the Indian students enrolled, divided by twelve (full-time equivalency). The total (ISC) is then divided by two (semesters) or three (quarters) to determine the annual (ISC) which is used as the basis for fund distribution.

Indian tribe means any Indian tribe, band, nation, or other organized group or community, including any Alaskan native village or regional or village corporation as defined in, or established pursuant to, the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Institution of higher education means an institution of higher education as defined by section 1201(a) of the Higher Education Act of 1965, except clause (2) of that section will not be applicable.

Per capita payment means the payment derived by dividing the amount appropriated by Congress by the sum of all ISC's and then multiplying the quotient by the ISC for each TCCC.

Personal property means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence such as patents, inventions, and copyrights.

Real property means land, land improvements, structures, and appendages thereto, excluding removable personal property, machinery and equipment.

Regular student means a person who has a high school diploma or GED and is enrolled in an educational program.

Satisfactory progress means that the student is making sufficient advancement in his/her field of study in accordance with the standards of the college.

Secretary means the Secretary of the Interior, or his/her authorized representative.

Third week means the period beginning with the registration date as published by the college for each academic session and ending 21 calendar days later.

Title I means Title I of the Tribally Controlled Community College Assistance Act of 1978, which governs grants to tribally controlled community colleges other than NCC.

Title II means Title II of the Tribally Controlled Community College Assistance Act of 1978, which governs grants to NCC.

Tribally controlled community college (TCCC) means an institution of higher education that is formally controlled, sanctioned, or chartered by the governing body of an Indian tribe or tribes, except that no more than one institution will be recognized with respect to any single tribe.

Unused funds means the amount of funds provided to a TCCC under this part that has not been obligated or expended by the TCCC by the end of the fiscal year for which funds were received.

§ 41.3 Where do grant funds come from?

Grant funds are subject to the availability of appropriations and may be drawn from:

(a) General administrative appropriations to the Secretary; or

(b) Not more than 5 percent of the funds appropriated to carry out §§ 41.50–41.55.

§ 41.4 How is the TCCC's annual budget requested?

The annual budget request for TCCCs must be identified separately in the BIA Budget justifications. Funds appropriated for grants under this part must not be commingled with other appropriations historically expended by the BIA.

§ 41.5 What fairness provisions apply to this part?

(a) Services or assistance provided to Indians by TCCCs aided under this part must be provided in a fair and uniform manner.

(b) No TCCC may deny admission to any Indian student because he/she is or is not a member of a specific Indian tribe.

§ 41.6 How do the requirements of part 276 apply to this part?

Except as otherwise provided in this part, a TCCC must comply with part 276 of this Title, subject to express waiver of specific inappropriate provisions of part 276 that may be granted by the Assistant Secretary after request and justification by the TCCC.

Establishing Eligibility

§ 41.10 Who can receive a grant under this part?

A TCCC may receive grants if it:

(a) Was established or otherwise sanctioned or chartered by resolution, ordinance, or other official action of the governing body of an Indian tribe or tribes;

(b) Is governed by a board of directors or a board of trustees a majority of whom are Indians;

(c) Adheres to a philosophy, plan of operation, and stated goals that are designed to meet Indian needs;

(d) Has been in operation for more than one year and has a majority of students who are Indians;

(e) Admits as regular students persons who have a certificate of graduation from a school providing secondary education; or a recognized equivalent of such a certificate, i.e., General Education Development (GED); or who are beyond the compulsory school attendance age for the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(f) Provides an educational program resulting in certificates, associate, baccalaureate, and graduate degrees;

(g) Is a nonprofit and nonsectarian institution;

(h) Is accredited by a nationally recognized accreditation agency or association or, if not accredited:

(1) The Secretary has determined that there is satisfactory assurance that the TCCC will meet the standards of an accreditation agency or association within a reasonable time; or

(2) The TCCC's credits are accepted, on transfer, by not less than three accredited institutions for credit on the same basis as if transferred from an accredited institution.

§ 41.11 How must grant funds be used?

Grants made under this part must be used for the general operating costs of the TCCC to defray, at the determination of the TCCC, expenditures for academic, educational, and administrative purposes, and for the operation and maintenance of the college. Funds provided under this part must not be used in connection with religious worship or sectarian instruction.

§ 41.12 How does the Director determine who is eligible for a grant?

A TCCC may receive grants under this part only after the Director makes a positive determination of eligibility as provided in this section.

(a) The governing body of a tribe or tribes that sponsor a TCCC wishing to receive a grant must submit a resolution requesting to the Director.

(b) Within 30 days of receiving the resolution referred to in paragraph (a) of this section, the Director will designate a study team. Within 60 days the study team must complete an eligibility study to determine whether there is justification for maintaining a college for the tribe(s). The Director will submit a summary of the study and the decision to:

(1) The tribal governing body or bodies requesting the study; and

(2) The board of directors, regents, or trustees of the college.

(c) The eligibility study will give consideration to the following factors:

(1) The existence of a college;

(2) Financial feasibility determination based upon an ISC that will support a TCCC;

(3) Low levels of tribal matriculation in and graduation from other post-secondary educational institutions;

(4) Tribal, linguistic, or cultural differences;

(5) Relative isolation from other post-secondary institutions due to factors such as climate, roads, topography, etc.;

(6) Availability of alternate education sources in the service area;

(7) Proposed curriculum appropriate for Indian post-secondary education;

(8) Demonstrated adherence to a plan of operation, philosophy, or goals designed to meet the needs of Indians;

(9) Instructors' qualifications (their degrees and evidence of expertise in their fields of teaching);

(10) Administrative and support staffs' ability to sustain the teaching faculty and operation and maintenance of the facility;

(11) Ability to account for the funds made available under the Act and use them efficiently; and

(12) Adherence to the requirements of § 41.10.

§ 41.13 If a TCCC is eligible, when can it receive funding?

If the Director finds a TCCC eligible and the TCCC complies with section 41.7 of the Act, the TCCC will be eligible for funding beginning with the next fiscal year.

§ 41.14 How can a TCCC appeal a finding of ineligibility?

If the Director finds a TCCC ineligible, he/she must notify the tribe within 60 days. The tribe may file a notice of appeal with the Assistant Secretary under § 41.90. A negative determination will not prevent a tribe from requesting another eligibility study, but the application for a new study will not be accepted sooner than one year from the date of the original determination.

§ 41.15 Is a TCCC's eligibility ever reviewed?

Yes. The Director annually reviews the eligibility status of each TCCC. If he/she determines that a TCCC eligible under § 41.12 no longer meets the criteria under which the original determination of eligibility was granted, he/she must promptly notify the TCCC in writing. That determination is grounds for rejection of a TCCC's application for a grant. Any TCCC receiving this notification may appeal the Director's determination under § 41.90.

Applying for a Title I Grant

§ 41.20 How can a Title I TCCC apply for a grant?

A TCCC that has received a positive eligibility study determination under § 41.12 is entitled to apply for grants under this part. A TCCC must complete an application and file it with the Director before July 1 of the year preceding the academic year for which a grant is requested. The application must:

(a) Be submitted on the approved form;

(b) Include a college catalog;

(c) Provide a proposed budget showing total expected operating expenses of all programs to which the information applies;

(d) Include a description of accounting procedures; and

(e) Include a statement that the TCCC will not deny admission to any Indian solely on the basis of not being a member of the tribe that has established and operates the TCCC.

§ 41.21 How will the TCCC hear if it has received a grant?

Within 60 days of receiving an application, the Director will review all supporting documents, make a decision, and notify the applicant in writing of the decision.

§ 41.22 What happens if the Director disapproves an application?

(a) If the Director disapproves an application, he/she must send the applicant written notification that includes the specific reasons for disapproval. The applicant will then have 30 days to amend or supplement the application and submit it for reconsideration.

(b) A TCCC may appeal the disapproval of its original grant proposal or its amended application by following the procedures in § 41.90.

§ 41.23 What additional documentation is required after a grant is approved?

A grant award under an approved application must be supported by a grant agreement, signed by a BIA Grants Officer, that includes the application and provisions required by §§ 41.5 and 41.6 and section 111 of the Act.

§ 41.24 Are there criminal penalties for making false statements on an application?

Yes. It's a crime under section 1001 of Title 18, U.S. Code, for a person to submit, or cause to be submitted, any false information to the BIA in connection with any application, report, or other document on which Federal financial assistance or any other payment of Federal funds is based. Punishment for violations under 18 U.S.C. § 1001 is a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

Counting Students and Measuring Progress

§ 41.30 What procedures are used to count students?

The following Indian Student Count (ISC) procedure must be used by all Title I TCCCs:

(a) The number is calculated on the basis of Indian students who are enrolled at the conclusion of the third week, or the equivalent thereof, of each academic term;

(b) Credits earned by non-Indian students cannot be counted towards the computation of the ISC for funding under the Act;

(c) Credits earned in classes offered during a summer term are counted toward the computation of the ISC in the succeeding fall term;

(d) Credit hours converted from CEU's are counted toward the computation of the ISC;

(e) The formula for conversion of CEU's to credit hours will be: 15 contact hours for one semester credit hour, 10 contact hours for one quarter credit

hour. The non-credit activity must meet the standards established by the TCCC to claim the CEU credits toward computation of the ISC.

(f) Credit hours can be counted for students who are making satisfactory progress under § 41.31 in accordance with the standards and practices of the TCCC.

(g) Students accepted for enrollment under the "ability to benefit" clause as special students will be credited and counted the same as students who have a certificate of graduation (or a recognized equivalent of such a certificate, i.e., GED) from an accredited post-secondary school if the student has:

(1) Passed an admission test that measures the student's aptitude to complete his or her educational program successfully;

(2) Successfully completed a remedial or developmental program prescribed by the institution that does not exceed one academic year. Note: Credits earned before successful completion of the prescribed program cannot be included in the TCCC's ISC; or

(3) Received a GED before the earlier of:

(i) The student's certification or graduation; or

(ii) The end of the first year of the course of study.

(h) Credits earned specific to obtaining the GED cannot be included in the institution's Indian student count.

§ 41.31 Must TCCCs have standards for measuring progress?

Yes. TCCCs must establish, publish, and apply reasonable standards for satisfactory progress by students pursuing degree or certificate programs.

Applying for a Title II Grant

§ 41.40 What is Navajo Community College's grant entitlement?

(a) Navajo Community College (NCC) is entitled to an annual grant based upon the amount of the Congressional appropriation for administration, academic instruction, development, student services, and operations and maintenance.

(b) A separate annual budget request for NCC must be identified in the BIA budget justification. Funds appropriated for grants under this part must not be commingled with other appropriations that BIA has historically spent for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries.

§ 41.41 How does NCC apply for its grant under Title II?

(a) NCC must submit an application statement by July 1 each year. The statement must include:

(1) A description of NCC's curriculum (which may be in the form of a college catalog or similar publication);

(2) A proposed budget showing the total expected operating expenses of educational programs; and

(3) The expected revenue from all sources for that academic year.

(b) The chief executive officer of the NCC must certify the authenticity of the application and submit documentation that a copy of the application was submitted to the Navajo Tribe.

§ 41.42 What other provisions apply to NCC's grant?

(a) The grant award must be evidenced by a grant agreement signed by the Director, incorporating the grant application and the provisions required by §§ 41.5 and 41.6.

(b) Overpayments of grants under this part may be recovered as provided by § 41.55.

(c) Payments to NCC under this part will not disqualify NCC from applying for or receiving grants or contracts under any other Federal programs for which it may qualify.

Grant Payments

§ 41.50 What general limitation applies to grant payments?

A grant under this part for any academic year is subject to the availability of appropriations and the provision that no grant can exceed the total cost of the education program provided by the TCCC.

§ 41.51 How will BIA determine the per capita payment for Title I TCCCs?

The per capita payment to each Title I TCCC will be determined by establishing an amount per Indian Student Count (ISC). The per capita payment is the Title I appropriation for the year divided by the total previous year's ISC.

§ 41.52 What are the per capita payment procedures?

(a) The Director will authorize payments in the appropriated amount for each TCCC with an approved application. Payments will be computed as follows:

(1) By October 15 or no later than 14 days after appropriations become available, whichever comes first, BIA will allot 95 percent of the funds to each TCCC based on the prior year's certified ISC.

(2) BIA will pay the balance of any grant to which a grantee is entitled paid no later than January 1 of the fiscal year, subject to availability of funds.

(b) By July 1, the TCCC must inform the Director in writing of the amount of any funds not expected to be obligated by the end of the fiscal year. The Director will reallocate the unused funds to other TCCCs based on their ISC for that year.

§ 41.53 How must the TCCC handle interest or investment income?

(a) Any interest or investment income that accrues on these funds after they are paid to the TCCC will become the property of the TCCC and will not affect other funding.

(b) The TCCC must spend all interest or investment income by the close of the fiscal year following the fiscal year in which the income accrues.

(c) Funds may only be invested in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.

§ 41.54 How is other funding that a TCCC may receive affected by funding received under this part?

(a) Payments to Title I TCCCs under this part will not disqualify the TCCC from applying for or receiving grants or contracts under any other Federal programs for which it may qualify.

(b) A TCCC receiving funds for programs under the Snyder Act of November 2, 1921, will not:

(1) Have its funding altered;

(2) Be denied a contract for Snyder Act funds under the Indian Self-Determination and Education Assistance Act; or

(3) Be denied contract support to administer those funds.

(c) Eligibility for payment under this part will not, by itself, make a TCCC ineligible to receive Federal financial assistance under the Higher Education Act of 1965 or any other programs that benefit institutions of higher education, community colleges, or post-secondary educational institutions.

(d) Notwithstanding any provision of law, funds provided under this part to the TCCCs will be treated as nonfederal, private funds of the TCCC for purposes of any provision of Federal law that requires nonfederal funds for a project.

§ 41.55 What about grant overpayments/underpayments?

If the Director finds that a Title I TCCC receiving funds under this part has been overpayed or underpaid, he/she must promptly notify the TCCC of the grant overpayment or underpayment. An adjustment will be made in the current fiscal year, if funds are available. If funds are not available,

the grant adjustment will be made in the next fiscal year from the amount appropriated for the Title I TCCCs.

Technical and Planning Assistance

§ 41.60 Are there any funds for technical assistance?

(a) To apply for technical assistance and if funds are available, the TCCC should submit a written request to the Director for program development. Technical assistance funds will be provided to all eligible TCCCs on an equal payment basis.

(b) The Director may distribute technical assistance funds with the initial payment in accordance with § 41.52, or may award them to an organization that the TCCC designates. If the TCCC wishes to have its funds awarded to an organization, the TCCC must notify the Director in its annual application on or before July 1 of every year.

(c) If the Director denies a request for technical assistance, the Director will notify the TCCC in writing, including the specific reason for the denial.

§ 41.61 Are planning grants available?

Yes, subject to specific appropriations. If money is appropriated, BIA may approve a planning grant for a tribe or a tribal entity to conduct planning activities for establishing a TCCC.

§ 41.62 How can a tribe or tribal entity apply for a planning grant?

Each applicant for a planning grant must submit an application using standard form (SF) 424 in accordance with OMB Circular No. A–110. The Director will consider each application in order of receipt for each fiscal year.

§ 41.63 How will a tribe or tribal entity know if it has received a planning grant?

The Director will notify the grant applicant whether the application has been approved or disapproved within 60 days of its receipt. No more than five grants, not to exceed $15,000 each, will be awarded each fiscal year.

§ 41.64 What is required in a study made with a planning grant?

(a) The planning study must contain:

(1) Information pertaining to the potential number of tribal members interested in enrolling;

(2) An assessment of post-secondary educational opportunities on or near the Indian reservation;

(3) Information concerning facilities usage;

(4) A review of tribal and BIA funds spent on in-service training;

(5) The estimated tribal financial contribution toward the operation of a TCCC;

(6) Relative isolation factors;

(7) Tribal member enrollments at other post-secondary institutions in the service area; and

(8) Curriculum needs.

(b) The results of the planning study must be submitted within 60 days after completion to:

(1) The Director;

(2) The tribal governing body or bodies requesting the planning grants; and

(3) The board of directors, regents, or trustees of the TCCC.

§ 41.65 What will happen to unused planning grant funds?

Any unallocated funds appropriated in a fiscal year for planning grants will be distributed to the Title I colleges according to the procedures in § 41.52.

§ 41.66 What assistance will BIA provide TCCCs in determining their needs and costs?

The Secretary, in consultation with the National Center for Education Statistics, will establish a data collection system to obtain accurate information on the needs and costs of operation and maintenance of TCCCs.

Endowment Funds

§ 41.70 When is a TCCC entitled to receive endowment funds?

A TCCC is entitled to receive endowment funds if the TCCC:

(a) Has received operational funds during the fiscal year in which application for an endowment fund is made; and

(b) Has not been awarded a grant under section 331 of the Higher Education Amendments of 1986, Endowment Challenge Grants, (20 U.S.C. 1065a) during the same fiscal year.

§ 41.71 How can a TCCC obtain endowment funds?

To obtain endowment funds, a TCCC must establish a trust fund as required by § 41.72 and apply to the Director under § 41.73.

§ 41.72 What requirements must an endowment trust fund meet?

A TCCC desiring to receive a grant under this section must enter an agreement with the Secretary to establish and maintain a trust fund that:

(a) Meets the requirements of section 302(b)(1) of the Tribally Controlled Community College Assistance Act, as amended;

(b) Provides for the deposit in the fund of:

(1) Any Federal capital contributions;

(2) A TCCC capital contribution in an amount (or of a value) equal to half the amount of each Federal capital contribution; and

(3) Any earnings of the deposited funds.

(c) Provides that deposited funds will accumulate interest at a rate not less than that of similar funds deposited at the institution for the same period of time;

(d) Provides that if a TCCC withdraws any of its capital contribution, an amount of Federal contribution equal to twice the amount (or value) of each withdrawal will be withdrawn and returned to the Secretary for redistribution;

(e) Provides that no private person may benefit from the net earnings of the trust fund;

(f) Provides a description of recordkeeping procedures for the expenditure of accumulated interest; and

(g) Provides that interest deposited in the trust fund may be periodically withdrawn and used to defray any expenses associated with the operation of the TCCC.

§ 41.73 How does a TCCC apply to participate in the endowment program?

BIA will notify TCCCs when funding is available for the endowment program. Upon receiving this notice, the TCCC must submit a signed letter to the Director certifying its intent to participate in the program and identifying the amount (or value of) funds/property available for matching purposes.

§ 41.74 What action will the Director take on applications?

(a) The Director will review each request made under § 41.73. If the Director approves the request, BIA will match on a two-for-one basis the amount identified by the TCCC, up to a maximum of $750,000 in matching funds per TCCC.

(b) If the request is disapproved, the Director must notify the TCCC in writing, identifying the specific reasons for the disapproval and advising the TCCC of its right to appeal.

§ 41.75 What happens if a TCCC is overpaid under the endowment program?

The Director must notify a TCCC if an overpayment has been made. The TCCC must then return the excess funds.

§ 41.76 What assets may a TCCC use to comply with the matching requirement?

To comply with the matching requirement, a TCCC, may use:

(a) Funds available from any private or tribal source; and

(b) Any real or personal property received as a donation or a gift on or after October 30, 1990, to the extent of its fair market value as determined by the Secretary.

§ 41.77 How is the value of donated real or personal property established?

(a) The fair market value of donated real or personal property must be established by a qualified appraiser. The Secretary or his/her authorized representative must review and approve the appraisal.

(b) The fair market value of property at the time it is presented to the Federal appraiser will be the amount that will be used for matching purposes regardless of future changes in value.

§ 41.78 What happens if real or personal property that the TCCC uses to comply with the matching requirement is sold or disposed of?

If any real or personal property that the TCCC uses to comply with the matching requirement is sold or otherwise disposed of, the proceeds must be deposited in the established endowment trust account. The deposited proceeds and will not again be considered for Federal capital contribution purposes.

§ 41.79 How will BIA match the value of property or capital contributions?

(a) From the amount appropriated, the Secretary will allocate to each eligible TCCC:

(1) An amount for a Federal capital contribution equal to twice the value of the property or the amount that the TCCC demonstrates is committed as a capital contribution; except,

(2) The maximum amount allocated to any TCCC for any fiscal year cannot exceed $750,000.

(b) If in any fiscal year the appropriated amount is insufficient to allocate to each TCCC an amount equal to twice the value, then the allocated amount to each TCCC will be reduced *pro rata*.

§ 41.80 What procedures will BIA follow when there are additional funds for the endowment program?

(a) The Director, after satifying the unmet endowment, will notify all eligible TCCCs of the amount of the remaining funds.

(b) Within 60 days of the date of notification of extra funds, an eligible TCCC may submit an application.

(c) After Congress appropriates funds, the Director must notify eligible TCCCs of the amount available under this part.

Appeals

§ 41.90 What appeal rights do TCCCs have under this part?

(a) A TCCC has the right to appeal any adverse decision made by the Director to the Assistant Secretary by filing a written notice of appeal with the Assistant Secretary within 30 days of receipt of the adverse decision.

(b) Within 30 days of receiving a notice of appeal, the Assistant Secretary, or designated representative, must conduct a hearing at which the TCCC may present evidence and offer arguments in support of its appeal.

(c) Within 30 days after the hearing, the Assistant Secretary must issue a written ruling on the appeal including the reasons for that ruling that confirms, modifies, or reverses the Director's decision. The ruling of the Assistant Secretary is final.

Required Reports

§ 41.95 What reports are required?

(a) Each Title I TCCC must conduct an ISC report at the conclusion of the third week, or equivalent, of each academic term and then submit the report to the Director by the designated due date.

(b) Each college receiving grants under this part must submit an annual report to the Director by January 1 in accordance with the reporting procedures of OMB approved Form No. 1076–0105, Annual Report.

(c) The Director must conduct an evaluation of each new TCCC during the second year of funding. Periodic evaluations of established TCCCs will be conducted. The evaluation will take the form of:

(1) A review of the TCCC's continued adherence to the elements of the eligibility study,

(2) A review of Indian student enrollment,

(3) A review of its CPA audit report to determine compliance with recommendations; and,

(4) A review of the accreditation status.

§ 41.96 Are there requirements for information collection?

The Standard Form 424 and attachments prescribed by that circular are approved by OMB under 44 U.S.C. 3501 *et seq.* These sections describe types of information that would satisfy the application requirements of Circular A–110 for this grant program. The information collection requirement contained in this part has been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), and assigned clearance number 1076–0018.

Dated: March 20, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97–8062 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[WI73–01–7302b; FRL–5691–6]

Approval of Section 112(l) Program of Delegation; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve Wisconsin's request for delegation of the Federal air toxic program pursuant to Section 112(l) of the Clean Air Act of 1990. In the Final Rules section of this **Federal Register**, EPA is fully approving the State's request for delegation as a direct final rule without prior proposal, because the EPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to these actions, no further activity is contemplated in relation to this proposed rule. If EPA receives timely comments adverse to or critical to the approval, which have not been addressed by the State or EPA, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

EFFECTIVE DATE: Comments must be received on or before May 1, 1997.

ADDRESSES: Copies of the State submittal and EPA's analysis of it are available for inspection at: United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, AR–18J, United States Environmental Protection Agency, Chicago, Illinois 60604, (312) 886–0671.

SUPPLEMENTARY INFORMATION:

List of Subjects in 40 CFR Part 63

Environmental Protection, Administrative practice and procedure,

Air pollution control, Hazardous substances, Intergovernmental relations.

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

Dated: February 7, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

[FR Doc. 97–8184 Filed 3–31–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 63

[IN74–1(b); FRL–5687–9]

Approval of Section 112(l) Program of Delegation; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the request for delegation of the Federal air toxics program contained within 40 CFR Parts 61 and 63 pursuant to section 112(l) of the Clean Air Act (CAA) of 1990. The USEPA made a finding of completeness in a letter dated February 29, 1996. This request for approval of a mechanism of delegation encompasses all sources not covered by the Part 70 program. In the final rules section of this Federal Register, the EPA is approving these actions as a direct final rule without prior proposal because EPA views these as noncontroversial actions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse 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 comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before May 1, 1997.

ADDRESSES: Written comments should be mailed to: Sam Portanova, Environmental Engineer, U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, Permits and Grants Section, 77 West Jackson Boulevard (AR–18J), Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR–18J), Permits and Grants Section, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, 77 West Jackson Boulevard (AR–18J), Chicago, Illinois 60604, (312) 886–3189.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: January 28, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–8182 Filed 3–31–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 115]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Extension of comment period for a request for comments.

SUMMARY: This document extends the comment period on a request for comments concerning a petition from U.S. Senator Dirk Kempthorne to amend the agency's automatic occupant protection standard. The standard includes provisions specifying the use of unbelted as well as belted dummies in testing air bag-equipped vehicles. The petition asks that the agency impose a moratorium on testing with unbelted dummies. In its request for comments, the agency sought public comments on the benefits and disbenefits of eliminating the unbelted test. In response to a petition from the Association of International Automobile Manufacturers, Inc., the agency is extending the comment period from March 31, 1997 to June 2, 1997.

DATES: Comments on Docket 74–14, Notice 113 must be received by June 2, 1997.

ADDRESSES: Comments should refer to Docket 74–14, Notice 113 and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are: 9:30 a.m.-4:00 p.m., Monday through Friday.)

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

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

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

SUPPLEMENTARY INFORMATION: On February 27, 1997, NHTSA published in the Federal Register (62 FR 8917) a request for comments concerning a petition from U.S. Senator Dirk Kempthorne. The petitioner requested the agency to amend Standard No. 208, *Occupant Crash Protection,* to impose a moratorium on testing with unbelted dummies. The petition was submitted in response to the deaths of young children and of drivers, primarily short-statured women, as a result of air bag deployments in low speed crashes. The petitioner believes that the necessity of meeting the unbelted test requirement is adversely affecting current air bag designs and causing these deaths. The petitioner also believes that the requirement is preventing vehicle manufacturers from optimizing air bag designs for belted occupants.

The agency noted in the request for comments that it has concluded that section 2508 of the Intermodal Surface Transportation Efficiency Act of 1991 precludes it from eliminating the unbelted test requirement. However, since the agency is interested in all potential solutions to the air bag deaths and since the agency can recommend legislative changes to Congress, the agency sought public comment on the benefits and disbenefits of eliminating the unbelted test. The agency provided a 30-day comment period.

On March 19, 1997, the Association of International Automobile Manufacturers, Inc. (AIAM) petitioned for an extension in the comment period. AIAM noted that it has stated a preference for eliminating the unbelted dummy test, but stated that it cannot generate a thorough and quantitative response in the time allotted. AIAM stated that it believes the questions raised in the request for comments should be addressed thoroughly because they are fundamental to the long-term direction of occupant protection and related regulatory requirements.

On March 27, 1997, the American Automobile Manufacturers Association submitted a letter stating that it believes that sufficient time should be provided to all interested parties to respond to the request for comments. That organization stated that it therefore supports the request for additional time requested by AIAM.

After considering the arguments raised by AIAM, NHTSA has decided that it is in the public interest to grant that petitioner's request. The agency notes that it has selected the date of June 2, 1997 as the comment closing date since the requested date, May 31, falls on a Saturday.

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

Issued on March 28, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–8374 Filed 3–28–97; 12:39 pm]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 62, No. 62
Tuesday, April 1, 1997

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 94–116–6]

Notice of Request for Extension of a Currently Approved Information Collection and Request for Approval of a New Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of a currently approved information collection and the approval of a new information collection in support of a final rule that allows fresh Hass avocado fruit from Michoacan, Mexico, to be imported into certain areas of the United States under certain conditions.

DATES: Comments on this notice must be received by June 2, 1997 to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 94–116–6, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket 94–116–6. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: For information regarding the final rule for Hass avocados from Michoacan, Mexico, contact Mr. Ronald Campbell, Staff Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737-1236, (301) 734–6799. For copies of more detailed information on the information collection, contact Ms. Cathy McDuffie, APHIS" Information Collection Coordinator, at (301) 734–5190.

SUPPLEMENTARY INFORMATION:

Title: Importation of Fresh Hass Avocado Fruit Grown in Michoacan, Mexico.

OMB Number: 0579–0049.

Expiration Date of Approval: April 30, 1997.

Type of Request: Extension of a currently approved information collection; approval of a new information collection.

Abstract: On February 5, 1997, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the **Federal Register** (62 FR 5293-5315, Docket No. 94–116–5) amending 7 CFR 319.56 to allow fresh Hass avocado fruit from Michoacan, Mexico, to be imported into certain areas of the United States under certain conditions. Avocados destined for the United States must be grown only in approved orchards in approved municipalities in Michoacan, Mexico. The conditions to which the importation of fresh Hass avocado fruit will be subject (including pest surveys and pest risk-reducing cultural practices, packinghouse procedures, inspection and shipping procedures, and restrictions on the time of year shipments may enter the United States) will reduce, to an insignificant level, the risk that certain exotic plant pests from Mexico will be introduced into the United States.

The implementation of this rule will require us to engage in certain information collection activities. We are seeking Office of Management and Budget (OMB) approval to employ these information collection activities in connection with this program.

Nine of the 10 information collections described below are currently in use in other program areas and have received OMB approval for use in those programs. The remaining collection, i.e., a sticker identification system to be used in connection with Mexican avocado imports, is a new information collection requirement.

Application for Permit: A U.S. importer who wishes to import fresh Hass avocado fruit to the United States must first apply for a permit from APHIS. The permit specifies a set of conditions under which the fruit can be brought into the United States.

Trust Fund Agreement: Avocados can only be imported into the United States after the Mexican Avocado Industry Association (which represents the Mexican avocado growers, packers, and exporters) completes a trust fund agreement with APHIS for that shipping season. In this document, the Mexican Avocado Industry Association agrees to pay, in advance, for all estimated costs that we expect to incur via our participation in this program.

Phytosanitary Certificate: Avocados from Michoacan, Mexico, will require a phytosanitary inspection certificate completed by Mexican plant health officials. This document certifies that the avocados originated from an area free of certain agricultural pests.

Sticker With Registration Numbers: Packinghouse personnel in Mexico must label each avocado with a sticker that bears the registration number of the packinghouse. This identification system will facilitate any traceback investigations we may need to conduct.

Marking Requirements: Avocados destined for the United States must be packed in boxes and clearly marked by packinghouse personnel with the identity of the grower, packinghouse, and exporter, and a statement that the avocados may be distributed only in specific States within the United States. This identification system will facilitate any traceback investigations we may need to conduct and will also ensure that the avocados are distributed only in those approved States listed in the regulations.

Annual Work Plan: The Mexican Ministry of Agriculture must provide an annual work plan to us that details the activities and actions that will be implemented in order to meet our requirements concerning the exportation of fresh Hass avocado fruit to the United States.

Pest Survey: Municipalities and orchards participating in this program must be surveyed via visual inspection

and trapping for avocado pests and fruit flies by Mexican plant health officials.

Registration: Growers and packinghouse operators participating in this program must register with the Mexican Ministry of Agriculture's avocado export program. Registration ensures that participating orchards and packinghouses are adhering to a specific set of APHIS requirements.

Infestation Information: If certain plant pests are detected in a participating orchard, packinghouse, or municipality, the Mexican Ministry of Agriculture must supply us with information concerning the circumstances of the infestation and the pest risk mitigation measures that are being implemented.

Seals: Boxes of avocados must be placed in a refrigerated truck or refrigerated container and remain there while in transit through Mexico to the port of first arrival in the United States. Before leaving the packinghouse, a representative from the Mexican Ministry of Agriculture must secure the truck or container with a seal that must remain unbroken until arriving in the United States.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning these information collection activities. We need this outside input to help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, 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 information collection on those who are to respond, through the use, as appropriate, of automated, electronic, mechanical, or other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.0002 hours per response.

Respondents: U.S. importers, growers and packinghouse operators in Mexico, Mexican plant protection authorities.

Estimated number of respondents: 157.

Estimated number of responses per respondent: 51,130.

Estimated total annual burden on respondents: 3,098.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 27th day of March 1997.

Donald W. Luchsinger,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–8174 Filed 3–31–97; 8:45 am]

BILLING CODE 3410–34–P

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Minot (ND), Southern Illinois (IL), and Tri-State (OH) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designations of Minot Grain Inspection, Inc. (Minot), Southern Illinois Grain Inspection Service, Inc. (Southern Illinois), and Tri-State Grain Inspection Service, Inc. (Tri-State), will end September 30, 1997, according to the Act. GIPSA is asking persons interested in providing official services in the Minot, Southern Illinois, and Tri-State areas to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before April 30, 1997.

ADDRESSES: Applications must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, 1400 Independence Avenue, S.W., Washington, DC 20250–3604. Applications may be submitted by FAX on 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Minot, main office located in Minot, North Dakota; Southern Illinois, main office located in O'Fallon, Illinois; and Tri-State, main office located in Cincinnati, Ohio, to provide official inspection services under the Act on October 1, 1994.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Minot, Southern Illinois, and Tri-State end on September 30, 1997, according to the Act.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of North Dakota, is assigned to Minot.

Bounded on the North by the North Dakota State line east to State Route 14;

Bounded on the East by State Route 14 south to State Route 5; State Route 5 east to State Route 60; State Route 60 southeast to State Route 3; State Route 3 south to State Route 200;

Bounded on the South by State Route 200 west to State Route 41; State Route 41 south to U.S. Route 83; U.S. Route 83 northwest to State Route 200; State Route 200 west to U.S. Route 85; U.S. Route 85 south to Interstate 94; Interstate 94 west to the North Dakota State line; and

Bounded on the West by the North Dakota State line.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Harvey Farmers Elevator, Harvey, Wells County (located inside Grand Forks Grain Inspection Department, Inc.'s, area); and Benson Quinn Company, Underwood, and Missouri Valley Grain Company, Washburn, all in McLean County (located inside Grain Inspection, Inc.'s, area).

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Illinois, is assigned to Southern Illinois.

Bounded on the East by the eastern Cumberland County line; the eastern Jasper County line south to State Route 33; State Route 33 east-southeast to the Indiana-Illinois State line; the Indiana-Illinois State line south to the southern Gallatin County line;

Bounded on the South by the southern Gallatin, Saline, and Williamson County lines; the southern Jackson County line west to U.S. Route

51; U.S. Route 51 north to State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51; State Route 51 south to the Mississippi River;

Bounded on the West by the Mississippi River north to Interstate 270; Interstate 270 east to Interstate 70; Interstate 70 east to State Route 4; State Route 4 north to Macoupin County; the southern Macoupin County line; the eastern Macoupin County line north to a point on this line which intersects with a straight line, from the junction of State Route 111 and the northern Macoupin County line to the junction of Interstate 55 and State Route 16 (in Montgomery County); and

Bounded on the North from this point southeast along the straight line to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately 1 mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Indiana, Kentucky, and Ohio, is assigned to Tri-State.

Dearborn, Decatur, Franklin, Ohio, Ripley, Rush (south of State Route 244), and Switzerland Counties, Indiana.

Bath, Boone, Bourbon, Bracken, Campbell, Clark, Fleming, Gallatin, Grant, Harrison, Kenton, Lewis (west of State Route 59), Mason, Montgomery, Nicholas, Owen, Pendleton, and Robertson Counties, Kentucky.

In Ohio:

Bounded on the North by the northern Preble County line east; the western and northern Miami County lines east to State Route 296; State Route 296 east to State Route 560; State Route 560 south to the Clark County line; the northern Clark County line east to U.S. Route 68;

Bounded on the East by U.S. Route 68 south to U.S. Route 22; U.S. Route 22 east to State Route 73; State Route 73 southeast to the Adams County line; the eastern Adams County line;

Bounded on the South by the southern Adams, Brown, Clermont, and Hamilton County lines; and

Bounded on the West by the western Hamilton, Butler, and Preble County lines.

Interested persons, including Minot, Southern Illinois, and Tri-State, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the Minot, Southern Illinois, and Tri-State areas is for the period beginning October 1, 1997, and ending September 30, 2000. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: March 12, 1997.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 97–7741 Filed 3–31–97; 8:45 am]

BILLING CODE 3410–EN–F

Designations for the Lincoln (NE), Memphis (TN), and Omaha (NE), Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Lincoln Inspection Service, Inc. (Lincoln), Memphis Grain Inspection Service (Memphis), and Omaha Grain Inspection Service, Inc. (Omaha), to provide official services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: May 1, 1997.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, 1400 Independence Avenue, S.W., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the October 22, 1996, **Federal Register** (61 FR 54760), GIPSA asked persons interested in providing official services in the geographic areas assigned to Lincoln, Memphis, and Omaha to submit an application for designation. Applications were due by December 2, 1996. Lincoln, Memphis, and Omaha, the only applicants, each applied for designation to provide official services in the entire area currently assigned to them.

Since Lincoln, Memphis, and Omaha were the only applicants for the respective areas, GIPSA did not ask for comments on the applicants.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act; and according to Section 7(f)(l)(B), determined that Lincoln, Memphis, and Omaha are able to provide official services in the geographic areas for which they applied. Effective May 1, 1997, and ending April 30, 2000, Lincoln and Omaha are designated to provide official services in the geographic areas specified in the October 22, 1996, **Federal Register**. Effective June 1, 1997, and ending April 30, 2000, Memphis is designated to provide official services in the geographic area specified in the October 22, 1996, **Federal Register**.

Interested persons may obtain official services by contacting Lincoln at 402–435–4386, Memphis at 901–942–3216, and Omaha at 402–341–6739.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: March 12, 1997.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 97–7742 Filed 3–31–97; 8:45 am]

BILLING CODE 3410–EN–F

DEPARTMENT OF COMMERCE

Bureau of the Census

Manufacturers' Shipments, Inventories, and Orders (M3) Survey

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 2, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Stephen Andrews, Bureau of the Census, FOB #4 Room 2102, Washington, DC 20233–6913, (301) 457–4602.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Manufacturers' Shipments, Inventories, and Orders (M3) Survey requests data from domestic manufacturers on form M–3(SD) which will be mailed at the end of each month. Data requested are shipments, new orders, unfilled orders, total inventory, materials and supplies, work-in-process and finished goods. It is currently the only survey which provides broad-based monthly statistical data on the economic conditions in the domestic manufacturing sector. It is designed to measure current industrial activity and to provide an indication of future production commitments. The value of shipments measures the value of goods delivered during the month by domestic manufacturers. Estimates of new orders serve as an indicator of future production commitments and represent the current sales value of new orders received during the month, net of cancellations. Substantial accumulation or depletion of backlog of unfilled orders measures excess (or deficient) demand for manufactured products. The level of inventories, especially in relation to shipments, is frequently used to monitor the business cycle.

The total annual burden hours are decreased from 24,000 to 20,400 due to two reasons: (1) companies discontinuing reporting on the survey mainly because the survey is not mandatory; and (2) the poor response to our survey expansion efforts.

II. Method of Collection

Respondents submit data on form M3–SD via mail or facsimile machine. Respondents also transmit data using the Touchtone Data Entry (TDE) system or by telephone call from our Computer Assisted Telephone Interview (CATI) system.

III. Data

OMB Number: 0607–0008.
Form Number: M–3(SD).
Type of Review: Revision of a currently approved collection.
Affected Public: Businesses or other for profit.
Estimated Number of Respondents: 5,150.
Estimated Time Per Response: .33 hour.
Estimated Total Annual Burden Hours: 20,400.
Estimated Total Annual Cost: $263,775.
Respondent's Obligation: Voluntary.
Legal Authority: Title 13 USC, Sections 131 and 182.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 26, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–8121 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–07–P

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA).

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 02/19/97–03/14/97

Firm name	Address	Date petition accepted	Product
Wilson Woodworks, Inc	9121 Key Peninsula Highway North, Lakebay, WA 98349.	02/19/97	Log home kits.
Quality Aero, Inc	5305 Towson Avenue, Fort Smith, AR 72901	02/21/97	Model airplane motors, parts for model airplane motors, and model airplane parts.
Wishbone Woodworks, Inc	110 Brodhead Street, Mazomanie, WI 53560	02/26/97	Walnut award plaques.
Seaway Plastic Productions, Inc	6033 Sherwin Drive, Port Richey, FL 34668 ..	02/26/97	Electronic and medical component parts for computers, telephones, pumps and dialysis machines.
Mohawk Resources, Inc	P.O. Box 110 Vrooman, Amsterdam, NY 12010.	02/27/97	Service lifts for cars, trucks and busses.
Ponderosa Products, Inc	1701 Bellamah, NW, Albuquerque, NM 87125.	03/06/97	Particleboard and components.
Semiconductors, Inc	3680 Investment Lane, Riviera Beach, FL 33404.	03/10/97	Transistors and diodes.
Canvas Fabricators, Inc	P.O. Box 8, Carthage, MO 64836	03/11/97	Tarpaulins for trucks and boats and for awnings.
Two seeds Co., Ltd	2325 West Vancouver, Broken Arrow, OK 74012.	03/12/97	Fishing rods.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm

contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, Room 7023, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: March 21, 1997.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 97–8132 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–24–M

Bureau of Export Administration

Materials Technical Advisory Committee, Notice of Open Meeting

A meeting of the Materials Technical Advisory Committee will be held April 24, 1997, 10:30 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th Street between Constitution & Pennsylvania Avenues, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to advanced materials and related technology.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of export control of materials usable for production of isotope separation centrifuges, including a report on type "E" fiberglass producers in countries of proliferation concern.
4. Consideration of a recommendation to eliminate controls on materials usable for production of centrifuges that are not significantly better than those produced from E-glass.
5. Briefing on the meeting of the Biological Weapons Convention Ad Hoc Group.
6. Presentation and discussion of industry concerns regarding implementation of the Biological Weapons Convention.

The meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA MS: 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: March 26, 1997.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 97–8141 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Docket 8–97]

Foreign-Trade Zone 82; Mobile, AL; Application for Subzone Status Coastal Mobile Refining Company (Oil Refinery Complex), Mobile County, AL; Correction

The **Federal Register** notice (62 FR 8422, 2/25/97) describing the application submitted to the Foreign-Trade Zones Board (the Board) by the City of Mobile, Alabama, grantee of FTZ 82, requesting special-purpose subzone status for the oil refinery complex of Coastal Mobile Refining Company (wholly-owned subsidiary of Coastal Corporation), located in Mobile County, Alabama, is corrected as follows:

Paragraph 3 should read, "The refinery produces asphalt and fuel products, including vacuum gas oil, naphtha, and diesel oil. All of the crude oil (almost all of inputs) is sourced abroad."

Paragraph 4, Sentence 2 should read, "On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on asphalt (duty-free), instead of the duty rates that would otherwise apply to foreign-sourced crude oil."

Dated: March 21, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8261 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 17–97]

Foreign-Trade Zone 143; West Sacramento, CA Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Sacramento-Yolo Port District, grantee of FTZ 143, requesting authority to expand its zone in the West Sacramento and Lincoln, California area, adjacent to the San Francisco/Oakland/Sacramento Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 19, 1997.

FTZ 143 was approved on August 6, 1987 (Board Order 360, 52 F.R. 30698, 8/17/87). The zone project currently consist of the following sites: *Site 1* (8 acres)—within the Port of Sacramento terminal area at 2650 Industrial Blvd. and Boatman Ave., West Sacramento; and, *Site 2* (6 acres, 2 Bldgs.)—within the Lincoln Airport Business Park, Aviation Boulevard, Lincoln, some 25 miles northeast of Sacramento.

This application is requesting authority to expand both existing sites as follows: *Site 1*—include the Southport area (505 acres) of the port complex located south of the Port's terminal facilities, West Sacramento, and include certain port property (173 acres) located at Industrial Boulevard and -2-Boatman Avenue, West Sacramento; and, *Site 2*—include the entire Lincoln Airport Business Park (1,280 acres), in Lincoln. The proposed expansion areas would be used primarily for warehousing/distribution and freight forwarding activity. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 2, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 16, 1997). A copy of the application and accompanying exhibits will be available for public

inspection at each of the following locations:

Office of the Port Director, Sacramento-Yolo Port District, 1251 Beacon Boulevard, Suite 210, West Sacramento, CA 95691

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: March 24, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8263 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 16–97]

Foreign-Trade Zone 70; Detroit, MI; Application for Subzone Status MascoTech, Inc., Plant (Forged Steel Automotive Products) Detroit, Michigan

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Detroit Foreign-Trade Zone, Inc., grantee of FTZ 70, requesting special-purpose subzone status for the automotive parts forging facility of MascoTech, Inc. (MTI), located in Detroit, Michigan. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 12, 1997.

The MTI plant, known as the "MascoTech Forming Technologies-Braun" facility (12 acres, 270,000 sq. ft.) is located at 19001 Glendale Avenue, Detroit, Michigan. The facility (241 employees) is used to produce various forged automotive components, including clutch housings, pinion and differential gears, combustion plates, brake parts, bumper tubes, parts of air conditioners, constant velocity joints, piston pins, and axle arms for the U.S. market and export. The production process involves warm and cold forging using coiled and straight bar alloy and carbon steel (grades 1018, 1019, 4615; HTSUS Headings 7213, 7214, 7215, 7227, 7228; duty rate range 1.3%–5.2%).

FTZ procedures would exempt MTI from Customs duty payments on the foreign steel used in the export production. On its domestic sales, the company would be able to choose the duty rate that applies to the finished automotive components (2.7%) for the foreign steel inputs noted above. The motor vehicle duty rate (2.5%) could apply to the finished products that are shipped to U.S. motor vehicle assembly plants with subzone status for manufacture into finished motor vehicles under FTZ procedures. FTZ procedures would also exempt foreign steel that becomes scrap during the production process from Customs duties. The application indicates that subzone status would help improve the international competitiveness of the MTI plant.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 2, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to [June 16, 1997]).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, McNamara Building, Room 1140, 477 Michigan Avenue, Detroit, MI 48226

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230–0002

Dated: March 21, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8262 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 21–97]

Proposed Foreign-Trade Zone; Piedmont Triad Area, North Carolina (Guilford, Forsyth, Davidson and Surry Counties, North Carolina) Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Piedmont Triad Partnership (a North Carolina non-profit corporation), to establish a general purpose foreign-trade zone at sites in Guilford, Forsyth, Davidson and Surry Counties, North Carolina, adjacent to the Winston-Salem Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 20, 1997. The applicant is authorized to make the proposal under Chapter 55C of the North Carolina General Statutes.

The proposed zone would consist of 6 sites (3,610 acres) in the Piedmont Triad area of North Carolina: *Site 1* (188 acres)—within the 206-acre Lexington Business Center, Hargrave Road and Business Interstate 85, Lexington (Davidson County), owned by the City of Lexington and Davidson Progress, Inc., an economic development group; *Site 2* (2,800 acres)—Piedmont Triad International Airport, adjacent to U.S. 68 and U.S. 421, Greensboro (Guilford County), owned by the Piedmont Triad International Airport Authority; *Site 3* (46 acres)—High Point site, intersection of Elon Place and Kivett Drive, High Point (Guilford County), owned by the City of High Point and Rite Industries; *Site 4* (78 acres)—Salem Business Park, intersection of Interstate 40, U.S. Highway 52, and U.S. Highway 311, Winston-Salem (Forsyth County), owned by Salem Business Park; *Site 5* (125 acres)—Westwood Industrial Park, adjacent to U.S. Highway 52, Mt. Airy (Surry County), owned by the City of Mount Airy and private owners; and, *Site 6* (373 acres)—Mount Airy-Surry County Industrial Park, McKinney Road, Mt. Airy (Surry County), owned by the City of Mount Airy.

The application contains evidence of the need for foreign-trade zone services in the Piedmont Triad area of North Carolina. Several firms have indicated an interest in using zone procedures within the proposed project for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on April 24, 1997, at 1:00 p.m., at the Guilford Technical Community College (GTCC), Jamestown Campus, Percy H. Sears Applied Technologies Center, Jamestown, North Carolina 27282.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 2, 1997. Rebuttal comments in response to material submitted during the foregoing period

may be submitted during the subsequent 15-day period (to June 16, 1997).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Office of the Piedmont Triad Partnership, 6518 Airport Parkway, Suite 100, Greensboro, NC 27409

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania, Washington, DC 20230

Dated: March 25, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8259 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 18–97]

Foreign-Trade Zone 53; Rogers County (Tulsa), Oklahoma; Application for Subzone Status ARCO Pipe Line Company (Crude Oil Terminal) Lincoln County, Oklahoma

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Tulsa-Rogers County Port Authority, grantee of FTZ 53, requesting special-purpose subzone status for the crude oil distribution terminal of ARCO Pipe Line Company (APL) (wholly-owned subsidiary of Atlantic Richfield Company), located in Lincoln County, Oklahoma. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 19, 1997.

The APL terminal (8 tanks/1 million barrel capacity on 80 acres) is located at 3⅛ Mile South Linwood, Lincoln County, Oklahoma, some 3 miles south of Cushing and 50 miles southwest of Tulsa. The terminal (13 employees) is used for the receipt, storage, blending and distribution via pipeline of crude oil for use by APL's oil refinery customers in Oklahoma, Texas, Kansas and other midwestern and northern states. Crude oil is delivered to the terminal via two pipelines from ocean terminals in Texas City, Texas, and Freeport, Texas, owned by Seaway Pipeline Company (general partnership between wholly-owned subsidiaries of APL and Phillips Petroleum Company) and operated by APL.

Zone procedures would allow APL customers to defer Customs duty payment on foreign crude oil to domestic refineries with subzone status. APL customers would be able to maintain the appropriate zone status of the crude so that these refineries can use zone procedures as authorized by the FTZ Board. This procedure will give these refineries the same opportunity to use zone procedures for foreign crude delivered from the APL system as those refineries with subzone status that take direct delivery of foreign crude from vessels.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 2, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 16, 1997).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Suite 505, 440 South Houston Street, Tulsa, Oklahoma 74127

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: March 24, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8256 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 19–97]

Foreign-Trade Zone 149—Freeport, Texas; Application for Subzone Status Seaway Pipeline Company (Crude Oil Terminal) Brazoria County, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Brazos River Harbor Navigation District (Port Freeport), grantee of FTZ 149, requesting special-purpose subzone status for the crude oil distribution terminal of Seaway Pipeline Company (Seaway) (general partnership between wholly-owned subsidiaries of ARCO Pipe Line Company (APL) and Phillips Petroleum Company), located in Brazoria County, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 19, 1997.

The Seaway facilities (113 acres) consists of two sites in Brazoria County, Texas: *Site 1*: (79 acres)—marine terminal located at Freeport Terminal 2, Freeport Harbor Channel, east of Freeport; *Site 2*: (4 tanks/1.6 million barrel capacity on 34 acres)—Jones Creek Tank Farm, Peach Point Wildlife Management Area, State Highway 36, some 5 miles west of the marine terminal. The terminal facilities (13 employees), operated by APL, are used for the receipt, storage, blending and distribution via pipeline of crude oil for use by Seaway's oil refinery customers in Texas, Oklahoma, Kansas and other midwestern and northern states. Some of the crude is transhipped to APL's terminal in Cushing, Oklahoma.

Zone procedures would allow Seaway customers to defer Customs duty payment on foreign crude oil to domestic refineries with subzone status. Seaway customers would be able to maintain the appropriate zone status of the crude so that these refineries can use zone procedures as authorized by the FTZ Board. This procedure will give these refineries the same opportunity to use zone procedures for foreign crude delivered from the Seaway system as those refineries with subzone status that take direct delivery of foreign crude from vessels.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 2, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 16, 1997).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Suite 1160, 500 Dallas, Houston, Texas 77002

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: March 24, 1997

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8257 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 20–97]

Foreign-Trade Zone 199; Texas City, Texas; Application for Subzone Status, Seaway Pipeline Company (Crude Oil Terminal), Texas City, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Texas City Foreign Trade Zone Corporation, grantee of FTZ 199, requesting special-purpose subzone status for the crude oil distribution terminal of Seaway Pipeline Company (Seaway) (general partnership between wholly-owned subsidiaries of ARCO Pipe Line Company (APL) and Phillips Petroleum Company), located in Texas City, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 19, 1997.

The Seaway facilities (115 acres) consist of three sites in Texas City (Galveston County), Texas: *Site 1:* (14 acres)—marine terminal located at 801 Dock Road, on the Texas City Channel of Galveston Bay, 2 miles southeast of Texas City; *Site 2:* (4 tanks/2.1 million barrel capacity on 98 acres)—tank farm located at Loop 197 and State Highway 3, some 2 miles south of the marine terminal and 1 mile west of Galveston Bay; and *Site 3:* (3 acres)—pump station located at Loop 197 and State Highway 3, adjacent to the tank farm. The terminal facilities (13 employees), operated by APL, are used for the receipt, storage, blending and distribution via pipeline of crude oil for use by refinery customers in Texas, Oklahoma, Kansas and other midwestern and northern states. Some of the crude is transshipped to APL's terminal in Cushing, Oklahoma.

Zone procedures would allow Seaway customers to defer Customs duty payment on foreign crude oil to domestic refineries with subzone status. Seaway customers would be able to maintain the appropriate zone status of the crude so that these refineries can use zone procedures as authorized by the FTZ Board. This procedure will give these refineries the same opportunity to use zone procedures for foreign crude delivered from the Seaway system as those refineries with subzone status that take direct delivery of foreign crude from vessels.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 2, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 16, 1997).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Suite 1160, 500 Dallas, Houston, Texas 77002

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 24, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–8258 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese; Subject to an In-Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Publication of Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty.

SUMMARY: The Department of Commerce (the Department), in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 1996 through December 31, 1996. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Russell Morris or Maria MacKay, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on cheeses that were imported during the period October 1, 1996 through December 31, 1996.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: March 25, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

APPENDIX—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross[1] subsidy	Net[2] subsidy
Austria	European Union Restitution Payments	$0.16	$0.16

APPENDIX—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY—Continued

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
Belgium	EU Restitution Payments	0.00	0.00
Canada	Export Assistance on Certain Types of Cheese	0.26	0.26
Denmark	EU Restitution Payments	0.16	0.16
Finland	EU Restitution Payments	0.24	0.24
France	EU Restitution Payments	0.17	0.17
Germany	EU Restitution Payments	0.15	0.15
Greece	EU Restitution Payments	0.00	0.00
Ireland	EU Restitution Payments	0.08	0.08
Italy	EU Restitution Payments	0.28	0.28
Luxembourg	EU Restitution Payments	0.00	0.00
Netherlands	EU Restitution Payments	0.14	0.14
Norway	Indirect (Milk) Subsidy	0.42	0.42
	Consumer Subsidy	0.19	0.19
Total		0.61	0.61
Portugal	EU Restitution Payments	0.15	0.15
Spain	EU Restitution Payments	0.16	0.16
Switzerland	Deficiency Payments	0.32	0.32
U.K.	EU Restitution Payments	0.06	0.06

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 97–8264 Filed 3–31–97; 8:45 am]
BILLING CODE 3510–DS–P

[C–559–001]

Certain Refrigeration Compressors From the Republic of Singapore; Extension of Time Limit for Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice of extension of time limit for Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for its final results in the administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore. The review covers the period April 1, 1994, through March 31, 1995.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Jean Kemp, AD/CVD Enforcement, Group III, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–3793.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the original time limit, the Department is extending the time limit for the completion of the final results to no later than June 25, 1997, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA). (See Memorandum from Joseph A. Spetrini to Robert S. LaRussa on file in the public file of the Central Records Unit, Room B–099 of the Department of Commerce).

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the URAA (19 U.S.C. 1675(a)(3)(A)).

Dated: February 28, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 97–8255 Filed 3–31–97; 8:45 am]
BILLING CODE 3510–DS–M

Intent to Revoke Countervailing Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke Countervailing Duty Orders.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the countervailing duty orders listed below. Domestic interested parties who object to revocation of this order must submit their comments in writing not later than the last day of April 1997.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo or Maria MacKay, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke a countervailing duty order if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by the Department's regulations (at 19 CFR 355.25(d)(4)), we are notifying the public of our intent to revoke the countervailing duty orders listed below, for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months.

In accordance with § 355.25(d)(4)(iii) of the Department regulations, if no domestic interested party (as defined in § 355.2 (i)(3), (i)(4), (i)(5), and (i)(6) of the regulations) objects to the Department's intent to revoke the order pursuant to this notice, and no interested party (as defined in § 355.2(i) of the regulations) requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, we shall conclude that the countervailing duty order is no longer of interest to interested parties and proceed with the revocation. However, if an interested party does request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or a domestic interested party does object to the Department's intent to

revoke pursuant to this notice, the Department will not revoke the order.

Countervailing duty orders	
Brazil:	
Pig Iron (C–351–062)	04/04/80 45 FR 23045
Norway:	
Atlantic Salmon (C–403–802).	04/12/91 56 FR 14921
Peru:	
Pompon Chrysanthemums (C–333–601).	04/23/87 52 FR 13491

Opportunity to Object

Not later than the last day of April 1997, domestic interested parties may object to the Department's intent to revoke these countervailing duty orders. Any submission objecting to a revocation must contain the name and case number of the order and a statement that explains how the objecting party qualifies as a domestic interested party under § 355.2(i)(3), (i)(4), (i)(5), or (i)(6) of the Department's regulations.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

This notice is in accordance with 19 CFR 355.25 (d)(4)(i).

Dated: March 25, 1997.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 97–8260 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

Manufacturing Extension Partnership Program

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 2, 1997.

ADDRESSES: Direct written comments to Linda Engelmeier, Departmental Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington D.C. 20230. Phone number: (202) 482–3272.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Roger Kilmer, Manufacturing Extension Partnership, Building 301, Room C–121, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, 301–975–5020 phone, and 301–963–6556 fax, mepinfo@mep.nist.gov e-mail.

SUPPLEMENTARY INFORMATION:

I. Abstract

This submission under the Paperwork Reduction Act represents a request for extension of a currently approved collection by the U.S. Department of Commerce's National Institute of Standards and Technology (NIST).

The Manufacturing Extension Partnership (ME) is a nationwide system of services and support for smaller manufacturers giving them unprecedented access to new technologies, resources, and expertise. Sponsored by NIST, the MEP is comprised of a network of locally-based manufacturing extension centers working with small manufacturers to help them improve their manufacturing competitiveness.

Applicants must submit proposals which provide requested information specific to each particular solicitation. NIST evaluates these proposals according to published criteria to determine which applicants will receive awards.

II. Method of Collection

Applicant submission of proposals in response to solicitations published in the **Federal Register** and/or Commerce Business Daily. Information is provided in written form.

III. Data

OMB Number: 0693–0005.

Form Number: Not Applicable.

Type of Review: Regular submission for an extension of a currently approved collection.

Affected Public: Eligible organizations that choose to respond to published solicitations.

Estimated Number of Respondents: 250.

Estimated Time Per Response: 40 hours.

Estimated Total Annual Burden Hours: 10,000 hours.

Estimated Total Annual Cost: The estimate of the total annual cost for this survey is $1,000,000 (10,000 x $100 per hour). There are no capital costs for responding.

IV. Requests for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 26, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–8122 Filed 3–31–97 8:45 am]

BILLING CODE: 3510–13–P

National Oceanic and Atmospheric Administration

[I.D. 031897B]

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT); Spring Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section to ICCAT will hold its spring meeting with its Species Working Groups on April 22–24, 1997.

DATES: The open sessions of the Committee will be held on April 22, 1997, from 7 p.m. to 10 p.m.; on April 23, 1997, from 8 a.m. to 12 p.m.; and on April 24, 1997, from 9:45 a.m. to 3 p.m. Closed meetings of the Species Working Groups will be held on April 23, 1997, from 2 p.m. to 5 p.m. The closed session of the Advisory Committee will be held on April 24, 1997, from 8:30 a.m. to 9:45 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn located at 8777 Georgia Avenue, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Kim Blankenbeker, (301) 713-2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session to discuss (1) the 1996 ICCAT meeting accomplishments, (2) 1997 management and research activities regarding Atlantic highly migratory species, (3) trade and compliance issues, (4) the results of the Committee's species working groups meetings, (5) implementation of provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and (6) other matters relating to the international management of ICCAT species. While the public will have access to the open sessions of the meeting, there will be no opportunity for public comment. Sessions of the Advisory Committee's Species Working Groups will not be open to the public but the results of those discussions will be reported to the full Advisory Committee during the Committee's open session in the afternoon of April 24. In addition, the Advisory Committee will meet in closed session the morning of April 24 to discuss internal operational matters. Accordingly, the determination has been made that the Committee shall go into executive session at that time. The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kim Blankenbeker at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: May 26, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–8119 Filed 3–31–97; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Consolidation and Amendment of Export Visa Requirements to Include the Electronic Visa Information System for Certain Silk Apparel, Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

March 27, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs consolidating and amending visa requirements.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding dated February 1, 1997, the Governments of the United States and the People's Republic of China agreed to amend the existing visa arrangements for silk apparel and textile products, produced or manufactured in China and exported on and after April 1, 1997. The amended arrangement consolidates existing provisions and new provisions for the Electronic Visa Information System (ELVIS). In addition to the ELVIS requirements, shipments will continue to be accompanied by an original visa stamped on the front of the original commercial invoice issued by the Government of the People's Republic of China.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to amend the existing visa requirements for silk apparel and textile products, produced or manufactured in China and exported on and after April 1, 1997.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66263, published on December 17, 1996). Also see 59 FR 35324, published on July 11, 1994; and 60 FR 22567, published on May 8, 1995.

Interested persons are advised to take all necessary steps to ensure that textile products that are entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 27, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on July 5, 1994, as amended, and May 3, 1995, as amended, by the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry of certain silk apparel, cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China for which the Government of the People's Republic of China has not issued an appropriate export visa.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to a Memorandum of Understanding dated February 1, 1997, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1997, entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) 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 Categories 200–239, 300–369, 400–469, 600–670 and 800–899, including part categories and merged categories; and silk apparel in Categories 733–736, 738–748, 750–752 and 758–759, produced or manufactured in China and exported on and after April 1, 1997 for which the Government of the People's Republic of China has not issued an appropriate export visa or Electronic Visa Information System (ELVIS) transmission fully described below. Should additional categories, part categories or merged categories be added to the bilateral agreement or become subject to import quota the entire category(s), part category(s) or merged category(s) shall be included in the coverage of this arrangement.

A visa must accompany each commercial shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original textile export license/commercial invoice or successor document. The license will be printed on a colored guilloche patterned background. The original visa shall not be stamped on duplicate copies of the invoice.

The original invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numeric digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO) (the code for the People's Republic of China is "CN"), and a six digit numerical serial number identifying the shipment; e.g., 7CN123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The original signature of the issuing official of the Government of the People's Republic of China.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation and in the Harmonized Tariff Schedule of the United States (HTS or successor documents) shall be reported in the spaces provided within the visa stamp (e.g., "Cat. 340–510 DOZ").

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., Categories 347/348 may be visaed as 347/348 or if the shipment consists solely of Category 347 merchandise, the shipment may be visaed as "Category 347," but not as "Category 348").

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

If the visa is not acceptable then a new visa must be obtained from the Government of the People's Republic of China, replacement visa issued by the Embassy of the People's Republic of China in Washington, DC, or a visa waiver may be issued by the U.S. Department of Commerce at the request of the Embassy of the People's Republic of China in Washington, DC, and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement. Visa waivers will only be issued for legitimate classification disputes between the Governments of the People's Republic of China and the United States of America or for one-time special purpose shipments that are not part of an ongoing commercial enterprise.

Replacement visas shall consist of a textile export visa/invoice form bearing an official Chinese Embassy embossed stamp on the front and include the standard information required on an export visa and the signature of an official authorized by the Government of the People's Republic of China to issue replacement visas. The signature must match one of two original signatures of authorized officials provided to the United States Government by the Government of the People's Republic of China. The U.S. Customs Service will not permit entry of the shipment if any of the information required on the replacement visa is missing, incorrect or illegible, or has been crossed out or altered in any way.

If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide the importer a certified copy of that visaed invoice or visa waiver. For particular cases, upon written request by the Government of the People's Republic of China, the U.S. Customs Service will provide the original visa for China.

If a shipment from the People's Republic of China has been allowed entry into the commerce of the United States with incorrect documentation, and redelivery is requested but cannot be made, the shipment will be charged to the correct category limit whether or not a replacement visa or waiver is provided.

ELVIS Requirements:

A. Each ELVIS message will include the following information:

I. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numeric digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO) (the code for China is "CN"), and a six digit numerical serial number identifying the shipment; e.g., 7CN123456.

II. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

III. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation and in the Harmonized Tariff Schedule of the United States (HTS or successor documents).

IV. The quantity of the shipment in the correct units of quantity.

V. The manufacturer ID number (MID). The MID shall begin with "CN," followed by the first three characters from each of the first two words of the name of the manufacturer, followed by the largest number on the address line up to the first four digits, followed by three letters from the city name.

B. Entry of a shipment shall not be permitted:

I. if an ELVIS transmission has not been received for the shipment from China;

II. if the ELVIS transmission for that shipment is missing any of the following:

a. visa number

b. category, part category or merged category

c. quantity

d. unit of measure

e. date of issuance

f. manufacturer ID number

III. if the ELVIS transmission for the shipment does not match the information supplied by the importer with regard to any of the following:

a. visa number

b. category or part category or merged category

c. unit of measure

d. quantity

IV. if the quantity being entered is greater than the quantity transmitted.

V. if the visa number has previously been used, except in the case of a split shipment, or cancelled, except when an entry has been made using the visa number.

C. A new, correct ELVIS transmission from China is required before a shipment that has been denied entry for one of the circumstances mentioned in paragraph 3.B.I–V will be released.

D. A new, correct ELVIS transmission from China is required for entries made using a visa waiver under the procedures as previously described. Visa waivers will only be considered for paragraph 3.B.I., if the shipment qualifies as a one-time special purpose shipment that is not part of an ongoing commercial enterprise, or legitimate classification disputes.

E. Shipments will not be released for forty-eight hours in the event of a system failure. If system failure exceeds forty-eight hours, for the remaining period of the system failure the U.S. Customs Service will release shipments on the basis of the paper visaed document.

The People's Republic of China will retransmit all visa information not transmitted during the failure once the system becomes operational. If there is a visa or visas that are not on file in the system or do not match information on the file after re-transmission, the U.S. will give prompt notice of detailed information to China for verification, a demand for redelivery should be made.

ELVIS transmission will be stopped on Saturdays, Sundays and Chinese holidays, which should not be considered as system failures.

F. The U.S. Customs Service will confirm daily the receipt of the visa transmission by China and provide China (the Ministry of Foreign Trade and Economic Cooperation) with a daily electronic message report on visa utilization which is accessible at any time for any quantities. This electronic message for each specific visa will contain:

a. visa number

b. category number

c. unit of measurement

d. quantity charged to quota

e. entry number

G. If a shipment from China is allowed entry into the commerce of the United States with an incorrect visa, no visa, an incorrect ELVIS transmission, or no ELVIS transmission, and redelivery is requested but cannot be made, and after the Government of the People's Republic of China does not issue a visa or ELVIS transmission, or request a visa waiver (if applicable), the shipment will be charged to the correct category limit whether or not a replacement visa, visa waiver or new ELVIS message is transmitted.

Should either party disagree on such quota charge, both parties agree to hold technical consultation for verification on categories and quantities charged upon request of the party.

4. Other Requirements:

A. The complete name and address of a company actually involved in the manufacturing process of the textile product covered by the visa shall be provided on the textile visa document.

B. Merchandise imported for the personal use of the importer and not for resale, regardless of value; properly marked commercial sample shipments valued at U.S. $250 or less; and mutually agreed exempt items certified as exempt by the Government of the People's Republic of China do not require a visa or an ELVIS transmission for entry.

The visa stamp remains unchanged.

The actions taken concerning the Government of the People's Republic of China with respect to imports of silk apparel, textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–8239 Filed 3–28–97; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Availability of Funds for Training and Technical Assistance for the Seniors for Schools Initiative

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability of funds.

SUMMARY: The Corporation for National and Community Service ("Corporation") announces the availability of up to $350,000 to provide training and technical assistance to programs that receive grants under the Corporation's Seniors for Schools Initiative. The purpose of the initiative is to mobilize the time, talent, experience, and resources of seniors to tutor and mentor public school children in kindergarten through third grade. The initiative will (1) build on the experience of the Foster Grandparent Program and the Retired and Senior Volunteer Program; and (2) recruit adults over the age of 55, without regard to their economic status, to work in teams with young children in a variety of roles, including helping them to read independently by the end of the third grade.

DATES: All applications must be received by 6 p.m. Eastern Standard Time, May 15, 1997. Facsimiles will not be accepted. All applicants must be able to provide training and technical assistance to the selected programs, beginning on July 1, 1997.

ADDRESSES: Interested organizations may request application materials by writing to the Corporation for National and Community Service, Attn.: Tess Scannell, Room 9201, 1201 New York Avenue NW., Washington, DC 20525.

FOR FURTHER INFORMATION: For further information, contact Tess Scannell at (202) 606–5000, ext. 190. This notice may be requested in an alternative format for the visually impaired.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a federal government corporation that encourages Americans of all ages and backgrounds to engage in community-based service. This service addresses the nation's educational, public safety, environmental, and other human needs to achieve direct and demonstrable results. In supporting service programs, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for those who make a substantial commitment to service.

On August 27, 1996, President Clinton announced the America Reads Challenge, which includes a vital national service component. The goal of this campaign is to ensure that every child can read independently by the end of the third grade. To achieve this goal, the President has called for a substantial increase in the number of tutors and mentors available to young children.

Under the National and Community Service Act of 1990, as amended, 42 U.S.C. 12501 *et seq.*, the Corporation may "support innovative and model programs." Under this statutory authority, the Corporation intends to meet the America Reads Challenge by adopting the goals of this initiative and helping to mobilize thousands of volunteers to serve as tutors. One of the Corporation's efforts will be the Seniors for Schools Initiative, which will involve recruiting men and women over the age of 55, without regard to their economic status, to work in teams and make a significant commitment to help children learn to read. This initiative will build on the experience of the Foster Grandparent Program and Retired and Senior Volunteer Program—programs that have worked extensively with children in school settings for many years. The Corporation intends to fund eight to ten programs, each implementing the Seniors for Schools Initiative in a different community.

To support the Seniors for Schools programs, the Corporation intends to enter into a cooperative agreement with an organization to provide training and technical assistance that strengthens the programs' performance and effectiveness. Through this notice, the Corporation invites applications from organizations that wish to be considered for the training and technical assistance award.

Eligible Applicants

Public agencies (including federal, state, and local agencies and other units of government); non-profit organizations (including youth-serving groups, groups that serve older persons, community-based organizations, service organizations, etc.); institutions of higher education; Indian tribes; and for-profit companies are eligible to apply. Organizations may apply to provide training and technical assistance in partnership with organizations seeking other Corporation funds. Under the Lobbying Disclosure Act of 1995, an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(4)) which engages in lobbying activities, is not eligible to apply.

Estimated Number of Awards

The Corporation anticipates making one award.

Period of Performance

The period of performance for the cooperative agreement is up to 24 months, contingent upon performance and the availability of appropriations. All applicants must be able to provide training and technical assistance beginning on July 1, 1997.

Selection Criteria

The Corporation will initially determine whether the organization is eligible and whether the application contains the information required in the application materials. After this initial screening, the Corporation will assess applications based on the criteria listed below:

1. The quality of the proposed activities based on the scope of activities and approaches proposed to be used to provide training, materials, and other resources, and the technical support that programs need to meet their objectives.

2. The ability of the organization to provide training and technical assistance to multiple programs.

3. The qualifications and experience of key personnel who will provide the training and technical assistance.

4. The cost-effectiveness of the proposed activities and the degree to which the applicant proposes a reasonable estimate of the amount of services the organization will be able to provide with the requested amount of funds and the applicant's existing resources.

Applicable Regulations

Regulatory provisions governing this award are codified in 45 CFR part 2532.

Statutory Authority

Corporation authority to award this cooperative agreement is codified in 42 U.S.C. 12653.

Dated: March 26, 1997.

Barry W. Stevens,

Acting General Counsel.

[FR Doc. 97–8175 Filed 3–31–97; 8:45 am]

BILLING CODE 6050–28–P

Availability of Funds for Grants to Support the Seniors for Schools Initiative

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability funds.

SUMMARY: The Corporation for National and Community Service ("Corporation") announces the availability of up to $3,000,000 for grants to support its Seniors for Schools Initiative. The purpose of this initiative is to mobilize the time, talent, experience, and resources of seniors to tutor and mentor public school children in kindergarten through third grade. This initiative will (1) build on the experience of the Foster Grandparent Program and the Retired and Senior Volunteer Program; and (2) recruit adults over the age of 55, without regard to their economic status, to work in teams with young children in a variety of roles, including helping them to read independently by the end of the third grade.

DATES: All applications must be received by 6:00 p.m. Eastern Standard Time, May 15, 1997. Facsimiles will not be accepted.

ADDRESSES: Applications may be requested by contacting the appropriate Corporation State Office. A list of the Corporation's State Offices is provided below.

FOR FURTHER INFORMATION: For further information, contact Tess Scannell at (202) 606–5000, ext. 190. This notice may be requested in an alternative format for the visually impaired.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a federal government corporation that encourages Americans of all ages and backgrounds to engage in community-based service. This service addresses the nation's educational, public safety, environmental, and other human needs to achieve direct and demonstrable results. In supporting service programs, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for those who make a substantial commitment to service.

On August 27, 1996, President Clinton announced the America Reads Challenge, which includes a vital national service component. The goal of this campaign is to ensure that every child can read independently by the end of the third grade. To achieve this goal, the President has called for a substantial increase in the number of tutors and mentors available to young children.

Under the National and Community Service Act of 1990, as amended, 42 U.S.C. § 12501 *et seq.*, the Corporation may "support innovative and model programs." Under this authority, the Corporation intends to meet the America Reads Challenge by adopting the goals of this initiative and helping to mobilize thousands of volunteers to serve as tutors. One of the Corporation's efforts will be the Seniors for Schools Initiative, which will involve recruiting men and women over the age of 55, without regard to their economic status, to work in teams and make a significant commitment to help children learn to read. This initiative will place special emphasis on (1) demonstrating that the service activities performed by seniors directly affect student outcomes, especially those related to reading and literacy; and (2) developing effective mechanisms for attracting adults, age 55 years and older, to provide leadership and intensive, sustained service that helps meet critical community needs. The Seniors for Schools Initiative will build on the experience of the Foster Grandparent Program and Retired and Senior Volunteer Program—programs that have worked extensively with children in school settings for many years.

Eligible Applicants

Current Corporation grantees—including AmeriCorps*VISTA projects sponsors; National Senior Service Corps project sponsors; and organizations that operate a Learn and Serve America: School or Community-Based program; a Learn and Serve America: Higher Education program; or an AmeriCorps*State, National, Indian Tribes or Territories program—are eligible to apply.

Estimated Number of Awards

The Corporation intends to fund eight to ten programs, each implementing the Seniors for Schools Initiative in a different community.

Suggested Amounts of Awards

The Corporation suggests that applicants limit their budget requests to no more than $225,000.

Program Period of Performance

The program period for all grants is up to 24 months, contingent upon performance and availability of appropriations.

Selection Criteria

The Corporation will initially determine whether the organization is eligible and whether the application contains the information required in the application materials. After this initial screening, the Corporation will assess applications based on the following criteria:

1. The capacity of the applicant to implement the program and accomplish the purposes of the demonstration.

2. The cost-effectiveness of the proposed program and the program's ability to leverage significant additional resources from non-federal sources.

3. The geographic location of the program (to ensure that funded programs are geographically diverse and include programs in urban and rural areas).

Applicable Regulations

Regulations governing the Seniors for Schools Initiative are located in 45 CFR parts 2531 and 2540.

Program Authority

Corporation authority to make these grants is codified in 42 U.S.C. 12653.

Dated: March 26, 1997.

Barry W. Stevens,

Acting General Counsel.

Corporation State Offices

Alabama

John D. Timmons, Director, Medical-Forum, 950 22nd Street North Suite Room 428, Birmingham, AL 35203, (205) 731–0027, (205) 731–0031 Fax

Alaska

Billy Joe Caldwell, Director, 915 2nd Avenue, Suite 3190, Seattle, WA 98174–1103, (206) 553–1558, (206) 553–4415 Fax

Arizona

Richard Persely, Director, 522 North Central, Rm. 205A, Phoenix, AZ 85004, (602) 379–4825, (602) 379–4030 Fax

Arkansas

Robert Torvestad, Director, Federal Building, Rm 2506, 700 West Capitol Street, Little Rock, AR 72201, (501) 324–5234, (501) 324–6949 Fax

California

Gayle A. Hawkins, Director, Federal Bldg., Room 11221, 11000 Wilshire Blvd., Los Angeles, CA 90024–3671, (310) 235–7421, (310) 235–7422 Fax

California Satellite Office

Gayle A. Hawkins, Director, 5967 Moraga Ave., Room 386, P.O. Box 29996, Presidio of San Francisco, CA 94129, (415)561–5967, (415)561–5970 Fax

Colorado

Gayle Schladale, Director, 140 E. 19th Ave., Suite 120, Denver, CO 80203–1167, (303) 866–1070, (303) 866–1081 Fax

Connecticut

Vincent Marzullo, Acting Director, 1 Commercial Plaza, 21st Fl., Hartford, CT 06103–3510, (860) 240–3237, (860) 240–3238 Fax

Delaware (and MD)

Jerry E. Yates, Director, 300 West Lexington Street, Box 5-Suite 702, Baltimore, MD 21201–3418, (410) 962–4443, (410) 962–3201 Fax

District of Columbia (and VA)

Thomas Harmon, Director, 400 North 8th St., Rm T012, P.O. Box 10066, Richmond, VA 23240, (804) 771–2197, (804) 771–2157 Fax

Florida

Henry Jibaja, Director, 3165 McCrory Place, Suite 115, Orlando, FL 32803–3750, (407) 648–6117, (407) 648–6116 Fax

Georgia

David A. Dammann, Director, 75 Piedmont Ave., N.E., Suite 462, Atlanta, GA 30303–2587, (404) 331–4646, (404) 331–2898 Fax

Hawaii/Guam/American Samoa

Lynn Dunn, Director, P.O. Box 50024, 300 Ala Moana Blvd. #6326, Honolulu, HI 96850–0001, (808) 541–2832, (808) 541–3603 Fax

Idaho

Van Kent Griffitts, Director, 304 North 8th St., Rm. 344, Boise, ID 83702, (208) 334–1707, (208) 334–1421 Fax

Illinois

Timothy Krieger, Director, 77 West Jackson Blvd., Suite 442, Chicago, IL 60604–3511, (312) 353–3622, (312) 353–5343 Fax

Indiana

Thomas L. Haskett, Director, 46 East Ohio St., Room 457, Indianapolis, IN 46204–1922, (317) 226–6724, (317) 226–5437 Fax

Iowa

Joel Weinstein, Director, 210 Walnut—Room 917, Des Moines, IA 50309, (515) 284–4817, (515) 284–6640 Fax

Kansas

James M. Byrnes, Director, Frank Carlson Federal Building, 444 SE Quincy—Room 147, Topeka, KS 66683–3572, (913) 295–2540, (913) 295–2596 Fax

Kentucky

Betsy Irvin Wells, Director, Federal Building, Room 372K, 600 Martin Luther King Jr. Pl., Louisville, KY 40202–2230, (502) 582–6384, (502) 582–6386 Fax

Louisiana

Willard L. Labrie, Director, 640 Main Street, Suite 102, Baton Rouge, LA 70801–1910, (504) 389–0471, (504) 389–0510 Fax

Maine (NH)

Peter Bender, Acting Director, The Whitebridge, 91–93 North State St., Concord, NH 03301, 603 225–1450 (Phone), 603 225–1459 Fax

Maryland (and DE)

Jerry E. Yates, Director, 300 West Lexington Street, Box 5—Suite 702, Baltimore, MD 21201–3418, (410) 962–4443, (410) 962–3201 Fax

Massachusetts

Peter Bender, Acting Director, 10 Causeway Street, Rm 472, Boston, MA 02222–1039, (617) 565–7000, (617) 565–7011Fax

Michigan

Mary Pfeiler, Director, 211 West Fort Street, Suite 1408, Detroit, MI 48226, (313) 226–7848, (313) 226–2557 Fax

Minnesota

Robert Jackson, Director, 431 South 7th Street, Room 2480, Minneapolis, MN 55415, (612) 334–4083, (612) 334–4084 or 4081 Fax

Mississippi

Rocktabija Abdul-Azeez, Director, Dr. A. H. McCoy, Federal Building, Rm. 1005–A, 100 West Capitol Street, Jackson, MS 39269–1092, (601) 965–5664, (601) 965–4617 Fax

Missouri

John J. McDonald, Director, 801 Walnut St., Room 504, Kansas City, MO 64106, (816) 374–6300, (816) 374–6305 Fax

Montana

Joe R. Lovelady, Director, Capitol One Center, 208 North Montana Avenue, Suite 206, Helena, MT 59601–3837, (406) 449–5404, (406) 449–5412 Fax

Nebraska

Anne C. Johnson, Director, Federal Building, Room 156, 100 Centennial Mall North, Lincoln, NE 68508–3896, (402) 437–5493, (402) 437–5495 Fax

Nevada

Craig R. Warner, Director, 4600 Kietzke Lane, Suite E–141, Reno, NV 89502–5033, (702) 784–5314, (702) 784–5026 Fax

New Hampshire (and VT)

Peter Bender, Director, The Whitebridge, 91—93 North State St., Concord, NH 03301–3939, (603) 225–1450, (603) 225–1459 Fax

New Jersey

Stanley Gorland, Director, 44 South Clinton Ave., # 702, Trenton, NJ 08609, (609) 989–2243/46, (609) 989–2304 Fax

New Mexico

Ernesto Ramos, Director, 120 S. Federal Place, # 315, Santa Fe, NM 87501–2026, (505) 988–6577, (505) 988–6661 Fax

New York

Bernard A. Conte, Director, 6 World Trade Center, Room 758, New York, NY 10048–0206, (212) 466–4471, (212) 466–4195 Fax

New York Satellite Office

Bernard A. Conte, Director, Lea O'Brien Federal Bldg. Rm. 818, Clinton Ave. & Pearl Street, Albany, NY 12207, (518) 431–4150, (518) 431–4154 Fax

North Carolina

Robert L. Winston, Director, P.O. Century Station, Federal Building, 300 Fayetteville Street Mall, Room 131, Raleigh, NC 27601, (919) 856–4731, (919) 856–4738 Fax

North Dakota (and SD)

John Pohlman, Director, Federal Building, 225 S. Pierre Street, Room 225, Pierre, SD 57501–2452, (605) 224–5996, (605) 224–9201 Fax

Ohio

Paul Schrader, Director, 51 North High Street, Room 451, Columbus, OH 43215, (614) 469–7441, (614) 469–2125 Fax

Oklahoma

H. Zeke Rodriguez, Director, 215 Dean A. McGee, Suite 234, Oklahoma City, OK 73102, (405) 231–5201, (405) 231–4329 Fax

Oregon

Robin Sutherland, Director, 2010 Lloyd Center, Portland, OR 97232, (503) 231–2103, (503) 231–2106 Fax

Pennsylvania

Jorina Ahmed, Director, Gateway Building, 3535 Market Street, Room 2460, Philadelphia, PA 19104, (215) 596–4080, (215) 596–4072 Fax

Puerto Rico/Virgin Islands

Loretta DeCordova, Director, U.S. Federal Building #662, 150 Carlos Chardon Avenue, Hato Rey, PR 00918–1737, (809) 766–5314, (809) 766–5189 Fax

Rhode Island

Vincent Marzullo, Director, 400 Westminster St., Rm. 203, Providence, RI 02903–3215, (401) 528–5426, (401) 528–5220 Fax

South Carolina

Jerome J. Davis, Director, Federal Building, Suite 872, 1835 Assembly Street, Columbia, SC 29201–2430, (803) 765–5771, (803) 765–5777 Fax

South Dakota (and ND)

John C. Pohlman, Director, 225 South Pierre Street, Room 225, Pierre, SD 57501–2452, (605) 224–5996, (605) 224–9201 Fax

Tennessee

Alfred E. Johnson, Director, 265 Cumberland Bend Drive, Nashville, TN 37228, (615) 736–5561, (615) 736–7937 Fax

Texas

Jerry G. Thompson, Director, 903 San Jacinto Blvd., Suite 130, Austin, TX 78701, (512) 916–5671, (512) 916–5806 Fax

Utah

Rick Crawford, Director, U.S. Courthouse, 350 South Main St., Rm. 504, Salt Lake City, UT 84101, (801) 524–5411, (801) 524–3599 Fax

Vermont (and NH)

Peter Bender, Director, 91–93 North State Street, Concord, NH 03301–3939, (603) 225–1450, (603) 225–1459 Fax

Virginia (and DC)

Thomas Harmon, Director, 400 North 8th St., Rm T012, P.O. Box 10066, Richmond, VA 23240, (804) 771–2197, (804) 771–2157 Fax

Washington

John A. Miller, Director, Jackson Federal Building, 915 Second Avenue, Suite 3190, Seattle, WA 98174, (206) 220–7745, (206) 553–4415 Fax

West Virginia

Judith Russell, Director, One Bridge Place, Suite 203, #10 Hale Street, Charleston, WV 25301, (304) 347–5246, (304) 347–5464 Fax

Wisconsin

Michael P. Murphy, Director, Henry Reuss Federal Plaza, 310 W. Wisconsin Ave., Room 1240E, Milwaukee, WI 53203, (414) 297–1118, (414) 297–1863 Fax

Wyoming

Patrick Gallizzi, Director, 2120 Capitol Avenue, Rm. 1110, Cheyenne, WY 82001–3649, (307) 772–2385, (307) 772–2389 Fax

[FR Doc. 97–8176 Filed 3–31–97; 8:45 am]
BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for the Continued Use of the Pinecastle Target Range, Ocala National Forest, Marion County, Florida

SUMMARY: Per Section 102(2)(c) of the National Environmental Policy Act of 1969 as implemented in the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) for the Continued Use of the Pinecastle Target Range, Ocala National Forest, Marion County, Florida. The U.S. Department of Agriculture (USDA) Forest Service is a cooperating agency in the preparation of the EIS.

The 5,825-acre range, located on USDA Forest Service property in the Ocala National Forest, is operated by the Navy under a special use agreement from the USDA Forest Service. The agreement expires December 31, 1999, and the EIS will examine environmental impacts resulting from renewal of the agreement.

The objective of the EIS is to describe the existing conditions at the range, describe the alternatives for reuse or closure of the range, and evaluate the environmental impacts from various renewal or closure alternatives. A biological assessment and Section 7 consultation pursuant to the Endangered Species Act are being completed. Environmental issues that will be addressed in the EIS include air quality, water quality, noise, safety, wetland impacts, endangered species impacts, cultural resources impacts, and socioeconomic impacts.

The Navy will hold two scoping meetings to solicit input on significant issues that should be addressed in the EIS. The first meeting will be held on Thursday, April 17, 1997, from 5:00 p.m. until 9:00 p.m. at the Umatilla Community Center, 1 South Central Avenue, Umatilla, FL. The second meeting will be held on Tuesday, April 29, 1997, from 5:00 p.m. until 9:00 p.m. at the Ocala City Auditorium, 836 N.E. Sanchez Avenue, Ocala, FL. Navy representatives will accept comments from members of the public at the meeting. It is important that Federal, state, local agencies, and interested individuals take this opportunity to identify environmental concerns that should be addressed in the EIS.

ADDRESSES: Agencies and the public are encouraged to provide written comments in addition to, or, in lieu of, oral comments at the scoping meeting. To be most helpful, comments should clearly describe specific issues or topics which the EIS should address. Written comments must be postmarked by May 29, 1997 and should be mailed to Commanding Officer, Southern Division, Naval Facilities Engineering Command, P.O. Box 190010, North Charleston, South Carolina 29419–9010 (Attn: Mr. Tom Burst, Code 064TB). Written comments may be submitted to Mr. Burst via facsimile at (803) 820–7472.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Burst at (803) 820–5590.

Dated: March 27, 1997.

M.A. Waters,

LCDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 97–8194 Filed 3–31–97; 8:45 am]
BILLING CODE 3810–FF–P

Notice of Public Hearing for the Draft Environmental Impact Statement for Disposal and Reuse of the Naval Weapons Industrial Reserve Plant, Calverton, NY

SUMMARY: Per Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), implementing procedural provisions of the National Environmental Policy Act, the Department of the Navy has prepared and filed, on March 14, 1997, with the U.S. Environmental Protection Agency, a Draft Environmental Impact Statement (DEIS) for the disposal and subsequent reuse of the Naval Weapons Industrial Reserve Plant (NWIRP), Calverton, New York. The DEIS addresses the environmental consequences of disposal of NWIRP Calverton, and implementation of the proposed Community Reuse Plan for the base prepared by the Calverton Air Facility Joint Planning and Redevelopment Commission, an entity established by the Riverhead Town Board. The DEIS evaluates environmental effects of three reuse alternatives which represent a reasonable range of alternative redevelopment intensities for the base if the decision is made to dispose of the property.

ADDRESSES: The Department of the Navy will hold a public hearing to inform the public of the DEIS findings and to solicit comments. The hearing will be held on Thursday, April 17, 1997, beginning at 7:30 p.m., at the Ramada East End, 1830 Route 25, Riverhead, New York. Please call the point of contact below or the Ramada Inn in the case of inclement weather.

Federal, state, local agencies and interested parties are invited and urged to attend or be represented at the hearing. Oral statements will be heard and transcribed by a stenographer; however, to assure the accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on this action and will be given equal consideration.

Additional copies of the DEIS have been placed in the Riverhead Free Library, 330 Court Street, Riverhead, New York.

Written comments on the DEIS should be mailed to the address noted below and must be postmarked not later than May 9, 1997 to be part of the official record.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice may be obtained by contacting Mr. Kurt Frederick (Code 202) Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, MSC 82, Lester, PA 19113, telephone (610) 595–0728, facsimile (610) 595–0778.

Dated: March 27, 1997.

M.A. Waters,

LCDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 97–8192 Filed 3–31–97; 8:45 am]

BILLING CODE 3810–FF–P

Notice of Intent To Prepare an Environmental Impact Statement for; the Implementation of a Comprehensive Land Use Management Plan at the Naval Air Weapons Station, China Lake, CA

SUMMARY: Per Section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR part 1500–1508) the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental effects of implementing a comprehensive Land Use Management Plan for the Naval Air Warfare Center Weapons Division (NAWCWD), located at the Naval Air Weapons Station (NAWS), China Lake, California. The Navy is the lead agency in the preparation of the EIS. It is anticipated that other Department of Defense installations, and Department of the Interior agencies such as the Bureau of Land Management and the U.S. Fish and Wildlife Service, will act as cooperating agencies.

The California Desert Protection Act (the Act) of 1994, reauthorized the Navy's continued use of public withdrawn lands to support China Lake's Research, Development, Test and Evaluation (RDT&E) and training mission. The Act requires the development of a land use management plan for these withdrawn lands, in accordance with the requirements of the Federal Land Policy and Management Act, by October 1997. Additionally, in response to military downsizing initiatives and potential influences of evolving technologies on weapons systems RDT&E and training requirements, the Navy recognizes the need to implement a comprehensive management system that integrates operational and environmental planning processes.

The Navy's proposed action is the implementation of a comprehensive Land Use Management Plan (LUMP) at NAWS China Lake for managing existing and proposed land uses authorized under the California Desert Protection Act. Proposed land uses include, but are not limited to, ongoing and future military operations, public health and safety practices, and ongoing and future environmental resources management and conservation at NAWS China Lake. The LUMP will be developed in conformance with the Federal Land Policy and Management Act (FLPMA, 1976).

The EIS will also evaluate a range of land use management practices, including the "no action" alternative. Alternative land use management practices could include a range of activities of greater or lessor intensity of land use type or tempo. The "no action" alternative would implement a Land Use Management Plan that would not change the ongoing type or tempo of land uses and environmental resources management direction or emphasis currently in place at China Lake.

The EIS will evaluate the potential immediate and cumulative effects of implementing a comprehensive Land Use Management Plan on the physical, natural, and human environments of the affected geographic area. Major environmental issues that will be addressed in the EIS include, but are not limited to: geology/soils; biology; water resources/hydrology, noise, air quality (visibility & conformity), land use, non-military land use and access, cultural resources, socio-economics, transportation, public health and safety, and hazardous materials.

The Navy will initiate a scoping process for the purpose of determining the extent of issues to be addressed and identifying the significant issues related to the China Lake EIS. Scoping meetings will be held in the towns of Trona, Inyokern, Independence, Barstow, Johannesburg, and Ridgecrest. Meeting sites and times will be published in the **Federal Register**, and in local and regional newspapers. During the scoping meetings, presentation of information on the proposed action will precede the request for public comment. Navy representatives will accept comments from members of the public at the meeting. It is important that Federal, state, and local agencies, and interested individuals take this opportunity to identify environmental concerns that should be addressed in the EIS.

ADDRESSES: Agencies and the public are invited and encouraged to provide written comments in addition to, or in lieu of, oral comments at the public scoping meetings. To be most helpful, scoping comments should clearly describe specific issues or topic which the EIS should address. Written comments must be postmarked by June 30, 1997 and should be mailed to Commander, Naval Air Weapons Station China Lake, Attn: Ms. Robin Hoffman, Land Use Planning Office, China Lake, CA 93555, telephone (619) 939–0935, fax (619) 939–2541.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Hoffman at (619) 939–0935.

Dated: March 27, 1997.

M.A. Waters,

LCDR, JAG, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 97–8193 Filed 3–31–97; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF THE DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Implementation of the Draft Integrated Management Plan for the Patuxent River Complex, Maryland

SUMMARY: Per section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental effects of implementing the draft Integrated Management Plan for the Patuxent River Complex, Maryland. The Patuxent River Complex includes the Patuxent River Naval Air Station (NAS) including the Test Pilot School, Webster Field Annex (an Outlying Field), and the Chesapeake Test Range, which are assets under the exclusive control and scheduling authority of the Naval Air Warfare Center—Aircraft Division (NAWCAD).

The Patuxent River Complex is located 60 miles southeast of Washington, DC, in southern Maryland, where the Navy has actively conducted aircraft test and evaluation activities for more than 50 years. In recent years, the post-Cold War shift from the threat of nuclear superpower confrontation to regional conflicts has required the

military services to redefine their roles and identify the types of weapons and platforms most effective to future success in regional conflicts.

Concurrent with the rise of regional conflicts has been a trend of significant reductions in national defense spending. The Patuxent River Complex has been affected by the 1991, 1993, and 1995 Base Realignment and Closure Act (BRAC) decisions to relocate Naval Aviation Research, Development, Test and Evaluation (RDT&E) facilities from Warminster, Pennsylvania and Trenton, New Jersey and Naval Air Systems headquarters from Arlington, Virginia to the Complex. (Environmental Impact Statements were prepared in 1993 and 1994 to assess this realignment of these functions; issues addressed in these NEPA documents will be incorporated by reference only in the EIS for the Patuxent River Complex Integrated Management Plan.) These realignments and consolidation of their assets will better position NAWCAD to carry out its mission as the Navy's principal RDT&E, engineering, and fleet support activity for Naval fixed and rotary wing aircraft and associated systems from acquisition through all life cycle phases.

In response to these changes, NAWCAD recognized the need to initiate a strategic planning initiative that included the preparation of an Integrated Management Plan for the NAWCAD-controlled assets in the Patuxent River Complex. The implementation of the plan will enable the Navy to meet its commitment to conserve and protect the unique natural and cultural resources of the Patuxent River Complex and Chesapeake Bay while protecting human health and welfare.

The Integrated Management Plan will provide a framework within which NAWCAD can efficiently and effectively utilize the assets under its control to meet its strategic planning initiatives while complying with applicable local, state, and Federal laws. However, prior to NAWCAD adoption of the Integrated Management Plan, compliance with NEPA is required. The preparation of an EIS will meet these NEPA requirements. The EIS will address a range of alternatives that focus on varying workload levels associated with both RDT&E and military training support activities: (1) Level I Workload Alternative will consist of RDT&E activities at recent levels and an increase in military training support activities for a combined total of approximately 22,000 flight hours per year; (2) Level II Workload Alternative will consist of increases in RDT&E activities and military training support activities for a combined total of approximately 24,000 flight hours per year; and (3) Level III Workload Alternative will consist of increased RDT&E activities and military training support activities for a combined total of approximately 26,000 flight hours per year. As required by NEPA, the EIS will also consider the No Action Alternative. This alternative would consist of RDT&E activities and military training support activities at existing workload levels.

Topics to be addressed in the EIS will include, but are not limited to, noise, air quality, vegetation and wildlife, water quality, and socioeconomic impacts, including environmental justice. Federal, state, and local agencies, and interested individuals are encouraged to participate in a scoping process to determine the range of issues related to the proposed action.

Five public scoping meetings will be held to receive oral and written comments. Each scoping meeting will provide opportunities for clarification of the draft Integrated Management Plan and alternatives and solicit input from representatives of government agencies and interested individuals. The Navy will set up information stations at these scoping meetings that will describe the Patuxent River Complex, the scope of Integrated Management Plan, and the NEPA EIS process. Each information station will be attended by a Navy presenter who will be available to answer questions from meeting attendees. Comments will be entered into the official record in several ways: written comments sheets available at each meeting; tape recorders located throughout the meeting area; and via a stenographer who will be available to transcribe statements. Written comments will also be accepted via mail or fax. Regardless of the commenting method chosen, all comments will receive the same attention and consideration during EIS preparation.

The five public scoping meetings will be held at the following times and locations: (1) Prince Frederick, Maryland on May 6, 1997 at the Calvert High School from 3:30 pm–5:30pm and 6:30 pm–8:30 pm; (2) Leonardtown, Maryland on May 8, 1997 at the Leonardtown High School School from 3:30 pm–5:30 pm and 6:30 pm–8:30 pm; (3) Burgess, Virginia on May 12, 1997 at the Fairfields Baptist Church from 3:00 pm–6:00 pm; Westover, Maryland on May 14, 1997 at the JM Tawes Technical Center from 3:00 pm–6:00 pm; and (5) Cambridge, Maryland on May 15, 1997 at the Christ Episcopal Church from 2:00 pm–5:00 pm and 6:30 pm–8:30 pm. The schedule for the public scoping meetings will also be available by calling (888) 276–5201.

ADDRESSES: The Navy will accept comments at the address below at any time during the environmental impact statement process. To ensure that the Navy has sufficient time to consider public input during preparation of the Draft EIS, scoping comments should be submitted to the address below by June 1, 1997. For further information concerning the preparation of the EIS, or to provide written comment, contact: Cathy A. Partusch, Public Affairs Officer, Naval Air Station Patuxent River, Naval Air Warfare Center Aircraft Division, Naval Air Station Patuxent River, Maryland, telephone (301) 342–7512, ext. 24; fax (301) 342–7509; Internet: PartuschCA%am5@mr.nawcad.navy.mil.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice may be obtained by contacting Ms. Cathy Partusch at (301) 342–7512.

Dated: March 21, 1997.

M.A. Waters,

LCDR, JAG, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 97–8191 Filed 3–31–97; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance; Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of upcoming meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting sponsored by the Advisory Committee on Student Financial Assistance. This notice also describes the functions of the Committee. This document is intended to notify the general public.

DATES: Monday, April 21, 1997, beginning at 9:00 a.m. and ending at approximately 5:00 p.m. and Tuesday, April 22, beginning at 8:30 a.m. and ending at approximately 2:00 p.m.

ADDRESSES: Radisson Barcelo Hotel, 2121 P Street, N.W., National A Room, in Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Dr. Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, 1280 Maryland Avenue, S.W., Suite 601, Washington, D.C. 20202–7582 (202) 708–7439.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student

Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee is established to provide advice and counsel to the Congress and the Secretary of Education on student financial aid matters including providing technical expertise with regard to systems of need analysis and application forms, making recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students, conducting a study of institutional lending in the Stafford Student Loan Program and an in-depth study of student loan simplification. The Advisory Committee fulfills its charge by conducting objective, nonpartisan, and independent analyses of important student aid issues. As a result of passage of the Omnibús Budget Reconciliation Act (OBRA) of 1993, Congress assigned the Advisory Committee the major task of evaluating the Ford Federal Direct Loan Program (FDLP) and the Federal Family Education Loan Program (FFELP). The Committee was directed to report to the Secretary and Congress on not less than an annual basis on the operation of both programs and submit a final report by January 1, 1997. The Committee submitted to Congress its final recommendations on the advisability of fully implementing the FDLP on December 11, 1996. The Advisory Committee has now focused its energies on activities related to reauthorization of the Higher Education Act of 1998.

The Advisory Committee will meet in Washington, D.C. on April 21, 1997, from 9:00 a.m. to approximately 5:00 p.m. and on April 22, from 8:30 a.m. to approximately 2:00 p.m.

The proposed agenda includes (a) presentations and discussion sessions on budget proposals and congressional and other legislative proposals related to reauthorization of the Higher Education Act, in particular, access issues; (b) progress to date on the President's tax proposals; and (c) an update on the Department of Education's reauthorization initiatives including the delivery system; and (d) a planning session on the Committee's agenda for the remainder of fiscal year 1997, and other Committee business. Space is limited and you are encouraged to register early if you plan to attend. You may register through Internet at ADV__COMSFA@ED.gov or Tracy__Deanna__Jones@ED.gov. Please include your name, title, affiliation, complete address (including Internet and e-mail—if available), and telephone and fax numbers. If you are unable to register through Internet, you may mail or fax your registration information to the Advisory Committee staff office at (202) 401–3467. Also, you may contact the Advisory Committee staff at (202) 708–7439. The registration deadline is Tuesday, April 15, 1997.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, 1280 Maryland Avenue, S.W., Suite 601, Washington, D.C. from the hours of 9:00 a.m. to 5:30 p.m., weekdays, except Federal holidays.

Dated: March 27, 1997.

Brian K. Fitzgerald,

Staff Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 97–8201 Filed 3–31–97; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–5–004]

Algonquin Gas Transmission Company; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 24, 1997, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets to be effective April 1, 1997:

Sub Original Sheet No. 639A
Sub Third Revised Sheet No. 650
Sub First Revised Sheet No. 651
Sub Original Sheet No. 656A
Sub Second Revised Sheet No. 659
Sub First Revised Sheet No. 660
Sub Second Revised Sheet No. 662
2 Sub First Revised Sheet No. 714

Algonquin asserts that the purpose of this filing is to comply with the Commission's Order on Compliance Filings and Rehearing, issued March 13, 1997 in Docket Nos. RP97–5–001, RP97–5–002, and RP97–5–003.

Algonquin states that copies of this filing were served on firm customers of Algonquin, interested state commissions, current interruptible customers and all parties on the service list.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8150 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–190–000]

Colorado Interstate Gas Company; Notice of Informal Settlement Conference

March 26, 1997.

Take notice that an informal settlement conference will be convened in this proceeding on Thursday, April 3, 1997, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Lorna J. Hadlock at (202) 208–0737, or Donald Williams at (202) 208–0743.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8148 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. OA97–8–000]

Consolidated Water Power Company; Notice of Filing

March 26, 1997.

Take notice that on January 31, 1997, Consolidated Water Power Company tendered for filing a Notice of Withdrawal of its open access non-discriminatory transmission service tariff filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 4, 1997. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8143 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–293–000]

Garden Banks Gas Pipeline, LLC; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 19, 1997, Garden Banks Gas Pipeline, LLC (GBGP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheets listed in Appendix A to the filing, to become effective March 20, 1997.

GBGP states that the purpose of this filing is to comply with order Nos. 582 & 582–A, issued September 28, 1995 in Docket No. RM95–3, in which the Commission revised, reorganized and updated its regulations governing the form composition, and filing of rates and tariffs for interstate pipeline companies.

Specifically GBGP indicates the tendered tariff sheets revise its tariff to:

(1) expand the table of contents to include the sections of the general terms and conditions in accordance with § 154.104;

(2) add a statement for GBGP's discount policy in accordance with § 154.109(c);

(3) delete the index of customers from the tariff in accordance with § 154.111(a);

(4) add a statement to GBGP's general terms and conditions for periodic reports in accordance with § 154.502; and

(5) change the rates to reflect a thermal unit in accordance with § 154.107(b).

GBGP submits that the Commission should grant it all waivers necessary to place these provisions into effect March 20, 1997.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426, in accordance with 18 CFR Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions and protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8153 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–295–000]

Gasdel Pipeline System, Inc., Notice of Proposed Changes in FERC Gas Tariff

March 26, 1997.

Take notice that on March 20, 1997, Gasdel Pipeline System, Inc. (Gasdel) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1A, certain tariff sheets to be effective June 1, 1997.

Gasdel states that the purpose of the filing is to comply with the Commission's Order No. 587, and the Commission's order issued on February 3, 1997 in Docket Nos. RP97–91–000, et al., 78 FERC ¶ 61,099 (1997).

Gasdel requests waiver of the Commission's regulations to the extent necessary to permit the tariff sheets submitted to become effective June 1, 1997.

Gasdel states that copies of the filing are being mailed to its jurisdictional customers and interested state regulatory agencies.

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 Regulations. All such motions and protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8155 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–238–001]

Mojave Pipeline Company; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 21, 1997, Mojave Pipeline Company (Mojave), pursuant to the Commission's order dated February 26, 1997 at Docket No. RP97–238–000, tendered for filing and acceptance the following revised tariff sheet to its FERC Gas Tariff, First Revised Volume No. 1, to become effective December 31, 1996:

Substitute First Revised Sheet No. 111

Mojave states that it has revised this sheet to state that if Mojave charges less than the maximum rate for transportation service provided under Rate Schedules included in Mojave's FERC Gas Tariff, Mojave will discount the GRI surcharge first, followed by the base rate.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8152 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–294–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 26, 1997.

Take notice that on March 20, 1997, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet, to become effective April 20, 1997:

Fourth Revised Sheet No. 232

Northwest states that the purpose of this filing is to propose a two-year extension of the operational flow order provisions in Section 14.15 of the General Terms and Conditions of its tariff.

Northwest states that a copy of this filing has been served upon all affected parties and interested state regulatory commissions.

Any person desiring to be heard or protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8154 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–4–005]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 24, 1997, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective April 1, 1997. Panhandle asserts that the purpose of this filing is to comply with the Commission's order issued March 13, 1997 in Docket No. RP97–4–001, et al., 78 FERC ¶ 61,283 (1997).

Panhandle states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and all parties to this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8145 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–229–023]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 21, 1997, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective April 1, 1997. Panhandle asserts that the purpose of this filing is to comply with the Commission order issued February 26, 1997 in Docket No. RP91–229–022, et al.

Panhandle states that on September 12, 1996, it filed a Stipulation and Agreement (Settlement) encompassing several rate proceedings, which establishes refunds and settlement rates on a prospective basis. Subsequently, the Commission issued orders on December 20, 1996 and February 26, 1997 approving the Settlement as to all parties. 77 FERC ¶ 61,284 (1996) and 78 FERC ¶ 61,180 (1997). On March 17, 1997, Panhandle filed a letter establishing the effective date of the Settlement. Therefore, in accordance with Article II, Section 7 and Article II, Section 9 (f)(i) of the Settlement, Panhandle is filing to place the Settlement Rates into effect on April 1, 1997 and to remove Section 26 (Interruptible Revenue Credit Adjustment) from the General Terms and Conditions of Panhandle's FERC Gas Tariff effective April 1, 1997.

Panhandle states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and all parties to these proceedings.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8147 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER97–2018–000]

South Carolina Electric & Gas Company; Notice of Filing

March 26, 1997.

Take notice that on March 10, 1997, South Carolina Electric & Gas Company tendered for filing its report for quarters ending September 30, 1996 and December 31, 1996 summarizing transactions under Negotiated Market Sales Tariffs for short-term service.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 3, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8144 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–3–004]

Texas Eastern Transmission Corporation; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 24, 1997, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets to be effective April 1, 1997:

Sub Fourth Revised Sheet No. 464
Sub First Revised Sheet No. 464A
Sub First Revised Sheet No. 490
Sub First Revised Sheet No. 594
Sub Second Revised Sheet No. 595

Texas Eastern asserts that the purpose of this filing is to comply with the Commission's Order on Rehearing and on Second Compliance Filing, issued March 13, 1997 in Docket Nos. RP97–3–001, RP97–3–002, and RP97–3–003.

Texas Eastern states that copies of this filing were served on firm customers of Texas Eastern, interested state commissions, current interruptible customers and all parties on the service list.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8149 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–18–004]

Transwestern Pipeline Company; Notice of Request For Waiver

March 26, 1997.

Take notice that on March 25, 1997, Transwestern Pipeline Company (Transwestern) tendered for filing a request for waiver of its tariff and the Commission Orders on Transwestern's compliance with the GISB standards promulgated under Order Nos. 587 and 587–B to permit Transwestern to delay the implementation of GISB standards 1.2.1, 1.3.5, 1.4.1, 1.4.2, 1.4.3, and 1.4.4 until such date as Transwestern can fully test and implement such standards with its trading partners, but in no event later than June 1, 1997.

Transwestern states that copies of the filing have been served upon all parties of record at Docket Nos. RP97–18–000, *et al.*

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 31, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8142 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–6–004]

Trunkline Gas Company; Notice of Compliance Filing

March 26, 1997.

Take notice that on March 24, 1997, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective April 1, 1997. Trunkline asserts that the purpose of this filing is to comply with the Commission's order issued March 13, 1997 in Docket No. RP97–6–001, et al., 78 FERC ¶ 61,284 (1997).

Trunkline states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and all parties to this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8151 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

Southern California Edison Company; Notice of Availability of Final Environmental Assessment

March 26, 1997.

An environmental assessment (EA) is available for public review. The EA is for an application to amend the Mammoth Pool Hydroelectric Project. The application is to modify the exhibit M for the project. The exhibit M describes recent increases in total installed capacity of the generating units. The EA finds that approval of the amendment would not constitute a major federal action significantly affecting the quality of the human environment. The project is located on the San Joaquin River, near Fresno, California.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed in the Public Reference Branch, Room 1C–1, of the Commission's offices at 888 First Street, NE., Washington DC 20426.

For further information, please contact the project manager, Mr. Robert Grieve at (202) 219–2655.

Lois D. Cashell,

Secretary.

[FR Doc. 97–8146 Filed 3–31–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5805–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels

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 the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels at 40 CFR Part 60, Subpart Kb, OMB Control Number 2060–0074, expiring on June 30, 1997. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 1, 1997.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1132.05.

SUPPLEMENTARY INFORMATION:

Title: The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels at 40 CFR Part 60, Subpart Kb (OMB Control Number

2060–0074, EPA ICR Number 1132.05) expiring on June 30, 1997. This is a request for an extension of a currently approved collection.

Abstract: The notification of construction, reconstruction or modification indicates when a storage vessel becomes subject to the standards. The information generated by the inspecting, recordkeeping and reporting requirements is used by the Agency to ensure that the storage vessel affected by the NSPS continues to operate the control equipment in a manner that helps achieve compliance with the NSPS.

Information is recorded in sufficient detail to enable owners or operators to demonstrate the means of complying with the applicable standards. Under this standard, the data collected by the affected owner/operator is retained at the facility for a minimum of two years and made available to the Administrator either on request or by inspection.

The information generated by the recordkeeping and reporting requirements are used by the Agency to ensure that facilities affected by the NSPS continue to operate in compliance with the NSPS.

The information collected from the recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court. Collection of this information is authorized at 40 CFR 60.7 and 60.110b. Any information submitted to the Agency, for which a claim of confidentiality is made, will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information (see 40 CFR 2: 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979). 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 **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 2, 1996 (61 FR 63841). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 139 hours per respondent. 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.

Respondents/Affected Entities: Owners of storage vessels for petroleum liquids and synthetic organic chemicals.

Estimated Number of Respondents: 900.

Frequency of Response: 1.5 times.

Estimated Total Annual Hour Burden: 126,141 hours.

Estimated Total Annualized Cost Burden: $6,253,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1132.05 and OMB Control No. 2060–0074 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460, and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: March 27, 1997.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 97–8185 Filed 3–31–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

FCC To Hold Open Commission Meeting Thursday, April 3, 1997

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 3, 1997, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, Subject

1—Offices of General Counsel Public Affairs and Plans and Policy—Title: Amendment of Parts 0 and 1 of the Commission's Rules to allow the electronic filing of documents in rulemaking proceedings. Summary: The Commission will consider amendments to its rules to allow parties to file formal comments electronically over the Internet in notice and comment rulemaking proceedings (except broadcast allotment proceedings) and to treat those comments the same as comments filed on paper.

2—Office of Engineering and Technology—Title: Amendment of Parts 2 and 15 of the Commission's Rules Regarding Spread Spectrum Transmitters (ET Docket No. 96–8 and RM's 8435, 8608 and 8609). Summary: The Commission will address standards for unlicensed spread spectrum transmitters, including standards on maximum antenna gain and the minimum number of hopping channels.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Public Affairs, telephone number (202) 418–0500.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800 or fax (202) 857–3805 and 857-3184. These copies are available in paper format and alternative media which includes, large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its—inc@ix.netcom.com. Their Internet address is http://www.itsi.com.

This meeting can be viewed over George Mason University's Capitol Connection. For information on this service call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/≤. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770; and from Conference Call USA (available only outside the Washington, DC metropolitan area), telephone 1–800–962–0044. Audio and video tapes of this meeting can be obtained from the Office of Public Affairs, Television Staff, telephone (202) 418–0460, or TTY (202) 418–1398; fax numbers (202) 418–2809 or (202) 418–7286.

Dated March 27, 1997.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 97–8443 Filed 3–28–97; 3:01 pm]
BILLING CODE 6712–01–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Application for Federal Deposit Insurance."

DATES: Comments must be submitted on or before June 2, 1997.

ADDRESSES: Interested parties are invited to submit written comments to Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to "Application for Federal Deposit Insurance." Comments may be hand-delivered to Room F–400, 1776 F Street, N.W., Washington, D.C. 20429, on business days between 8:30 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: Comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Steven F. Hanft, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Application for Federal Deposit Insurance (FDIC Form 6200/05).

OMB Number: 3064–0001.

Frequency of Response: Occasional.

Affected Public: Any depository institution engaged in the business of receiving deposits other than trust funds that requests Federal Deposit Insurance.

Estimated Number of Respondents: 200.

Estimated Time per Response: 250 hours.

Estimated Total Annual Burden: 50,000 hours.

General Description of Collection: Consistent with the requirements of Section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815), the Application for Federal Deposit Insurance requests information from a depository institution relating to its financial history and condition; capital structure adequacy; future earnings prospects, the general character and fitness of its management; the risk it presents to the insurance funds; the convenience and needs of the community to be served; and the consistency of its corporate powers.

Request for Comment

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

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 26th day of March 1997.

Federal Deposit Insurance Corporation.
Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 97–8178 Filed 3–31–97; 8:45 am]
BILLING CODE 6714–01–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Mutual-to-Stock Conversions of State Savings Banks."

DATES: Comments must be submitted on or before June 2, 1997.

ADDRESSES: Interested parties are invited to submit written comments to Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to "Mutual-to-Stock Conversions of State Savings Banks." Comments may be hand-delivered to Room F–400, 1776 F Street, N.W., Washington, D.C. 20429, on business days between 8;30 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Officer Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Steven F. Hanft, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Mutual-to-Stock Conversions of State Savings Banks.

OMB Number: 3064–0117.

Frequency of Response: Occasional.

Affected Public: Mutual savings banks that propose to convert from mutual to stock form of ownership.

Estimated Number of Respondents: 10.

Estimated Time per Response: 50 hours.

Estimated Total Annual Burden: 500 hours.

General Description of Collection: The collection consists of copies of all applications and other materials filed by the mutual savings bank with its applicable federal and state banking and securities regulators in connection with a proposed conversion to the stock form of ownership. The FDIC may also require the filing of additional materials as needed.

Request for Comment

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

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 26th day of March 1997.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 97–8179 Filed 3–31–97; 8:45 am]

BILLING CODE 6714–01–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Application for Consent to Effect a Merger-Type Transaction."

DATES: Comments must be submitted on or before June 2, 1997.

ADDRESSES: Interested parties are invited to submit written comments to Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to "Application for Consent to Effect a Merger-Type Transaction." Comments may be hand-delivered to Room F–400, 1776 F Street, N.W., Washington, D.C. 20429, on business days between 8:30 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Steven F. Hanft, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Application for Consent to Effect a Merger-Type Transaction (FDIC Form 6220/01).

OMB Number: 3064–0016.

Frequency of Response: Occasional.

Affected Public: Any depository institution that wishes to merge, consolidate with, acquire the assets of, or assume liability to pay any deposits made in any other insured depository institution or noninsured bank or institution.

Estimated Number of Respondents: 220.

Estimated Time per Response: 74 hours.

Estimated Total Annual Burden: 16,280 hours.

General Description of Collection: To fulfill its obligation under Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) the FDIC requests in FDIC Form 6220/01 information about the effect of the propose merger on competition; information about the financial and managerial resources and future prospects of the existing and proposed institutions; and information about the convenience and needs of the community to be served.

Request for Comment

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

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarize or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 26th day of March 1997.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 97–8180 Filed 3–31–97; 8:45 am]

BILLING CODE 6714–01–M

Applications, Legal Fees, and Other Expenses

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Rescission of statement of policy.

SUMMARY: As part of the FDIC's systematic review of its regulations and written policies under section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI), the FDIC is rescinding its statement of policy concerning applications, legal fees, and other expenses (Statement of Policy). The Statement of Policy addresses unreasonable or excessive fees, insider fees, and contingency fee arrangements incidental to certain applications filed with the FDIC. The FDIC is rescinding the Statement of Policy because portions are now considered outmoded and similar information is duplicated or cross-referenced in other Statements of Policy. Remaining information that is relevant will be placed, in condensed form, into Statements of Policy regarding Applications for Deposit Insurance, and Bank Merger Transactions. The rescission does not reflect any substantive change in the FDIC's supervisory attitude toward excessive or unwarranted fees incident to an application.

EFFECTIVE DATE: This Statement of Policy is rescinded effective April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jesse G. Snyder, Assistant Director, (202/ 898–6915), Division of Supervision; Susan van den Toorn, Counsel, (202/898–8707), Legal

Division, FDIC, 550 17th Street, N.W., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is conducting a systematic review of its regulations and written policies. Section 303(a) of the CDRI (12 U.S.C. 4803(a)) requires the FDIC, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Office of Thrift Supervision (Federal banking agencies) to each streamline and modify its regulations and written policies in order to improve efficiency, reduce unnecessary costs, and eliminate unwarranted constraints on credit availability. Section 303(a) also requires each of the Federal banking agencies to remove inconsistencies and outmoded and duplicative requirements from its regulations and written policies.

As a part of this review, the FDIC has determined that the Statement of Policy contains a substantial amount of information that is outmoded, and duplicated or cross-referenced elsewhere. The FDIC's written policies can be streamlined by eliminating the Statement of Policy. The relevant information contained in the Policy Statement will be condensed and placed into Statements of Policy regarding Applications for Deposit Insurance, and Bank Merger Transactions.

On September 8, 1980, the Statement of Policy was adopted by the Board of the FDIC and was published on September 15, 1980 (45 FR 61025). The Statement of Policy addresses unreasonable or excessive fees, insider fees, and contingency fee arrangements incidental to applications filed with the FDIC. Some of the information contained in the Statement of Policy is now also in other Statements of Policy addressing specific applications and, as a result, it is no longer necessary to have a Statement of Policy dealing specifically with legal fees and other expenses.

Issues formerly dealt with in the Statement of Policy have now been condensed and placed into other application specific "Statements of Policy". The following specific statements are now included in relevant "Statements of Policy" published concurrently herein.

"The commitment to or payment of unreasonable or excessive fees and other expenses incident to an application reflects adversely upon the management of the applicant institution. Fees and other organizational expenses incurred or committed to should be fully supported.

Expenses for professional or other services rendered by organizers, present or prospective board members, major shareholders or executive officers will receive special review for any indication of self-dealing to the detriment of the bank and its other shareholders. As a matter of practice, the FDIC expects full disclosure to all directors and shareholders of any material arrangement with an insider.

In no case will an FDIC application be approved where the payment of a fee, in whole or in part, is contingent upon any act or forbearance by the FDIC or by any other federal or state agency or official."

The rescission does not reflect any substantive change in the FDIC's supervisory attitude toward excessive, unwarranted, or otherwise inappropriate fees incident to an application, and the relevant issues will continue to be addressed.

For the above reasons, the Statement of Policy is hereby rescinded.

By order of the Board of Directors.

Dated at Washington, DC, this 25th day of March, 1997.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 97–8171 Filed 3–31–97; 8:45 am]

BILLING CODE 6714–01–P

Statement of Policy Regarding Liability of Commonly Controlled Depository Institutions

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Policy statement.

SUMMARY: The FDIC is revising the statement of policy which sets forth the procedures and guidelines the FDIC uses in assessing liability against commonly controlled depository institutions under section 5(e) of the Federal Deposit Insurance Act. The revised policy statement provides guidance based on the FDIC's experience in administering the provisions of section 5(e) of the Act and clarifies the authority granted to the FDIC to issue assessments of liability or grant conditional waivers of liability, the manner in which the FDIC will assess the amount of loss incurred by the FDIC, and the manner in which each liable institution's share of that loss will be determined. The revised policy statement also addresses the potential liability of depository institutions acquired by unaffiliated parties prior to any occurrence establishing liability under section 5(e) of the Act.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Cheryl Steffen, Special Situations and Application Section, Division of Supervision, (202) 898–8768; Michael J. Fanaroff, Division of Resolution and Receiverships, (202) 898–7122; or Grovetta N. Gardineer, Counsel, Legal Division, (202) 736–0665, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On May 22, 1990, the Board of Directors of the FDIC adopted a Statement of Policy Regarding Liability of Commonly Controlled Depository Institutions. Such liability is a consequence of section 5(e) of the Federal Deposit Insurance Act (Act), 12 U.S.C. 1815(e), which was added by the passage of section 206(a)(7) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Section 5(e) created liability for commonly controlled insured depository institutions for losses incurred or anticipated by the FDIC in connection with (i) the default of a commonly controlled insured depository institution; or (ii) any assistance provided by the FDIC to any commonly controlled insured depository institution in danger of default. The purpose of section 5(e) is to ensure that the assets of healthy depository institution subsidiaries within the same holding company structure, or of a healthy institution which controls a failing institution, will be available to the FDIC to help offset the cost of resolving the failed subsidiary. While the FDIC seeks to recover its losses associated with failing institutions, it also seeks to encourage the acquisition of troubled institutions by those capable of rehabilitating them and to avoid instances in which the assessment of liability against an otherwise healthy institution will cause its failure, thus exposing the FDIC and the insurance funds to greater loss.

The FDIC has brought a number of actions since the enactment of section 5(e). While the original statement of policy provided guidance to the industry regarding the application of the statute at the time it was published, the FDIC had not initiated any actions under the statute. The revised policy statement attempts to provide guidance to the industry based on actual practice with administering the statute. The proposed policy statement contains information regarding the content of requests for conditional waiver. Depending on decisions affecting part 303 of the FDIC Rules and Regulations (Rules), this information may also be addressed in the revised part 303 of the FDIC's Rules regarding applications. Any changes in part 303 of the FDIC's Rules may also necessitate further revisions to the policy statement.

The policy statement provides for the issuance of a Notice of Assessment of

Liability, Findings of Fact and Conclusions of Law, an Order to Pay and a Notice of Hearing, a good faith estimate of the FDIC's loss, and the determination of the method and schedule of repayment. The liability under the statute attaches at the time of default of a commonly controlled depository institution. The FDIC, in its discretion, may assess liability for the losses incurred by the default or for any assistance provided by the FDIC to a commonly controlled institution in danger of default. Generally, liability will be assessed against an institution except in instances of the acquisition of a distressed institution by an unaffiliated entity prior to the default of a commonly controlled institution. A conditional waiver of the liability will be considered when, as determined within the sole discretion of the Board of Directors of the FDIC, the exemption is in the best interests of either of the insurance funds administered by the FDIC or where a waiver facilitates an alternative that is in the best interests of the FDIC. Institutions that believe that an assessment of liability would be inappropriate are required to submit supporting documentation.

The text of the revised policy statement follows:

Federal Deposit Insurance Corporation Statement of Policy Regarding Liability of Commonly Controlled Depository Institutions

Introduction

Section 5(e) of the Federal Deposit Insurance Act, as added by section 206(a)(7) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, creates liability for commonly controlled insured depository institutions for losses incurred or anticipated by the Federal Deposit Insurance Corporation (FDIC) in connection with (i) the default of a commonly controlled insured depository institution; or (ii) any assistance provided by the FDIC to any commonly controlled insured depository institution in danger of default. In addition to certain statutory exceptions and exclusions contained in sections 5(e)(6), (7) and (8), the Act also permits the FDIC, in its discretion, to exempt any insured depository institution from this liability if it determines that such exemption is in the "best interests of the Bank Insurance Fund or the Savings Association Insurance Fund".

The liability of an insured depository institution attaches at the time of default of a commonly controlled institution. It is completely within the discretion of the FDIC whether or not to issue a notice of assessment to the liable institution for the estimated amount of the loss incurred by the FDIC.

Guidelines for Conditional Waiver of Liability

The FDIC may, in its discretion, choose not to assess liability based upon analysis of a particular situation, and it may entertain requests for waivers from affiliated or unaffiliated parties of an institution in default or in danger of default. The determination of whether an exemption is in the best interests of either insurance fund rests solely with the Board of Directors of the FDIC (Board). Should the Board make such a determination, a waiver will be issued setting forth terms and conditions that must be met in order to receive an exemption from liability (conditional waiver of liability). The following guidelines apply to conditional waivers of liability under the provisions of this section:

(1) A conditional waiver of liability will be considered in those cases where the waiver facilitates an alternative that would be in the best interests of the FDIC; for example, the conditional waiver may be granted when requisite additional capital and managerial resources are being provided which substantially lessen exposure to the affected insurance fund. When conditional waivers are granted to an otherwise unaffiliated acquirer of a failing or failed institution they will be granted for a fixed period, generally not to exceed a period of time reasonably required for existing problems to be identified and resolved.

(2) If one or more institutions in a commonly controlled relationship is otherwise solvent, well-managed and viable, it may be in the best interest of the FDIC to waive or reduce claims against such entities. In determining whether a conditional waiver is appropriate, consideration will be given to actions of a holding company which contribute to or diminish the FDIC's losses, as well as proposals to strengthen other weakened institutions, if any.

(3) Requests for waivers should be filed with the appropriate Regional Director (Supervision).

(4) In the event an application for a conditional waiver of liability is made, the applicant should provide the FDIC information indicating the basis for requesting a waiver; the existence of any significant events (e.g., change of control, capital injection, etc.) that may have an impact upon the applicant or a potentially liable institution(s); current and, if applicable, pro forma financial information regarding the applicant and potentially liable institution(s); and the benefits resulting from the waiver and any related events. Additional information may be requested.

(5) In the event a conditional waiver of liability is issued, failure to comply with the terms specified therein may result in the termination of the conditional waiver of liability. The FDIC reserves the right to revoke the conditional waiver of liability after giving the applicant written notice of said revocation and a reasonable opportunity to be heard on the matter.

(6) In cases where an insured depository institution is sold to an acquirer with no financial interest, directly or indirectly, in the institution prior to the acquisition, it is the general policy of the FDIC to forego the issuance of a notice of assessment to the acquirer and its affiliated institutions in the event of a default of an insured depository institution formerly affiliated with the acquired institution. The FDIC will review all such transactions prior to making a final determination to forego the issuance of the notice of assessment.

Guidelines for Assessment of Liability

Whenever the FDIC determines that assessment of liability in connection with a commonly controlled insured depository institution(s) is appropriate, a Notice of Assessment of Liability, Findings of Fact and Conclusions of Law, Order to Pay, and Notice of Hearing (Notice of Assessment) will be served upon the liable institution. In assessing the amount of the FDIC's loss and the liable institution(s) method of payment, the following guidelines shall apply:

(1) A good faith estimate of the amount of loss the FDIC will incur shall be based upon (a) the actual sale or calculation of loss from a review by the FDIC of the assets and liabilities of the institution prior to default or the granting of assistance; or (b) any other cost estimate bases as explained in the Notice of Assessment.

(2) If there is more than one commonly controlled depository institution to be assessed, each such institution is jointly and severally liable for all losses; however, the FDIC shall make a good faith estimate of the liability of each institution as determined by (a) first assessing an initial amount on a pro rata capital basis that brings about parity in the capital ratios of the liable institutions and (b) then apportioning any residual assessment on a pro-rata size basis utilizing the most recent Report of Condition. Any final assessment can be based on the estimated liability of each

institution by the FDIC and/or negotiations with the liable institutions.

(3) In the event that any liable institution is closed prior to paying an assessment, the amount assessed or to have been assessed against that institution may be assessed against the remaining liable institution(s).

(4) The FDIC, after consulting with the appropriate federal and state financial institutions regulatory agencies, shall establish in each case a schedule for payment which may include a lump sum reimbursement, as well as procedures for receipt of such payment.

(5) Once liability has attached, the FDIC will consider information similar to that provided with a request for a conditional waiver of liability in determining the amount of the estimated loss to be assessed. Such information may also include suggested payment plans.

By order of the Board of Directors.

Dated at Washington, DC., this 25th day of March, 1997.

Federal Deposit Insurance Corporation
Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 97–8254 Filed 3–31–97; 8:45 am]
BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

[Notice 1997–5]

Filing Dates for the Texas Special Election

AGENCY: Federal Election Commission.
ACTION: Notice of Filing Dates for Special Elections.

SUMMARY: Texas has scheduled a Special Runoff Election on April 12, 1997, to fill the U.S. House seat in the Twenty-Eighth Congressional District held by the late Congressman Frank Tejeda. On March 15, 1997, a Special General Election was held, with no candidate achieving a majority vote. Under Texas law, a runoff election will now be held between the top two vote-getters.

Committees required to file reports in connection with the Special Runoff Election on April 12 should file a 12-day Pre-Runoff Election Report on March 31, 1997; a 30-day Post-Runoff Report on May 12, 1997; and a Mid-Year Report on July 31, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Information Division, 999 E Street, N.W., Washington, DC 20463, Telephone: (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates who participate in the Texas Special Runoff Election and all other political committees not filing monthly which support candidates in the Special Election shall file a 12-day Pre-Runoff Report on March 31, 1997, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through March 23, 1997; a Post-Runoff Report on May 12, 1997, with coverage dates from March 24 through May 2, 1997; and a Mid-Year Report on July 31, 1997, with coverage dates from May 3 through June 30, 1997.

CALENDAR OF REPORTING DATES FOR TEXAS SPECIAL ELECTION FOR COMMITTEES INVOLVED IN THE SPECIAL RUNOFF

Report	Close of books [1]	Reg./cert. mailing date [2]	Filing date
Pre-Runoff	03/23/97	02/28/97	03/31/97
Post-Runoff	05/02/97	05/12/97	05/12/97
Mid-Year	06/30/97	07/31/97	07/31/97

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
[2] Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

Dated: March 27, 1997.
John Warren McGarry,
Chairman, Federal Election Commission.
[FR Doc. 97–8208 Filed 3–31–97; 8:45 am]
BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

The National Board Fiscal Year 1997 Plan for Carrying Out the Emergency Food and Shelter Program (EFSP)

AGENCY: Federal Emergency Management Agency (FEMA).
ACTION: Notice.

SUMMARY: This notice sets out the plan by which the Emergency Food and Shelter Program National Board (National Board) is conducting a program during FY 1997 to distribute $100,000,000 to private voluntary organizations and local governments for delivering emergency food and shelter to needy individuals. The distribution formula for selecting organizations and localities, and the award amount for each, follow the Plan text.

DATES: The award to the National Board was made October 3, 1996.

FOR FURTHER INFORMATION CONTACT: Carol Coleman, Preparedness, Training and Exercise Directorate, Federal Emergency Management Agency, (202) 646–3107, or Kay C. Goss, Chair, EFSP National Board, (202) 646–3487.

SUPPLEMENTARY INFORMATION: Title III of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. 11301 *et seq.*, authorizes use of funds appropriated by the Congress to supplement and expand ongoing efforts to provide shelter, food, and supportive services to homeless, needy individuals.

As in past phases, grant awards from this program are provided to address emergency needs. This program is not intended to address or correct structural poverty or long-standing problems. Rather, this appropriation is intended for the purchase of food and shelter to supplement and expand current available resources and not to substitute or reimburse ongoing programs and services.

This funding should be used to target special emergency needs. And when we discuss emergency needs we are referring to economic, not disaster-related, emergencies. The funding should supplement feeding and sheltering efforts in ways that make a difference. What that means is: EFSP is not intended to make up for budget shortfalls or to be considered just a line in an annual budget; it is not intended that the funds must go to the same agencies for the exact same purposes every year; and, the funding is open to all organizations helping hungry and homeless people and it is not intended that the funds should go only to Local Board member agencies or local government agencies.

Having stated what it is not, what does the National Board want this program to be? As we read the law, EFSP should: create inclusive local coalitions that meet regularly to determine the best use of funds and to monitor their use in their respective communities; treat every program year as a fresh opportunity to reassess what particular community needs (e.g., on-site feeding or utility assistance, mass shelter or homelessness prevention, etc.) should be addressed; encourage agencies to work together to emphasize their respective strengths, work out common problems, and prevent duplication of effort; and, examine whether the program is helping to meet the needs of special populations such as minorities, Native Americans, veterans, families with children, the elderly, and the handicapped.

It is our intention to re-emphasize that this program has a commitment to emergency services. We continue to view it as an opportunity for building a cohesive emergency structure which can, for example, coordinate the assistance provided, across agencies, to families and individuals applying for rental, mortgage, or utility assistance; enhance a food banking network that is economical in its cost and broad in its coverage; reinforce creative cooperation among feeding and sheltering sites to ensure help for street populations most in need; and, establish or maintain a system that complements rather than supplants existing private and governmental efforts to provide rent, mortgage, or utility assistance.

The National Board is aware that much is asked of our voluntary Local Boards and LROs, and very little administrative funding is provided. But the cooperative model that EFSP has helped to create can be a useful vehicle for many governmental and community-based programs. As a group, local providers can accomplish much: initiating a dialogue with local offices of Federal entities such as the U.S. Department of Agriculture to take full advantage of excess commodities and its other programs or with the U.S. Department of Labor's Job Training Partnership Act (JTPA); working with Federal programs that require the input of local providers such as the Department of Housing and Urban Development's Community Development Block Grant or Emergency Shelter Grant and the Department of Health and Human Services' Health Care for the Homeless; pooling agency efforts to gain Federal (for example, HUD's Transitional Housing Program) and private foundation grants; leveraging EFSP funds within the community by encouraging matches of local EFSP allocations from State and local governments and private resources; and, exchanging ideas on administrative and accounting methods that can improve delivery of services and focus on the collaborative rather than the competitive aspects of agency relations.

Fourteen years ago this program began as a one-time effort to help address urgent needs. The survival of this public-private partnership is not only a testament to needs, but also to the effectiveness of EFSP as an example of local decision-making and community responsibility in attempting to meet those needs.

EFSP is a reminder of this nation's willingness to confront difficult problems within the society in new ways. But most importantly, EFSP has fed and sheltered homeless and hungry people, it has maintained homes and the families in those homes, and it has created useful public-private partnerships within communities.

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1.0 Background and Introduction

The Emergency Food and Shelter Program was established on March 24, 1983, with the signing of the "Jobs Stimulus Bill," Public Law 98–8. That legislation created a National Board, chaired by FEMA, which consisted of representatives of the American Red Cross; Catholic Charities, USA; the Salvation Army; Council of Jewish Federations, Inc.; United Way of America; and the National Council of Churches of Christ in the U.S.A.

Since that first piece of legislation in 1983, through its authorization under the Stewart B. McKinney Homeless Assistance Act (Pub.L. 100–77—signed into law on July 24, 1987, subsequently reauthorized under Pub.L. 100–628, signed into law on November 7, 1988), the Emergency Food and Shelter Program has distributed $1.5 billion to over 11,000 social service agencies in more than 2,500 communities across the country.

From its inception, the unique features of this program have been the partnerships it has established. At the national level, the Federal government and board member organizations have the legal responsibility to work together to set allocations criteria and establish program guidelines. Such coalitions, as set forth in the law, are even more vital on the local level. In each community Local Boards make the most significant decisions on their own make-up and operation, the types of services most in need of supplemental help, what organizations should be funded and for what purpose and amount. These portions of the law have remained unchanged and are the core of this unique public-private partnership.

1.1 Purpose

This publication is developed by the National Board to outline the roles, responsibilities, and implementation procedures which shall be followed by the National Board, FEMA Local Boards, LROs, SSA Committees, in the distribution and use of these funds.

National in scope, EFSP will provide food and shelter assistance to individuals in need through local private voluntary organizations and local governments in areas designated by the National Board as being in highest need. The intent of EFSP is to meet emergency needs by supplementing and expanding food and shelter assistance individuals might currently be receiving, as well as to help those who are receiving no assistance. Individuals who received assistance under previous programs may again be recipients, providing they meet local eligibility requirements.

2.0 FEMA's Role and Responsibilities

(a) FEMA will perform the following EFSP activities:

(1) Constitute a National Board consisting of individuals affiliated with United Way of America; the Salvation Army; the National Council of Churches of Christ in the USA; Catholic Charities, USA; the Council of Jewish Federations, Inc.; the American Red Cross; and FEMA.

(2) Chair the National Board, using parliamentary procedures and consensus by the National Board as the mode of operation.

(3) Provide policy guidance, management oversight, Federal

coordination, and staff assistance to the National Board.

(4) Award the grant to the National Board.

(5) Assist the Secretariat in implementing the National Board Program.

(6) Report to Congress on the year's program activities through the Interagency Council on the Homeless Annual Report.

(7) Conduct audits of the program.

(8) Initiate Federal collection procedures to collect funds or documentation due when the efforts of the National Board have not been successful.

3.0 National Board's Role and Responsibilities

(a) The National Board will perform the following EFSP activities:

(1) Select jurisdictions of highest need for food and shelter assistance and determine amount to be distributed to each.

(2) Notify national organizations interested in emergency food and shelter to publicize the availability of funds.

(3) Develop the operational manual for distributing funds and establish criteria for expenditure of funds.

(4) In jurisdictions that received previous awards, notify the former Local Board chair that new funds are available. In areas newly selected for funding, notify the local United Way, American Red Cross, Salvation Army, or local government official. The National Board will notify qualifying jurisdictions of award eligibility within 60 days following allocation by FEMA.

(5) Provide copies of award notification materials to National Board member affiliates and other interested parties.

(6) Secure board plan, certification forms and board rosters from Local Boards. Ensure Local Board compliance with established guidelines.

(7) Distribute funds to selected LROs.

(8) Hear appeals and grant waivers.

(9) Establish an equitable system to accomplish the reallocation of unclaimed or unused funds. Unused or recaptured funds will be reallocated by the National Board, except in the case of State Set-Aside counties whose funds may be reallocated by the respective State Set-Aside Committees.

(10) Ensure that funds are properly accounted for, and that funds due are collected.

(11) Provide consultation and technical assistance to local jurisdictions as necessary to monitor program compliance.

(12) Compile the reports it receives from the Local Boards and submit a detailed accounting of use of all program monies in the form of a report to FEMA.

(13) Conduct a compliance review of food and shelter expenditures made under this program for specified LROs. The National Board, FEMA, the independent accounting firm selected by the National Board, or the Inspector General's office may also conduct an audit of these funds.

(14) Monitor LRO compliance with OMB Circular A–133.

The United Way of America will act as the National Board's Secretariat and fiscal agent and perform necessary administrative duties for the Board. An administrative allowance of one percent of the total award may be used for National Board administration.

3.1 Client Eligibility.

The National Board does not set client eligibility criteria. Local Boards may choose to set such criteria. If the Local Board does not set eligibility criteria, the LRO may use its existing criteria or set criteria for assistance under this award. However, the LROs criteria must provide for assistance to needy individuals without discrimination (age, race, sex, religion, national origin, or handicap).

Funds allocated to a jurisdiction are intended for use within that jurisdiction. Residents of or transients in a specific jurisdiction should seek service within that jurisdiction.

Citizenship is not an eligibility requirement to receive assistance from EFSP. The National Board does not mandate nor recommend the use of any particular existing criteria (i.e., food stamp guidelines, welfare guidelines, or income guidelines).

4.0 State Set-Aside (SSA) Committee Role and Responsibilities

(a) *SSA Committee's role.*

(1) The SSA process has been adopted to allow greater flexibility in selection of jurisdictions and is intended to target pockets of homelessness or poverty in non-qualifying jurisdictions (refer to Supplementary Information, above, on qualifying criteria), areas experiencing drastic economic changes such as plant closings, areas with high levels of unemployment or poverty which do not meet the minimum level of unemployment, or jurisdictions that have documented measures of need which are not adequately reflected in unemployment and poverty data.

(2) The distribution of funds to SSA Committees will be based on a ratio calculated as follows: the State's average number of unemployed in non-funded jurisdictions divided by the average number of unemployed in non-funded jurisdictions nationwide equals the State's percentage of the total amount available for SSA awards.

(b) *SSA responsibilities.*

(1) A SSA Committee in each State will recommend high-need jurisdictions and award amounts to the National Board. Priority consideration is to be given to jurisdictions otherwise not meeting criteria for funding, although funded jurisdictions may receive additional funding. SSA Committees should also consider the special circumstances of jurisdictions that qualified in previous funding phases but are not eligible in the current phase. The State Committees may wish to provide these jurisdictions with an allocation so that the abrupt change in funding status is not disruptive to local providers. SSA Committees are encouraged to consider current and significant State or local data in their deliberations. Although the National Board staff provides national data to the SSA Committees, it does *not* mandate any particular formula. These committees are free to act independently in choosing eligible jurisdictions.

In each State, the chair of the previous phase's SSA Committee will be notified of the award amount available to the SSA Committee. In a State where there are affiliates of the voluntary organizations represented on the National Board, they must be invited to serve on the State Committee. If no single State affiliate exists, an appropriate representative should be invited. The Governor or his/her representative will replace the FEMA member. State Committees are encouraged to expand participation by inviting or notifying other private non-profit organizations on the State level. The National Board encourages the inclusion of Native Americans, minorities, and other appropriate representatives on the State Committee.

(2) Members of the SSA Committee shall elect a person to chair the committee.

(3) The SSA Committees are responsible for the following:

(i) recommending high-need jurisdictions and award amounts within the State. When selecting jurisdictions with demonstrated need, the National Board encourages the consideration of counties incorporating or adjoining Indian reservations. The SSA Committee has 25 working days to notify the National Board in writing of its selections and the appropriate contact person for each area.

Note: The minimum award amount for a single jurisdiction is $1,000 and only whole-dollar amounts can be allocated.

(ii) Notifying the National Board of selection criteria that were used to determine which jurisdictions within the State were selected to receive funds. The National Board will then notify these jurisdictions directly. In the event funds are not claimed by the SSA jurisdictions, SSA Committees may recommend other jurisdictions to receive the unclaimed funds.

(4) An administrative allowance of one-half of one percent (5) of the total SSA award to each State may be used for SSA administration.

5.0 Local Boards' Role and Responsibilities

(a) *Local Boards' Role and Responsibilities.*

(1) Each area designated by the National Board to receive funds shall constitute a Local Board. In a local community where there are affiliates of the United Way of America; The Salvation Army; the National Council of Churches of Christ in the U.S.A.; Catholic Charities, U.S.A; Council of Jewish Federations; and the American Red Cross; which are represented on the National Board, they must be invited to serve on the Local Board. An agency's own governing board may not serve as a Local Board. The National Board mandates that if a jurisdiction is located within or encompasses a federally recognized Indian reservation, a Native American representative must be invited to serve on the Local Board. All Local Boards are required to include in their membership a homeless or formerly homeless person. Local Boards should seek recommendations from LROs for an appropriate representative. Local Boards that are unable to have homeless or formerly homeless representation must still consult with homeless or formerly homeless individuals, or former or current clients of food or housing services for their input. The County Executive/Mayor, appropriate head of local government or his or her designee will replace the FEMA member. Local Boards are encouraged to expand participation and membership by inviting or notifying minority populations, other private non-profit organizations and government organizations; the jurisdiction should be geographically represented as well.

(2) The members of each Local Board will elect a chair.

(3) Local Board membership is not honorary; there are specific duties the board must perform. If a member cannot regularly attend meetings, the member should be replaced by another representative of the member's designated agency. If a member must be absent from a meeting, the member's organization may designate an alternate.

(4) If a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board as described above. If there is no local United Way, or it does not convene the board, the local American Red Cross, the local Salvation Army, or a local government official will be responsible for convening the initial meeting of the Local Board.

(5) If a locality has previously received National Board funding, the former chairman of the Local Board will be contacted regarding any new funding the locality is designated to receive.

(6) Each award phase is new; therefore, the Local Board is a new entity in every phase. The convener of the Local Board must ask each agency to designate or redesignate a representative every program year.

(7) The National Board requires Local Boards to select one of the following options for meetings:

(i) Quarterly Meetings: Local Boards are encouraged to meet quarterly to ensure LROs are implementing the program according to guidelines. Meetings may be conducted via conference calls.

(ii) Semiannual Meetings: Local Boards meeting twice a year must also ensure that LROs are implementing the program according to guidelines. Ongoing monitoring activities must take place. Local Boards electing to hold meetings semiannually will be required to submit copies of their meeting minutes with the jurisdiction's final report.

(8) A majority of members must be present for the meeting to be official. Attendance and decision-making minutes must be kept. Meeting minutes must be approved by the Local Board at the next meeting. They must also be available to the National Board, Federal authorities, and the public on request.

(9) The Local Board will have 25 working days after the notification of the award selection by the National Board in which to advertise and promote the program to give any organization capable of providing emergency services an opportunity to apply for funds. Advertising must take place prior to the Local Board's allocation of funds. Failure to advertise properly will delay processing of the jurisdiction's board plan and subsequent payment of funds. Local Boards should allow at least one week for interested organizations to apply for funding. (Local Boards are not required to re-advertise fund availability for supplemental allocations within the same spending period.

(10) The Local Board recommends which local organizations should receive grants and the amounts of the grants. Local Boards must have a written application process and consider all private voluntary and public organization applicants. In selecting LROs to receive funds, the Local Board must consider the demonstrated ability of an organization to provide food and/or shelter assistance. Local Board members should strive to use consistent criteria, sound judgment and fairness in their approach. Local Board membership must have no relationship to funding. Local Board members must abstain from voting on their own grant awards. LROs should be selected to receive funds to supplement and extend eligible on-going services, not be funded in anticipation of a needed service (i.e., fire victims, floods, tornadoes, etc.); neither should agencies be selected for funding due to budget shortfalls nor for cuts in other funding sources.

LROs that received awards from previous legislation may again be eligible provided that the LRO still meets eligibility requirements. Agencies on Indian reservations are eligible to receive EFSP monies, if they meet LRO requirements.

The minimum grant per LRO is $300 and only whole-dollar amounts may be allocated. The Local Board should be prepared to justify an allocation of one-third (1/3) or more of its total award to a single LRO.

(11) Local Boards are responsible for monitoring LROs that receive over $100,000 in Federal funds and ensuring that they comply with OMB Circular A–133.

(12) Local Boards must complete and return all required forms to the National Board. (Local Board Plan, Local Board Certification Form, and Local Board Roster).

(13) Local Boards shall secure and retain signed forms from each LRO certifying that program guidelines have been read and understood, and that the LROs will comply with cost eligibility and reporting requirements.

(14) Local Boards must establish a system to ensure that no duplication of service occurs within the expenditure categories of rent, mortgage or utility assistance (RMU). Local Boards are free to establish any system as long as no duplication of rent/mortgage or utility assistance can take place under reasonable circumstances.

(15) Establish client eligibility, at Local Board's discretion. Local Boards may determine client eligibility for EFSP or utilize established LRO

eligibility. A separate needs test for assistance under EFSP may be developed and used by LROs, but should first be approved by the Local Board. The Local Board should communicate eligibility criteria for assistance under EFSP to LROs.

(16) Local Boards must notify the National Board of changes in the Local Board chair, staff contact, or LRO contacts, including complete addresses and phone numbers.

(17) Local Boards that determine they can better utilize their resources by merging with neighboring boards may do so. The head of government or his or her designee for each jurisdiction must sit on the merged board, along with agency representatives from each jurisdiction. The merged Local Board must ensure that the award amount designated for each civil jurisdiction is used to provide assistance to individuals within that jurisdiction.

(18) Local Boards are required to be familiar with current guidelines and to provide technical assistance to service providers. Advice and counsel can be provided by National Board staff.

(19) An appeals process must be established to address participation or funding, to hear and resolve appeals made by funded or non-funded organizations, and to investigate complaints made by individuals or organizations. Appeals should be handled promptly. Cases that cannot be handled locally should be referred in writing to the National Board and include details on action that has been taken. Only when there is significant question of misapplication of guidelines, fraud, or other abuse on the part of the Local Board will the National Board consider action. Cases involving fraud or other misuse of Federal funds should be reported to the Office of the Inspector General, FEMA, in writing or by telephone at 1–800–323–8603.

(20) The chair of the Local Board or his or her designated staff will be the central coordination point of contact between the National Board and the LRO selected to receive assistance from EFSP.

(21) If requested by the National Board, the Local Board should nominate an appropriate feeding organization to receive surplus food from Department of Defense commissaries.

(22) Boards will be responsible for monitoring programs carried out by the LROs they have selected to receive funds. Local Boards should work with LROs to ensure that funds are being used to meet immediate food and shelter needs on an ongoing basis. Local Boards may not alter or change National Board cost eligibility or approve expenditures outside the National Board's criteria without National Board permission. An interim report of expenditures is due to the National Board with each LRO's second check request. A final report (accompanied by financial documentation for specified LROs) is due 45 days after the end of each jurisdiction's program. The National Board will provide forms for all required reports. Local Boards may request other reports from their LROs at an appropriate time (e.g., monthly or quarterly updates).

(23) The Local Board should reallocate funds whenever it determines that the original allocation plan does not reflect the actual need for services or if an LRO is unable to use its full award effectively. Funds must be recovered and may be reallocated if an LRO makes ineligible expenditures or uses funds for items that have clearly not been approved by the Local Board. Funds held in escrow for LROs which have unresolved compliance problems can be reallocated or may be reclaimed by the National Board. The deadline to reallocate any funds held in escrow is July 31, 1997.

The Local Board may approve reallocation of funds between LROs that are already participating in the program. However, the National Board must be notified in writing. The Local Board may also return funds to the National Board for reissuance to another LRO or request reallocation of remaining funds before they are released by the National Board (e.g., second/third payments).

If the Local Board wishes to reallocate funds to an agency that was not approved on the original board plan, a written request for approval must be made to the National Board. An LRO must be approved by the National Board prior to receipt of funds.

Local Boards can reallocate funds from one service to another (e.g., from food to shelter) without National Board approval if the transfer is within an individual LRO.

If a Local Board is unable to satisfy the National Board that it can utilize funds in accordance with this plan, the National Board may reallocate the funds to other jurisdictions.

(24) Should anyone have reason to suspect that EFSP funds are being used for purposes contrary to the law and guidelines governing the program, the National Board recommends taking action to assist in bringing such practices to a halt.

The National Board requires that the Office of the Inspector General, FEMA, be contacted immediately when fraud, theft, or other criminal activity is suspected in connection with the use of EFSP funds, or the operation of a facility receiving EFSP funds. This notification can be made by calling the Inspector General's Hotline at 1–800–323–8603, or in writing to: Office of the Inspector General, FEMA, 500 C Street S.W., Washington, DC 20472. The complainant should include as much information as possible to support the allegation and preferably furnish his/her name and telephone number so that the special agent assigned to that office may make a follow-up contact. The confidentiality of any communication made with the Office of Inspector General is protected by Federal law.

A complainant desiring to remain totally anonymous should make a follow-up phone call to the Office of the Inspector General within 30 days from the date of the original complaint so that any follow-up questions may be asked. Follow-up calls should be made to 1–202–646–3894 during normal business hours, Eastern Standard Time (charges may be reversed). The caller should advise that he/she is making a follow-up call regarding a prior anonymous complaint. The Office of the Inspector General, FEMA, will appropriately notify both local law enforcement authorities and the National Board concerning the substance of the allegations and the results of the investigation.

(25) Reports to the National Board on LROs' expenditures shall be submitted as of the date each LROs second/third check is requested and a final report should be submitted within 45 days after the jurisdiction's end-of-program date.

(26) After the close of the program, the accuracy of all LROs' reports and documentation shall be reviewed. Documentation for specified LROs should be forwarded to the National Board as requested. In the event expenditures violate the eligible costs under this award, the Local Board must require reimbursement to the National Board.

Local Boards are required to remain in operation until all program and compliance requirements of the National Board have been satisfied. All records related to the program must be retained for three (3) years from the end-of-program date.

(27) Each jurisdiction will be granted the option to extend its spending period by 30, 60, or 90 days. This option will be offered during the summer of each phase. The extension applies to the entire jurisdiction. Should the jurisdiction receive a grant in the next phase, that phase's spending period will begin the day after the chosen end-date.

5.1 Variances and Waivers

(a) *Variances.* Local Boards may receive requests for variances in the budgets they have approved for LROs. Local Boards may allow such changes provided that the requested items are eligible under this program. If there is any doubt on the part of the Local Board as to eligibility, it should contact the National Board for clarification.

If an expenditure requested by an LRO falls outside the program guidelines, the Local Board, if in accord, should request in writing a waiver from the National Board in advance of the expenditure.

(b) *Waivers.* Waivers requested because of a compliance exception must be submitted to the Local and then National Board for review. National Board staff will evaluate waiver requests and use discretion to approve or deny requests. In general, the National Board considers waiver requests that are not within the guidelines, but address the program's intent.

The waiver request from the Local Board should clearly state the need for this exception, approximate costs, timelines or any other pertinent information it deems necessary for the National Board to make their decision.

6.0 Local Recipient Organizations' Roles and Responsibilities

(a) *Local Recipient Organizations' roles and responsibilities.*

(1) In selecting LROs to receive funds, the Local Board must consider the demonstrated ability of an organization to provide food and shelter assistance. LROs should be selected to receive funds to supplement and extend eligible ongoing services, not to be funded in anticipation of a needed service (i.e., fire, flood, or tornado victims); neither should agencies be selected for funding due to budget shortfalls nor for cuts in other funding sources. Local participation in the program is not limited to organizations that are part of any State or national organization. Agencies on Indian reservations are eligible to receive EFSP funds if they meet LRO requirements as set forth in the program manual. Organizations that received awards from previous legislation may again be eligible provided that the organization still meets eligibility requirements.

(2) For a local organization to be eligible for funding it must:

(i) Be nonprofit or an agency of government;

(ii) Have an accounting system or an approved fiscal agent;

(iii) Have a Federal employer identification number (FEIN), or be in the process of securing FEIN (Note: contact local IRS office for more information on securing FEIN and the necessary form [SS–4];

(iv) Conduct an independent annual audit if receiving $25,000 or more from EFSP;

(v) Practice nondiscrimination (those agencies with a religious affiliation wishing to participate in the program must agree not to refuse services to an applicant based on religion or require attendance at religious services as a condition of assistance, nor will such groups engage in any religious proselytizing in any program receiving EFSP funds); and,

(vi) For private voluntary organizations, have a voluntary board.

Each LRO will be responsible for certifying in writing to the Local Board that it has read and agrees to abide by the cost eligibility and reporting standards of this publication and any other requirements made by the Local Board.

An LRO may not operate as a vendor for itself or other LROs except for the shared maintenance fee for food banks.

(3) LROs selected for funding must:

(i) Maintain records according to the guidelines set forth in the manual. Consult the Local Board chair/staff on matters requiring interpretation or clarification prior to incurring an expense or entering into a contract. It is important to have a thorough understanding of these guidelines to avoid ineligible expenditures and consequent repayment of funds. LROs' questions can be answered by National Board staff at (703) 706–9660.

(ii) Provide services within the intent of the program. Funds are to be used to supplement and extend food and shelter services, not as a substitute for other program funds. LROs should take the most cost-effective approach in buying or leasing eligible items/services, and should limit purchases to essential items within the $300 limit for equipment, unless prior approval has been granted by the National Board.

(iii) Deposit funds for this program in a federally insured bank account. Proper documentation must be maintained for all expenditures under this program according to the guidelines. Agencies should ensure that selected banks will return canceled checks. LROs' expenditures and documentation will be subject to review for program compliance by the Local Board, National Board or Federal authorities. Records must be maintained for three years and any interest income must be put back into program expenditures.

6.1 Independent Annual Audit Requirements

(a) *LROs receiving $25,000 or less in EFSP funding.* No independent annual audit will be required for these LROs.

(b) *LROs receiving $25,000 or more in EFSP funding.* An independent annual audit in accordance with Government Auditing Standards will be required for these LROs.

The National Board will accept an LROs national/regional annual audit if the following conditions are met:

(1) The LRO is truly a subsidiary of the national organization (i.e., shares a single Federal tax exemption).

(2) The LRO is audited by the national/regional office internal auditors or other person designated by the national/regional office AND the national/regional office is audited by an independent certified public accountant or public accounting firm, which includes the parent organization's review of the LRO in a larger audit review.

(3) A copy of the local audit review by the parent organization along with a copy of the independent audit of the national/regional office will be made available to the National Board upon request.

In addition to the above requirements, any LRO receiving $100,000 or more in combined federal funds must have an audit made in accordance with OMB Circulars A–128 or A–133, as applicable.

Audits of units of government shall be made annually unless State or local government had, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. For those governments' biennial audits, covering both years are permitted.

6.2 Fiscal Agent/Fiscal Conduit Relationship

(a) For National Board purposes, a fiscal agent is an agency that maintains all EFSP financial records for another agency. A fiscal conduit is an EFSP-funded agency that maintains all EFSP financial records on behalf of one or more agencies under a single grant. If any one agency in a jurisdiction is making bulk purchases for other agencies not funded directly, it must serve as a fiscal conduit and follow all rules, thereof.

(b) The fiscal agent/fiscal conduit is the organization responsible for the receipt of funds, disbursement of funds to vendors, and documentation of funds received. The fiscal agent/fiscal conduit must meet all of the requirements of an LRO.

(c) Local Boards may wish to use a fiscal agent/fiscal conduit when they

desire to fund an agency that does not have an adequate accounting system nor conducts an annual audit, but nevertheless meets all other criteria. The Local Board may authorize funds to be channeled through another agency which has been designated as the fiscal agent/conduit. Fiscal agents/conduits will be held accountable for compliance with program requirements.

(d) Any agency benefitting from funds received by a fiscal agent/fiscal conduit must meet all of the criteria to be an LRO except the accounting system and annual audit requirements and sign the Fiscal Agent/Fiscal Conduit Relationship Certification Form. For tracking purposes, all agencies funded through fiscal agents or fiscal conduits must secure a Federal Employer's Identification Number.

(e) Fiscal agents/fiscal conduits may cut checks to vendors only. They may not cut checks to the agencies on whose behalf they are acting or to agencies/sites under their "umbrella." The exception to this is when an agency is using the per diem allowance for mass shelters or the per meal allowance for served meals.

(f) Fiscal agents will be required to submit individual interim and final reports for each agency. Fiscal conduits will file a single interim report on their awards along with a breakdown of agencies and spending with the final report.

(g) Any LRO with an outstanding compliance exception may not be funded under a fiscal agent/fiscal conduit. If a fiscal agent has an unresolved compliance exception, any other funds awarded to the fiscal agent (either as a grant for its own program or as fiscal agent for another agency) will be held in escrow until all compliance exceptions are resolved. Fiscal conduits will be audited as a single award, and will be handled as any other LRO.

6.3 Financial Terms and Conditions

(a) *Definitions.*

"Local Recipient Organization" refers to the local private or public organizations that will receive any award of funds from the National Board.

"Award" refers to the award of funds made by the National Board to a local private or public organization on the recommendation of a Local Board.

"End-of-program date" refers to the date, as agreed upon by Local and National Board, by which all monies in a given jurisdiction must be spent or returned.

(b) *Amendments.*

An award may be amended at any time by a written modification. Amendments that reflect the rights and obligations of either party shall be executed by both the National Board and the LRO. Administrative amendments such as changes in accounting data may be issued unilaterally by the National Board.

(c) *Local Board Authority Related to LROs.*

(1) The Local Board is responsible for monitoring expenditures of LROs providing food and/or shelter services, authorizing the adjustment of funds between food and shelter programs, and reallocating funds from one LRO to another.

(2) Local Boards *may not* alter or change National Board cost eligibility or approve expenditures outside the National Board's criteria without National Board permission. (Refer to Section 3.1 on Variances and Waivers.)

(3) A Local Board can call back funds from an LRO and reallocate to another LRO in the case of gross negligence, inadequate use of funds, failure to use funds, failure to use funds for purposes intended, or for any other violation of the National Board guidelines, or in cases of critical need in the community. The Local Board must advise, in writing, all concerned LROs of any reallocation of their original award.

(4) In the event the Local Board discovers ineligible expenditures by an LRO, the Local Board must send to the organization a written request for reimbursement of the amount. The National Board must also be notified. If the LRO is unwilling or unable to reimburse the National Board for the ineligible expenditures, the Local Board must refer the matter to the National Board. The National Board may ask the Local Board to take further action to see that reimbursement of ineligible expenditures is made to the National Board, or the National Board may refer the matter to FEMA.

If the Local Board suspects that fraud has been committed by an LRO, the Local Board must contact the Office of the Inspector General, FEMA, in writing or by telephone at 1–800–323–8603 with details of suspected fraud or misuse of Federal funds.

(5) If an LRO received an award under previous phases, it must not include those funds in any reporting for the present awards. Reports should be confined to the amount granted by the National Board under the new appropriations legislation.

(d) *Cash Depositories.*

(1) Any money advanced to the LRO under the terms of this award must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) or Federal Savings & Loan Insurance Corporation (FSLIC) insurance coverage (whose responsibility has been taken over by FDIC), and the balance exceeding the FDIC or FSLIC coverage must be collaterally secured. Interest income earned on these monies must be put back into program costs.

(2) LROs are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). This is consistent with the national goal of expanding the opportunities for minority business enterprises. A list of minority-owned banks can be obtained from the Office of Minority Business Enterprises, Department of Commerce, Washington, DC 20203.

(e) *Retention and Custodial Requirements for Records.*

(1) Financial records, supporting documentation, statistical records, and all other records pertinent to the award shall be retained for a period of three years, with the following exceptions:

(i) If any litigation, claim or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

(ii) Records for nonexpendable property, if any, acquired in part with Federal funds shall be retained for three years after submission of a final report. Nonexpendable property is defined as tangible property having a useful life of more than one year and an acquisition cost of more than $300 per unit.

(2) The retention period starts from the date of the submission by the LRO of the final expenditure report.

(3) The National Board may request transfer of certain records to its custody from the LRO when it determines that the records possess long-term retention value. The LRO shall make such transfers as requested.

(4) The Director of FEMA, the Comptroller General of the United States, and the National Board, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient organization, and its subgrantees to make audits, examinations, excerpts and transcripts.

(f) *Financial management systems.*

(1) The LRO/fiscal agent or fiscal conduit shall maintain a financial management system that provides for the following:

(i) Accurate, current and complete disclosures of the financial results of this program.

(ii) Records that identify adequately the source and application of funds for federally supported activities. These records shall contain information pertaining to Federal awards,

authorizations, obligations, unobligated balances, assets, outlays, and incomes.

(iii) Effective control over and accountability for all funds, property, and other assets.

(iv) Procedures for determining eligibility of costs in accordance with the provisions of the EFSP manual.

(v) Accounting records that are supported by source documentation. The LRO must maintain and retain a register of cash receipts and disbursements and original supporting documentation such as purchase orders, invoices, canceled checks, and whatever other documentation is necessary to support its costs under the program.

(vi) A systematic method to ensure timely and appropriate resolution of audit findings and recommendations.

(vii) In cases where more than one civil jurisdiction (e.g., a city and a balance of county, or several counties) recommends awards to the same LRO, the organization can combine these funds in a single account. However, separate program records for each civil jurisdiction award must be kept.

(h) *Payment.*

A first payment shall be made to the LRO by the Secretariat upon recommendation of the Local Board and approval by the National Board. Second check requests include an interim report to be completed by each LRO. The request is signed by the Local Board Chair, and mailed to the National Board. Second/third installments will be held until the jurisdiction's final Local Board report and documentation for the previous year has been reviewed and found to be clear.

(i) *Financial reporting requirements.*

LROs shall submit a financial status report to the Local Board which will be forwarded to the National Board 45 days after the jurisdiction's program ending date.

The National Board shall provide the LRO, through the Local Board, with the necessary report forms well in advance of report deadlines.

(j) *Closeout procedures.*

(1) The following definitions shall apply to closeout procedures:

"Close-out" is the process by which the National Board determines that all applicable administrative actions and all required work of the award have been completed.

"Disallowed costs" are those charges that the National Board determined to be unallowable in accordance with the legislation, National Board requirements, applicable Federal cost principles, or other conditions contained in the award. The applicable cost principles for Private Voluntary Organizations are contained in OMB Circular A–122, "Cost Principles Applicable for Non-Profit Agencies," and OMB Circular A–110, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." The applicable cost principles for Public Organizations are contained in OMB Circular A–87, "Cost Principles for State Agencies and Units of Local Governments." If you are unsure of where to find these circulars, check with your local Congressional Representative.

(k) *Suspension and Termination Procedures.*

(1) The following definitions shall apply:

(i) "Termination" of the award means the cancellation of Federal assistance, in whole or in part, under the award at any time prior to the date of completion.

(ii) "Suspension" of the award is an action by the Local Board or National Board that temporarily suspends Federal assistance under the award pending corrective action by the LRO or pending a decision by the National Board to terminate the award.

(iii) "Local Board Authority" is authority to suspend/reallocate all or a portion of an LRO's award at its discretion for any cause (i.e., inability to deliver services, suspected fraud, violation of eligible costs, changing need in the community, etc.).

(l) *Lobbying.*

(1) Public Law 101–121, Section 319, states that an LRO shall not use Federally appropriated grant funds for lobbying activities. This condition bars the use of Federal money for political activities, but does not in any way restrict lobbying or political activities paid for with non-Federal funds. This condition prohibits the use of Federal grant funds for the following activities:

(i) Federal, State or local electioneering and support of such entities as campaign organizations and political action committees;

(ii) Direct lobbying of the Congress and State legislatures to influence legislation;

(iii) Grassroots lobbying concerning either Federal or State legislation;

(iv) Lobbying of the Executive branch in connection with decisions to sign or veto enrolled legislation; and,

(v) Efforts to utilize State or local officials to lobby the Congressional or State Legislatures.

(2) Any LRO that will receive more than $100,000 in EFSP funds is required to submit the following prior to grant payment:

(i) A certification form that EFSP funds will not be used for lobbying activities; and,

(ii) A disclosure of lobbying activities (if applicable). This certification and disclosure must be submitted prior to grant payment.

6.4 Grant Payment Process

United Way of America has been designated as the fiscal agent for the National Board and as such will process all Local Board plans. Payments will be made to organizations recommended by Local Boards for funding.

The National Board offers two methods of payment to LROs: direct deposit (electronic funds transfer) or checks. The National Board encourages LROs to take advantage of direct deposit where possible.

All awards totaling less than $100,000 will be paid in two equal installments. Awards totaling $100,000 or more will be paid in two equal installments upon submission of lobbying certification and disclosure.

The National Board will distribute second payments once the jurisdiction's compliance review is completed for the previous program period. Second payments will be held in escrow until all compliance exceptions are satisfied by the LRO. The deadline to request all second payments under Phase XV is July 31, 1997. Therefore, for those LROs ineligible to receive their second checks due to unresolved compliance exceptions, Local Boards must reallocate their escrowed awards by July 31, 1997.

All payments will be mailed directly to the LRO. Second payments will be mailed to the LRO only upon the written request of the Local Board Chair along with the LRO's interim report. The Local Board will authorize second payments once they are assured that the organization is implementing the current program as intended and according to these guidelines.

6.5 Eligibility of Costs

The intent of this appropriation is for the purchase of food and shelter to supplement and extend current available resources and not to substitute or reimburse ongoing programs and services. Questions regarding interpretation of the program's guidelines should be cleared by the LRO with the Local Board prior to action. Local Boards unsure of the meaning of these guidelines should contact the National Board at (703) 706–9660 for clarification prior to advising the LRO. If an expenditure requested by an LRO is not listed below as eligible, the Local Board has the option of requesting a

waiver from the National Board for consideration.

No individual or family may be charged a fee for service with relation to assistance under EFSP.

(a) *Eligible Program Costs.*

Eligible program costs include, but are not limited to:

For food banks/pantries, eligible costs include:

(1) Groceries, food vouchers, vegetable seeds, gift certificates for food. Documentation required: receipts/invoices for food purchased and canceled checks.

(2) An allowance for maintenance fees charged by food banks can be granted by a Local Board at the prevailing rate. EFSP funds cannot be used to pay such a maintenance fee twice: by a food bank and by the food pantry/agency it is serving. Food banks may operate as both a vendor and LRO. Documentation required: receipts/invoices for food purchased and canceled checks.

(3) Transportation expenses related to the delivery of purchased and donated food; limited to actual fuel costs. Documentation required: (1) mileage log at the current Federal rate (30 cents per mile), with departure, destination and trip purpose; or, (2) receipts/invoices from contracted services or public transportation, receipts for actual fuel costs; and canceled checks.

(4) Purchase of small equipment not exceeding $300 per item and essential to operation of food bank or pantry (e.g., shelving, storage containers). Documentation required: receipts/invoices for equipment purchased and canceled checks.

(5) Purchase of consumable supplies essential to distribution of food (e.g., bags, boxes). Documentation required: receipts/invoices for supplies purchased and canceled checks.

For mass shelters (five or more beds) or mass feeding sites, eligible expenditures include:

(6) Food (hot meals, groceries, food vouchers). Limited amounts of dessert items (i.e., cookies, ice cream, candy, etc.) used as a part of a daily diet plan may be purchased. Also allowable are vegetable seeds and vegetable plants cultivated in an agency's garden on-site and canning supplies. Documentation required: receipts/invoices for food purchased and canceled checks or served meals per diem schedule).

(7) Local transportation expenses for picking up/delivery of food; transporting clients to mass shelter or feeding site. Limited to actual fuel costs, a mileage log at the current Federal rate (30 cents per mile), contracted services or public transportation. Documentation required: (1) mileage log, or (2) receipts/invoices from contracted services or public transportation, receipts for actual fuel costs, and canceled checks.

(8) Purchase of consumable supplies essential to mass feeding (i.e., plastic cups, utensils, detergent, etc.) or mass shelters of five or more beds (i.e., soap, toothbrushes, toothpaste, cleaning supplies, etc.) Documentation required: receipts/invoices for supplies purchased and canceled checks.

(9) Purchase of small equipment not exceeding $300 per item and essential to mass feeding (i.e., pots, pans, toasters, blenders, etc.) or mass shelters (i.e., cots, blankets, linens, etc.). Documentation required: receipts/invoices for equipment purchased and canceled checks.

(10) Leasing, only for the program period, of capital equipment associated with mass feeding or mass shelter (e.g., stoves, freezers, or vans with costs over $300 per item) only if approved in advance by the Local Board. Documentation required: written Local Board approval, copy of lease agreement, and canceled checks.

(11) With prior Local Board approval, minor emergency repair of small equipment essential to mass feeding or sheltering not exceeding $300 in repair costs per item. Equipment eligible for repairs are any that if not repaired would force the LRO to terminate or curtail services (e.g. stove, refrigerator, hot water heater). Routine maintenance and service contracts are not eligible expenses. Documentation required: receipts or bills for equipment repair and canceled checks.

(12) Limited amounts of basic first-aid supplies (e.g., aspirin, band-aids, cough syrup) for mass shelter providers and mass feeding sites only. Documentation required: receipts/invoices for first-aid supplies and canceled checks.

(13) Emergency repairs/building code of a mass feeding facility or mass shelter, provided:

(i) The facility is owned by a not-for-profit organization (profit-making facilities, leased facilities, government facilities, and individual residences are not eligible); and,

(ii) The emergency repair/building code plan and the contract detailing work to be done and material and equipment to be used or purchased is approved by the Local Board prior to the start of the emergency repair/building code project; and,

(iii) The emergency repair/building code is limited to:

(A) Bring facility into compliance with local building codes; or,

(B) An emergency repair that is required to keep the facility open for the current program phase.

(C) Maximum expenditure: $2,500.

(D) No award funds are used for decorative or non-essential purposes or routine maintenance/repairs.

(E) All emergency repair work is completed and paid for by the end of the jurisdiction's award phase. (Expenses which occur after that date will not be accepted as eligible costs.) Documentation required: letter from Local Board indicating approval and amount approved, copy of contract including cost or invoices for supplies and contract labor, document citing building code violation requiring the repair (for building code repairs) and canceled checks.

(14) Expenses incurred from accessibility improvements for the disabled are eligible for mass feeding or mass shelter facilities up to a limit of $2,500. These improvements may include those required by the Americans with Disabilities Act of 1990. A building code citation is not necessary for accessibility improvements. Note: All social service providers are mandated to comply with the Americans with Disabilities Act of 1990. Documentation required: copy of contract describing work to be done including cost, letter from Local Board indicating approval and amount approved, and canceled checks.

For mass shelter providers, there are two options for eligible costs. One option must be selected at the beginning of the program year and continued throughout the entire year. Note the documentation requirements for each option.

(15) Reimbursement of actual direct eligible costs; in which case canceled checks and vendor invoices for supplies/equipment essential to the operation of the mass shelter (e.g., cots, mattresses, soap, linens, blankets, cleaning supplies, etc.) must be maintained. Documentation required: receipts/invoices from vendor relating to operation of facility and canceled checks.

(16) Per diem allowance of exactly $5 per person or exactly $10 per person per night for mass shelter (five beds or more) providers, only if:

(i) Approved in advance by the Local Board; and,

(ii) LROs total mass shelter award is expended in this manner.

Note: It is the decision of the Local Board to choose between the $5/$10 rate. This rate may vary from agency to agency. The $5/$10 per diem, if elected, may be expended by the LRO for any cost related to the operation of the mass shelter; it is not limited to otherwise eligible items. The per diem allowance does not include the additional costs associated with food. Documentation required: schedule

showing daily rate of $5 or $10 and number of persons sheltered by date with totals. Supporting documentation must be retained on-site, e.g., checks, invoices and service records.

For mass feeding programs, there are two options for eligible costs. One option must be selected at the beginning of the program year and continued throughout the entire year. Note the documentation requirements for each option.

(17) Reimbursement of actual direct eligible costs; in which case canceled checks and vendor invoices for supplies/equipment essential to the operation of the mass feeding programs (e.g., food, paper products, cleaning products, pots and pans, etc.) must be maintained. Documentation required: receipts/invoices from vendor relating to operation of facility and canceled checks.

(18) Per meal allowance of $1.50 per meal served only if:

(i) Approved in advance by the Local Board; and,

(ii) LRO's total mass feeding award is expended in this manner. The $1.50 per meal allowance, if elected, may be expended by the LRO for any related cost; it is not limited to otherwise eligible items. The per meal allowance does not include the additional costs associated with shelter. Documentation required: schedule showing meal rate of $1.50 and number of meals served by date with totals. Supporting documentation must be retained on-site, e.g., checks/invoices and service records.

(19) For all agencies, eligible costs include the purchase of diapers for distribution to individuals/families. Vouchers to grocery stores may include diapers.

Note: Local Boards should use discretion in selecting LROs to provide this service, taking into consideration the cost effectiveness of bulk purchasing. Documentation required: receipts/invoices for diapers purchased and canceled checks.

For rent/mortgage assistance, eligible program costs include:

(20) Limited emergency rent or mortgage assistance for individuals or families, provided that:

(i) Payment is in arrears or due within 5 days; and,

(ii) All other resources have been exhausted; and,

(iii) The client is primary resident of the home in which rent/mortgage is being paid and responsible for the rent/mortgage on the home or apartment where the rent/mortgage assistance is to be paid;

(iv) Payment is limited to one month's cost for each individual or family. Assistance can be provided for a full month's rent/mortgage all at one time, or in separate payments over a period of up to 90 consecutive days so long as the total amount paid does not exceed one month's costs;

(v) Assistance is provided only once in each award phase for each individual or family; and,

(vi) Payment must guarantee an additional 30 days service.

Note: Late fees, legal fees, and deposits are ineligible. Payments for trailers and lots are eligible and can be paid to a mortgage company or to a private landlord. Documentation required: letters from landlords (must include amount of one month's rent and statement that rent is past due), mortgage letters and/or copy of loan coupon showing mortgage amount and date due and canceled checks.

(21) First month's rent may be paid when an individual or family:

(i) Is transient and plans to stay in the area for an extended period of time; or,

(ii) Is moving from a temporary shelter to a more permanent living arrangement; or,

(iii) Is being evicted because one month payment will not forestall eviction.

The first month's rent cannot be provided in addition to emergency rent/mortgage payment under Item 20 above. It can be provided in addition to assistance provided for off-site and mass shelter. Documentation required: letters from landlords (must include amount of first month's rent) and canceled checks.

For utility assistance, eligible program costs include:

(22) Limited utility assistance (includes gas, coal, electricity, oil, water, firewood) for individuals or families, provided that:

(i) Payment is in arrears; and,

(ii) All other resources have been exhausted (e.g., State's Low Income Home Energy Assistance Program); and,

(iii) Payment is limited to one month's cost for each utility for each individual or family; and,

(iv) Month paid is part of the arrearage and from current phase or for continuous service; and,

(v) Each utility can be paid only once in each award phase for any individual or family.

(vi) Payment must guarantee an additional 30 days service. Note: Reconnect are eligible. Late fees and deposits are ineligible. Utility assistance can be provided in addition to eligible rent/mortgage assistance. The National Board encourages the use of the metered utility verification form (along with a copy of the past due utility bill) as the preferred method for verifying eligible utility assistance. Documentation required: (1) nonmetered utilities [e.g., propane, firewood], receipts/invoices for fuel including due date and canceled checks; (2) metered utilities [e.g., electricity, water], copy of past due utility bill showing one month's charges including due date and canceled checks. Note: utility disconnect and termination notices often do not show amount owed by month. This information must verified with the utility company and written onto the notice or metered utility verification form if not included.

For other shelter assistance, eligible program costs include:

(23) Off-site emergency lodging in a hotel or motel, or other off-site shelter facility provided:

(i) No appropriate on-site shelter is available; and,

(ii) It is limited to 30-days' assistance per individual or family during the program period. Note: Assistance may be extended in extreme cases with prior Local Board written approval. A copy of this approval should accompany LRO's documentation. Note: An LRO may not operate as a vendor for itself or other LROs, except for shared maintenance fee for food banks. Documentation required: receipts/invoices from off-site shelter (hotel/motel) and canceled checks.

(b) *Ineligible Program Costs.*

Purposes for which funds CANNOT BE USED include, but are not limited to:

(1) Cash payments of any kind including checks made out to cash or reimbursements to staff, volunteers or clients for program purchases.

(2) Deposits of any kind.

(3) Payment of more than one month's rent amount.

(4) Payment of more than one month's mortgage, first month's mortgage, or down payment on mortgage.

(5) Transportation of people not related to the direct provision of food or shelter (e.g. to another agency, another city, relative's home, transportation to jobs, health care, etc.).

(6) Payment of more than one month's portion of an accumulated utility bill.

(7) Payments made directly to a client.

(8) Rental security; deposits; revolving loan accounts.

(9) Real property (land or buildings) costing more than $300.

(10) Property taxes of any kind.

(11) Equipment costing more than $300 per item (e.g., vehicles, freezers, washers).

(12) Emergency repairs/building code or rehabilitation to government-owned or profit-making facilities or leased facilities.

(13) Routine maintenance of agency facilities; routine maintenance or service contracts on equipment.

(14) Rehabilitation for expansion of service.

(15) Repairs of any kind to an individual's house or apartment.

(16) Purchase of supplies or equipment for an individual's home or private use.

(17) Lease-purchase agreements.

(18) Administrative cost reimbursement to State or regional offices of governmental or voluntary organizations.

(18) Lobbying efforts.

(19) Expenditures made prior to beginning of jurisdiction's program.

(20) Expenditures made after end of jurisdiction's program.

(21) Gas or repairs for client-owned transportation.

(22) Repairs to LRO-owned vehicles.

(23) Prescription medication or medical supplies.

(24) Clothing (except underwear/diapers for clients of mass shelters, if necessary).

(25) Payments for expenses not incurred (i.e., where no goods or services have been provided during new program period).

(26) Emergency assistance for natural disaster victims.

(i) Supplies bought for and in anticipation of a natural disaster.

(27) Telephone costs, except as administrative allowance and limited to the total allowance (2 percent).

(28) Salaries, except as administrative allowance and limited to the total allowance (2 percent).

(29) Office equipment, except as administrative allowance and limited to the total allowance (2 percent).

(30) LRO may not operate as a vendor for itself or other LROs, except for shared maintenance fee for food banks.

(31) Direct expenses associated with new or expanded services or to prevent closing.

(32) Increased utility costs due to expansion of service.

(33) Encumbrance of funds for shelter, emergency repairs, utilities, that is, payments for goods or services that are purchased and are to be delivered at a later date. Also, withholding assistance in anticipation of a future need (e.g., holiday events, speciel programs).

(34) Supplementing foster care costs, where an LRO has already received payment for basic boarding of a client. Comprehensive foster care costs beyond food and shelter are not allowed.

(35) No fee for service may be charged to individuals or families in order to receive service.

(c) *Administrative allowance.*

(1) There is an administrative allowance limitation of two percent (2%) of total funds received by the Local Board, excluding any interest earned. This allowance is a part of the total award, not in addition to the award. The local administrative allowance is intended for use by LROs or Local Boards and not for reimbursement of the program or administrative costs that a recipient's parent organization (its State or regional offices) might incur as a result of this additional funding.

(2) The Local Board may elect to use, for its own administrative costs, all or any portion of the 2 percent allowance. The decision on distribution of the allowance among LROs rests with the Local Board. No LRO may receive an allowance greater than 2 percent of that LRO's award amount unless the LRO is providing the administrative support for the Local Board and it is approved by the National Board.

(3) The SSA Committee, when in operation, may utilize a maximum of one-half of one percent (0.5%) for its administrative costs in allocating the SSA grant. As with Local Board awards, this administrative allowance is part of the total award, not in addition to the award.

(4) Any of the administrative allowance not used must be put back into program funds for additional services. Note: The administrative allowance may only be allocated in whole-dollar amounts.

Required Documentation: None with the final report; LROs receiving funds for administration must retain documentation that the funds were spent on the direct administration of EFSP.

6.6 Required Documentation

(a) *Documentation.*

LRO Documentation of EFSP expenditures requires copies of canceled checks (both sides) and itemized vendor invoices. An acceptable invoice has the following characteristics:

(1) It must be vendor originated;

(2) It must have name of vendor;

(3) It must have name of purchaser;

(4) It must have date of purchase;

(5) It must be itemized; and,

(6) It must have total cost of purchase.

Documentation may also include: per diem schedule, per meal allowance schedule, and mileage logs.

All LROs will be required to periodically submit documentation to the National Board to ensure continued program compliance. Any LRO receiving over $100,000 in Federal funds must comply with OMB Circular A–133.

(b) *Reports.*

In addition to the aforementioned documentation, reports to the Local Board must be submitted by their due date. Interim report/second and third check request forms will be enclosed in the LROs' first check package. When the LRO is ready to request its second/third check it must complete and sign the interim report and forward it to the Local Board for its review and approval. The reverse side (second/third check request) should be completed by the Local Board chair and mailed to the National Board. LROs must complete all portions of the final report form, return two copies to the Local Board, including one copy of documentation if requested, and retain a copy for their records.

The LRO must work with the Local Board to quickly clear up any problems related to compliance exception(s) at the end of the program.

7.0 Local Appeals Process

(a) *Fairness and openness.* An appeals process is a statement to eligible agencies and to the community at large that the Local Board is interested in fairness and openness.

A good appeals process begins with prevention. If the Local Board includes both representatives of affiliates of the National Board and representatives of other groups involved with assisting hungry and homeless people, it is less likely to experience an appeal. Similarly, if the Local Board's decision-making process is open, thorough, and even-handed, appeals are less likely.

It is the responsibility of the Local Board to establish a written appeals process. That process may be simple or elaborate, depending on the needs of the community.

(b) *Appeals guidelines.* The appeal process should meet the following guidelines:

(1) It should be available to agencies and to the public upon request;

(2) It should be timely, without undue delay;

(3) It should include the basis for appeal (e.g., Provision of information not previously available to the group making the appeal or to the Local Board; correction of erroneous information; violation of Federal or National Board guidelines; or allegation of bias, fraud, or misuse of Federal funds on the part of the Local Board may be cause for appeal);

(4) The decision should be communicated to the organization making the appeal in a timely manner. In the case of an appeal on the basis of fraud or other abuse of Federal funds, the agency making the appeal must be informed of the right of referral to the National Board;

(c) *Primary decision maker.* Except for cost and LRO eligibility, the Local Board

is the primary decision maker. Only when there is significant question of misapplication of guidelines, fraud, or other abuse on the part of the Local Board will the National Board consider action.

(d) *Common appeals practices.* The National Board does not mandate any particular appeals process. However, some Local Boards have developed processes which work well for them and may offer some help to other communities. Common practices include the following:

(1) Set a time period of not more than 30 days for agencies or organizations to appeal a funding decision;

(2) Require written notice of appeal, signed by the Chief Volunteer Officer of the organization making the appeal;

(3) The first level of appeal is usually to the Local Board, or to an executive committee of the board;

(e) *Appeals boards; delegations.* Some boards appoint one or more members to act as a liaison with the organization making the appeal:

(1) In the case of an appeal for the purpose of providing previously unavailable information or correction of erroneous information, the process usually ends with prompt notification of decision (within ten working days of appeal).

(2) In the case of appeals for the purpose of contesting alleged prejudice, violation of law or National Board guidelines, fraud, or misuse of Federal funds, some boards have allowed appeals to a group other than the board itself. This practice is not mandated but is permitted by the National Board. Such groups may simply be composed of different individuals representing the same organizations that make up the Local Board. They may also include an entirely different group of persons who have knowledge of the program and are deemed by the board to be both responsible and unbiased, and to hold the trust of the community at large.

(3) If the board chooses to delegate authority to any third party in an appeals process, the power and authority of that body should be clear. Is it simply advisory to the Local Board? Will the board abide by the decisions of this body as long as they are consistent with the law and the National Board guidelines?

(4) The disposition of appeals is often communicated by telephone to the chief professional and volunteer officers of the organization appealing immediately after a decision is made. In such cases, a written communication is sent as soon as possible confirming the action taken. The written communication is, of course, the official notification.

(f) *National Board role.* It is important to reaffirm that no single appeals process is mandated or advised by the National Board.

8.0 Allocations Formula

(a) *Designation of Target Areas.*

Local jurisdictions will be selected to receive funds from the National Board based on average unemployment statistics from the U.S. Department of Labor for the most current 12-month period (August 1, 1995–July 31, 1996) available. Also used are poverty statistics from the 1990 Census. The Board adopted this combined approach in order to target funds for high-need areas more effectively. Funds designated for a particular jurisdiction must be used to provide services within that jurisdiction.

The National Board based its determination of high-need jurisdictions on four factors:

(1) Most current twelve-month national unemployment rates;

(2) Total number of unemployed within a civil jurisdiction;

(3) Total number of individuals below the poverty level within a civil jurisdiction; and, (4) The total population of the civil jurisdiction.

In addition to unemployment, poverty was used to qualify a jurisdiction for receipt of an award.

(b) *Fiscal Year 1997 Formula.*

Jurisdictions were selected under Phase XV (PL 104–204) according to the following criteria:

(1) Jurisdictions, including balance of counties, with 18,000+ unemployed and a 4.5% rate of unemployment.

(2) Jurisdictions, including balance of counties, with 400 to 17,999 unemployed and a 6.8% rate of unemployment.

(3) Jurisdictions, including balance of counties, with 400 or more unemployed and an 11.7% rate of poverty.

Jurisdictions with a minimum of 400 unemployed may qualify for an award based upon their rate of unemployment or their rate of poverty. Once a jurisdiction's eligibility is established, the National Board will determine its fund distribution based on a ratio calculated as follows: the average number of unemployed within an eligible area divided by the average number of unemployed covered by the national program equals the area's portion of the award (less National Board administrative costs, and less that portion of program funds required to fulfill designated awards).

$$\frac{\text{Area's avg. no. unemployed}}{\text{Avg. no. unemployed in all eligible areas}} = \text{Area's percent of the award (less National Board's administrative costs and designated awards)}$$

Puerto Rico and U.S. territories will receive a designated percentage of the total award based on the decision of the National Board.

9.0 Amendments to Plan

The National Board reserves the right to amend this Plan at any time.

Dated: March 26, 1997.

Kay C. Goss,

Associate Director, Preparedness, Training and Exercise Directorate.

The following is a list of Phase XV (fiscal year 1997) allocations. These jurisdictions were notified in October, 1996, regarding this award.

State or territory	Jurisdiction	FY 97 award
Alabama	Autauga County	$14,048
	Baldwin County	45,084
	Barbour County	16,256
	Bibb County	8,271
	Blount County	12,199
	Bullock County	10,293
	Butler County	11,597

State or territory	Jurisdiction	FY 97 award
	Calhoun County	57,871
	Chambers County	15,511
	Cherokee County	8,601
	Chilton County	14,436
	Choctaw County	11,425
	Clarke County	21,832
	Cleburne County	6,207
	Coffee County	15,697
	Colbert County	27,638
	Conecuh County	12,085
	Covington County	20,227
	Crenshaw County	6,279
	Cullman County	28,943
	Dale County	18,679
	Dallas County	38,232
	De Kalb County	25,517
	Elmore County	17,417
	Escambia County	17,403
	Etowah County	42,876
	Fayette County	6,078
	Franklin County	17,962
	Geneva County	14,694
	Greene County	7,956
	Hale County	9,045
	Henry County	6,996
	Houston County	26,305
	Jackson County	34,734
	Jefferson County	187,590
	Lamar County	7,755
	Lauderdale County	39,121
	Lawrence County	17,159
	Lee County	26,749
	Limestone County	19,223
	Lowndes County	9,017
	Macon County	9,705
	Marengo County	13,461
	Marion County	15,640
	Marshall County	38,203
	Mobile County	176,939
	Monroe County	21,617
	Montgomery County	74,443
	Morgan County	43,077
	Perry County	9,633
	Pickens County	11,841
	Pike County	12,658
	Randolph County	10,995
	Russell County	20,657
	St. Clair County	14,321
	State Set-Aside Committee, AL	49,696
	Sumter County	11,941
	Talladega County	39,006
	Tallapoosa County	17,260
	Tuscaloosa County	44,453
	Walker County	30,104
	Washington County	11,827
	Wilcox County	9,045
	Winston County	11,726
Alaska	Bethel Census Area	7,770
	Fairbanks North Star Boro	44,339
	Kenai Peninsula Borough	40,296
	Ketchikan Gateway Borough	9,017
	Kodiak Island Borough	10,594
	Matanuska-Susitna Census	38,562
	Nome Census Area	6,623
	State Set-Aside Committee, AK	73,759
	Valdez-Cordova Census Area	7,956
	Wrangell-Petersburg Census	5,834
American Samoa	American Samoa	105,000
Arizona	Apache County	47,077
	Cochise County	54,975
	Coconino County	63,978
	Gila County	20,356
	Graham County	14,005
	La Paz County	9,418

State or territory	Jurisdiction	FY 97 award
	Maricopa County	623,193
	Mohave County	55,162
	Navajo County	66,085
	Pima County	176,308
	Pinal County	36,899
	Santa Cruz County	43,378
	State Set-Aside Committee, AZ	2,237
	Yavapai County	40,267
	Yuma County	251,941
Arkansas	Arkansas County	7,612
	Ashley County	9,390
	Baxter County	7,469
	Boone County	9,977
	Bradley County	6,207
	Carroll County	8,415
	Chicot County	7,927
	Clay County	7,927
	Cleburne County	7,211
	Columbia County	10,794
	Conway County	6,695
	Craighead County	22,248
	Crawford County	17,073
	Crittenden County	17,604
	Cross County	7,082
	Desha County	10,106
	Drew County	9,332
	Faulkner County	23,925
	Garland County	23,653
	Greene County	13,389
	Hempstead County	12,658
	Hot Spring County	8,271
	Independence County	14,765
	Jackson County	10,938
	Jefferson County	36,626
	Johnson County	5,763
	Lawrence County	7,469
	Lee County	6,666
	Little River County	5,791
	Logan County	6,924
	Lonoke County	12,773
	Miller County	15,253
	Mississippi County	33,616
	Ouachita County	16,772
	Phillips County	15,582
	Poinsett County	8,902
	Pope County	17,532
	Pulaski County	97,020
	Randolph County	12,701
	Sebastian County	37,028
	St. Francis County	16,973
	State Set-Aside Committee, AR	72,476
	Union County	19,410
	Washington County	27,796
	White County	24,685
California	Alameda County	313,825
	Amador County	14,091
	Butte County	112,474
	Calaveras County	20,628
	Colusa County	24,613
	Contra Costa County	355,397
	Del Norte County	16,657
	El Dorado County	71,160
	Fresno City/County	738,390
	Glenn County	25,603
	Humboldt County	69,009
	Imperial County	255,582
	Inyo County	9,232
	Kern County	533,483
	Kings County	87,574
	Lake County	40,239
	Lassen County	18,492
	Los Angeles City/County	5,099,363
	Madera County	107,184

State or territory	Jurisdiction	FY 97 award
	Mariposa County	10,121
	Mendocino County	53,470
	Merced County	203,660
	Modoc County	7,612
	Mono County	10,178
	Monterey County	301,913
	Napa County	49,800
	Nevada County	42,790
	Oakland City	222,338
	Orange County	903,216
	Placer County	87,746
	Plumas County	18,249
	Riverside County	788,420
	Sacramento County	509,400
	San Benito County	43,507
	San Bernardino County	768,967
	San Diego County	1,062,336
	San Francisco City/County	318,570
	San Joaquin County	415,032
	San Luis Obispo County	87,932
	San Mateo County	205,323
	Santa Barbara County	170,918
	Santa Clara County	520,653
	Santa Cruz County	175,305
	Shasta County	109,979
	Siskiyou County	38,461
	Solano County	197,926
	Stanislaus County	418,515
	State Set-Aside Committee, CA	112,201
	Sutter County	82,212
	Tehama County	37,128
	Trinity County	10,780
	Tulare County	384,842
	Tuolumne County	30,921
	Ventura County	402,273
	Yolo County	83,488
	Yuba County	43,694
Colorado	Adams County	96,662
	Alamosa County	6,881
	Boulder County	89,709
	Delta County	8,988
	Denver City/County	188,106
	Fremont County	11,525
	Gunnison County	6,680
	La Plata County	15,597
	Larimer County	69,268
	Las Animas County	6,809
	Mesa County	41,644
	Montezuma County	10,508
	Montrose County	13,919
	Morgan County	6,838
	Otero County	6,709
	Pueblo County	48,840
	Rio Grande County	6,967
	State Set-Aside Committee, CO	257,306
	Weld County	52,266
Connecticut	Fairfield Census/Bridgeport	133,954
	Fairfield Census/Danbury	40,769
	Fairfield Census/Norwalk	49,505
	Fairfield Census/Stamford	66,978
	Hartford Census County	359,985
	New Haven Census County	336,131
	New London Census County	98,411
	State Set-Aside Committee, CT	132,096
Delaware	Kent County	46,733
	New Castle County	158,934
	State Set-Aside Committee, DE	20,902
DC	District of Columbia	347,112
Florida	Alachua County	41,543
	Baker County	6,652
	Bay County	60,724
	Brevard County	179,018
	Broward County	578,238
	Citrus County	32,412

State or territory	Jurisdiction	FY 97 award
	Columbia County	16,829
	Dade County	824,000
	De Soto County	9,705
	Duval County	196,521
	Escambia County	77,310
	Gadsden County	12,371
	Gulf County	5,834
	Hardee County	21,617
	Hendry County	34,892
	Highlands County	34,404
	Hillsborough County	300,580
	Holmes County	7,454
	Indian River County	57,556
	Jackson County	14,235
	Lee County	102,367
	Leon County	51,277
	Levy County	8,615
	Manatee County	58,444
	Marion County	66,329
	Martin County	49,299
	Miami City	275,651
	Nassau County	15,396
	Okeechobee County	23,782
	Orange County	255,395
	Osceola County	44,496
	Palm Beach County	462,309
	Pinellas County	250,321
	Polk County	197,797
	Putnam County	22,062
	Santa Rosa County	27,796
	Sarasota County	63,648
	Seminole County	107,485
	St Lucie County	133,360
	State Set-Aside Committee, FL	214,011
	Sumter County	9,848
	Suwannee County	8,830
	Taylor County	10,579
	Volusia County	113,133
	Wakulla County	6,408
	Walton County	10,078
	Washington County	8,357
Georgia	Appling County	9,404
	Atlanta & Coll Pk/ Clayton, Dekalb, Fulton Cos.	558,856
	Baldwin County	10,694
	Barrow County	13,360
	Ben Hill County	6,838
	Brantley County	5,820
	Bulloch County	11,568
	Burke County	18,908
	Butts County	7,239
	Carroll County	33,186
	Catoosa County	15,324
	Chatham County	75,604
	Chattooga County	7,999
	Clarke County	21,918
	Cobb County	144,283
	Coffee County	14,077
	Colquitt County	10,479
	Crisp County	9,361
	Decatur County	10,708
	Dodge County	9,676
	Dougherty County	41,414
	Effingham County	8,873
	Elbert County	11,597
	Emanuel County	12,113
	Fannin County	7,927
	Floyd County	34,103
	Franklin County	7,913
	Gilmer County	7,325
	Glynn County	15,654
	Grady County	6,178
	Hancock County	6,250
	Haralson County	12,486
	Harris County	6,006

State or territory	Jurisdiction	FY 97 award
	Hart County	10,364
	Houston County	26,491
	Jackson County	14,350
	Jefferson County	14,450
	Johnson County	7,182
	Laurens County	19,352
	Lee County	5,849
	Liberty County	17,432
	Lowndes County	20,700
	Macon County	8,658
	Macon/Bibb,Jones Counties	60,480
	Madison County	6,981
	Mc Duffie County	9,605
	Meriwether County	8,400
	Mitchell County	8,458
	Monroe County	7,813
	Muskogee County	67,017
	Newton County	15,195
	Peach County	11,239
	Pickens County	5,920
	Pierce County	6,150
	Polk County	21,617
	Richmond County	84,434
	Screven County	9,031
	Spalding County	19,654
	State Set-Aside Committee, GA	311,970
	Stephens County	11,784
	Sumter County	11,325
	Telfair County	8,228
	Terrell County	8,658
	Thomas County	10,952
	Tift County	15,783
	Toombs County	12,572
	Troup County	19,152
	Upson County	10,436
	Walker County	24,829
	Walton County	14,536
	Ware County	12,586
	Washington County	8,744
	Wayne County	10,364
	Worth County	8,443
Guam	Guam	100,000
Hawaii	Hawaii County	90,713
	Honolulu City/County	292,681
	Kauai County	46,489
	Maui County	67,476
Idaho	Bannock County	27,968
	Benewah County	6,279
	Bingham County	16,442
	Bonner County	19,854
	Canyon County	44,410
	Cassia County	8,587
	Clearwater County	7,082
	Elmore County	7,512
	Gem County	6,422
	Idaho County	10,364
	Jefferson County	6,795
	Kootenai County	53,657
	Latah County	6,981
	Minidoka County	10,436
	Nez Perce County	12,085
	Payette County	9,691
	Shoshone County	9,361
	State Set-Aside Committee, ID	80,239
	Twin Falls County	20,858
Illinois	Adams County	23,911
	Bond County	6,967
	Carroll County	8,716
	Cass County	5,978
	Champaign County	40,296
	Chicago City	1,254,098
	Christian County	18,449
	Clark County	6,293
	Clay County	5,978

State or territory	Jurisdiction	FY 97 award
	Coles County	17,217
	Cook County	837,016
	Crawford County	10,680
	DeKalb County	27,323
	Edgar County	6,981
	Fayette County	8,587
	Franklin County	27,093
	Fulton County	18,464
	Greene County	6,264
	Grundy County	17,518
	Hancock County	7,426
	Jackson County	22,449
	Jefferson County	19,453
	Johnson County	5,978
	Kane County	136,815
	Kankakee County	44,654
	Knox County	21,603
	La Salle County	62,387
	Lake County	170,631
	Lawrence County	10,393
	Macon County	66,028
	Macoupin County	21,216
	Madison County	103,729
	Marion County	24,470
	Mason County	9,490
	Massac County	6,006
	Mc Donough County	6,695
	McLean County	35,981
	Montgomery County	16,772
	Peoria County	78,356
	Perry County	14,192
	Pike County	7,067
	Randolph County	18,879
	Richland County	6,494
	Rock Island County	50,216
	Saline County	15,912
	Sangamon County	63,433
	St. Clair County	99,185
	State Set-Aside Committee, IL	304,394
	Stephenson County	18,091
	Tazewell County	54,488
	Union County	10,149
	Vermilion County	46,245
	Wabash County	5,963
	Warren County	6,594
	Wayne County	7,483
	White County	7,784
	Will County	154,261
	Williamson County	34,017
	Winnebago County	93,623
Indiana	Clay County	12,300
	Crawford County	6,809
	Daviess County	8,873
	Delaware County	45,457
	Elkhart County	56,552
	Fayette County	14,722
	Floyd County	21,488
	Gary City	86,885
	Grant County	34,146
	Greene County	19,510
	Henry County	19,252
	Howard County	25,373
	Jennings County	6,551
	Knox County	14,608
	La Porte County	44,267
	Lake County	122,752
	Lawrence County	25,789
	Madison County	48,195
	Marion County	263,222
	Monroe County	26,262
	Orange County	13,633
	Owen County	7,354
	Parke County	6,150
	Perry County	10,250

State or territory	Jurisdiction	FY 97 award
	Pike County	6,307
	Randolph County	13,260
	Scott County	8,443
	St. Joseph County	82,614
	Starke County	10,235
	State Set-Aside Committee, IN	346,238
	Sullivan County	12,988
	Tippecanoe County	29,072
	Vanderburgh County	59,649
	Vermillion County	9,691
	Vigo County	50,359
	Washington County	12,601
	Wayne County	29,373
Iowa	Blackhawk County	40,669
	Buchanan County	6,953
	Clayton County	8,802
	Clinton County	18,593
	Delaware County	7,139
	Des Moines County	14,450
	Fayette County	6,594
	Floyd County	6,193
	Jackson County	8,988
	Johnson County	25,158
	Lee County	15,023
	Polk County	74,701
	Pottawattamie County	20,112
	Scott County	41,414
	State Set-Aside Committee, IA	190,329
	Story County	17,360
	Wapello County	13,002
	Webster County	10,551
	Winneshiek County	7,813
	Woodbury County	26,850
Kansas	Allen County	6,178
	Atchison County	8,343
	Barton County	8,716
	Cherokee County	10,178
	Crawford County	12,601
	Douglas County	32,713
	Ellis County	6,623
	Ford County	7,698
	Franklin County	9,132
	Geary County	8,644
	Labette County	8,558
	Lyon County	11,626
	Manhattan/Pottawatamie, Riley	21,130
	Montgomery County	16,170
	Reno County	17,561
	Saline County	16,256
	Sedgwick County	134,335
	Seward County	6,508
	Shawnee County	55,162
	State Set-Aside Committee, KS	144,256
	Wyandotte County	81,667
Kentucky	Adair County	8,701
	Barren County	15,812
	Bell County	10,751
	Boyd County	23,051
	Boyle County	8,357
	Breathitt County	7,856
	Breckinridge County	7,110
	Butler County	5,748
	Caldwell County	8,085
	Calloway County	9,891
	Carter County	19,768
	Christian County	16,915
	Clark County	8,845
	Clay County	8,816
	Daviess County	38,863
	Elliott County	6,049
	Fayette County	46,675
	Floyd County	22,033
	Franklin County	11,511
	Grant County	6,551

State or territory	Jurisdiction	FY 97 award
	Graves County	17,403
	Grayson County	10,579
	Green County	6,365
	Greenup County	15,711
	Hardin County	27,151
	Harlan County	21,904
	Hart County	7,368
	Henderson County	22,047
	Hopkins County	20,829
	Jefferson County	225,191
	Jessamine County	6,350
	Johnson County	13,088
	Kenton County	44,410
	Knott County	9,002
	Knox County	10,751
	Laurel County	18,736
	Lawrence County	9,648
	Letcher County	13,303
	Lewis County	8,787
	Lincoln County	6,953
	Logan County	8,859
	Madison County	18,378
	Magoffin County	10,121
	Marion County	8,830
	Marshall County	10,680
	Martin County	6,508
	Mason County	6,350
	McCreary County	9,103
	McCracken County	19,094
	Meade County	6,910
	Montgomery County	9,533
	Morgan County	7,010
	Muhlenberg County	14,694
	Nelson County	18,492
	Ohio County	12,586
	Perry County	17,288
	Pike County	35,709
	Powell County	6,494
	Pulaski County	19,496
	Rockcastle County	5,877
	Rowan County	7,913
	Russell County	10,536
	Scott County	5,892
	Shelby County	6,336
	Simpson County	6,150
	State Set-Aside Committee, KY	116,982
	Taylor County	8,271
	Union County	6,193
	Warren County	34,247
	Wayne County	7,626
	Webster County	6,264
	Whitley County	13,977
Louisiana	Acadia Parish	26,477
	Allen Parish	10,794
	Ascension Parish	28,885
	Assumption Parish	10,192
	Avoyelles Parish	19,840
	Beauregard Parish	13,332
	Bienville Parish	8,687
	Calcasieu Parish	72,235
	Caldwell Parish	6,322
	Catahoula Parish	8,013
	Claiborne Parish	7,655
	Concordia Parish	13,805
	De Soto Parish	14,565
	East Baton Rouge Parish	150,892
	East Carroll Parish	7,970
	East Feliciana Parish	8,157
	Evangeline Parish	11,984
	Franklin Parish	13,547
	Grant Parish	9,189
	Iberia Parish	27,810
	Iberville Parish	17,145
	Jefferson Davis Parish	12,515

State or territory	Jurisdiction	FY 97 award
	Jefferson Parish	174,688
	Lafayette Parish	61,225
	Lafourche Parish	24,986
	Lincoln Parish	8,501
	Livingston Parish	41,357
	Madison Parish	10,465
	Morehouse Parish	17,948
	Natchitoches Parish	19,467
	New Orleans City/Orleans	222,467
	Ouachita Parish	56,925
	Plaquemines Parish	8,544
	Pointe Coupee Parish	11,784
	Rapides Parish	53,728
	Red River Parish	6,479
	Richland Parish	12,529
	Sabine Parish	8,902
	Shreveport/Bossier, Caddo	154,246
	St Bernard Parish	31,136
	St Charles Parish	19,037
	St James Parish	13,117
	St John Baptist Parish	21,918
	St Landry Parish	36,411
	St Martin Parish	19,912
	St Mary Parish	27,710
	St Tammany Parish	55,463
	State Set-Aside Committee, LA	12,279
	Tangipahoa Parish	53,857
	Terrebonne Parish	32,756
	Union Parish	9,820
	Vermilion Parish	19,209
	Vernon Parish	16,643
	Washington Parish	20,370
	Webster Parish	26,377
	West Baton Rouge Parish	9,390
	West Carroll Parish	11,425
	Winn Parish	6,738
Maine	Androscoggin County	48,209
	Aroostook County	52,538
	Cumberland County	63,490
	Franklin County	14,120
	Kennebec County	52,538
	Knox County	11,497
	Oxford County	25,416
	Penobscot County	62,014
	Piscataquis County	9,605
	Somerset County	31,781
	State Set-Aside Committee, ME	45,056
	Waldo County	17,718
	Washington County	22,979
Maryland	Allegany County	41,801
	Anne Arundel County	143,739
	Baltimore City	378,319
	Baltimore County	295,591
	Caroline County	13,260
	Cecil County	49,026
	Dorchester County	24,126
	Garrett County	20,399
	Kent County	11,898
	Prince Georges County	304,078
	Somerset County	16,930
	State Set-Aside Committee, MD	272,531
	Washington County	56,911
	Worcester County	33,043
Massachusetts	Barnstable County	98,569
	Berkshire County	53,972
	Bristol County	306,386
	Essex County	257,058
	Franklin County	23,854
	Hampden County	182,472
	Middlesex County	440,821
	Plymouth County	192,679
	State Set-Aside Committee, MA	121,678
	Suffolk County	256,012
	Worcester County	262,047

State or territory	Jurisdiction	FY 97 award
Michigan	Alcona County	6,393
	Alpena County	20,657
	Antrim County	9,777
	Arenac County	8,859
	Bay County	41,988
	Benzie County	7,598
	Berrien County	64,222
	Branch County	14,364
	Calhoun County	47,636
	Cass County	18,808
	Charlevoix County	13,260
	Cheboygan County	19,611
	Chippewa County	21,660
	Clare County	13,776
	Crawford County	5,791
	Delta County	21,997
	Detroit City	513,486
	Emmet County	22,220
	Genesee County	185,354
	Gladwin County	10,135
	Gogebic County	13,317
	Gratiot County	18,034
	Hillsdale County	14,751
	Holland/Allegan, Ottawa Cos.	81,581
	Houghton County	16,686
	Huron County	17,747
	Iosco County	13,647
	Iron County	6,824
	Isabella County	16,973
	Jackson County	53,112
	Kalamazoo County	59,190
	Kalkaska County	8,271
	Kent County	160,353
	Lansing/Eaton, Ingham Counties	104,489
	Mackinac County	11,167
	Manistee County	15,955
	Marquette County	32,125
	Mason County	18,163
	Mecosta County	12,357
	Menominee County	11,669
	Missaukee County	6,580
	Montcalm County	24,570
	Montmorency County	6,465
	Muskegon County	70,128
	Newaygo County	27,050
	Oakland County	304,035
	Oceana County	19,826
	Ogemaw County	11,611
	Ontonagon County	8,142
	Osceola County	10,880
	Presque Isle County	12,887
	Roscommon County	10,923
	Saginaw County	76,421
	Sanilac County	20,958
	Schoolcraft County	7,024
	St. Clair County	60,165
	State Set-Aside Committee, MI	288,492
	Tuscola County	27,524
	Van Buren County	32,569
	Washtenaw County	56,280
	Wayne County	231,011
	Wexford County	18,378
Minnesota	Aitkin County	7,196
	Becker County	13,661
	Beltrami County	16,872
	Blue Earth County	14,651
	Carlton County	14,149
	Cass County	13,289
	Clay County	15,439
	Clearwater County	7,813
	Cottonwood County	6,236
	Crow Wing County	22,263
	Douglas County	9,719
	Faribault County	5,806

State or territory	Jurisdiction	FY 97 award
	Fillmore County	6,609
	Hennepin County	248,988
	Hubbard County	7,727
	Itasca County	25,044
	Kanabec County	8,630
	Kandiyohi County	10,909
	Koochiching County	7,096
	Lyon County	6,738
	Marshall County	6,766
	Martin County	7,698
	Mille Lacs County	10,379
	Morrison County	15,955
	Otter Tail County	20,141
	Pennington County	6,494
	Pine County	12,572
	Polk County	12,529
	Ramsey County	113,993
	Renville County	5,877
	StCloud/Benton, Sherburne, Stearns	71,504
	St. Louis County	75,976
	State Set-Aside Committee, MN	225,887
	Todd County	10,035
	Winona County	14,292
Mississippi	Adams County	14,579
	Alcorn County	21,374
	Attala County	10,149
	Bolivar County	23,137
	Chickasaw County	13,891
	Clarke County	7,196
	Clay County	13,145
	Coahoma County	18,421
	Copiah County	12,042
	Covington County	7,927
	George County	11,712
	Greene County	6,107
	Grenada County	10,680
	Hancock County	14,134
	Harrison County	62,702
	Hattiesburg/Forrest, Lamar Cos.	29,860
	Hinds County	80,420
	Holmes County	12,615
	Humphreys County	7,440
	Itawamba County	9,447
	Jackson County	52,366
	Jasper County	5,978
	Jefferson County	5,820
	Jefferson Davis County	10,680
	Jones County	16,686
	Lafayette County	6,852
	Lauderdale County	27,954
	Lawrence County	5,877
	Leake County	7,182
	Lee County	25,531
	Leflore County	20,600
	Lincoln County	10,837
	Lowndes County	24,155
	Madison County	17,303
	Marion County	10,106
	Marshall County	13,707
	Monroe County	27,982
	Neshoba County	8,859
	Newton County	8,415
	Noxubee County	6,365
	Oktibbeha County	8,372
	Panola County	25,975
	Pearl River County	12,916
	Pike County	12,572
	Pontotoc County	10,264
	Prentiss County	14,249
	Quitman County	7,870
	Scott County	10,938
	Sharkey County	7,827
	Simpson County	10,809
	State Set-Aside Committee, MS	53,913

State or territory	Jurisdiction	FY 97 award
	Sunflower County	18,421
	Tallahatchie County	9,461
	Tate County	9,375
	Tippah County	9,662
	Tishomingo County	11,697
	Tunica County	7,340
	Union County	12,300
	Warren County	21,832
	Washington County	42,518
	Wayne County	7,698
	Wilkinson County	6,637
	Winston County	7,784
	Yalobusha County	5,777
	Yazoo County	11,482
Missouri	Audrain County	7,053
	Barry County	10,321
	Bates County	5,892
	Boone County	17,890
	Buchanan County	38,304
	Butler County	16,084
	Camden County	13,733
	Cape Girardeau County	18,865
	Crawford County	11,052
	Douglas County	8,228
	Dunklin County	13,188
	Greene County	53,642
	Henry County	8,601
	Howell County	14,550
	Johnson County	8,085
	Joplin/Jasper, Newton Counties	44,711
	Kansas City/Clay,Jackson,Platte	293,326
	Laclede County	14,894
	Lafayette County	9,060
	Lawrence County	10,565
	Lincoln County	10,751
	Linn County	8,486
	Macon County	5,935
	Marion County	9,877
	Miller County	10,221
	Mississippi County	6,752
	Morgan County	6,537
	New Madrid County	8,429
	Perniscot County	10,794
	Pettis County	14,493
	Phelps County	9,504
	Pike County	6,494
	Polk County	7,225
	Pulaski County	10,766
	Randolph County	8,128
	Ripley County	6,279
	Saline County	6,838
	Scott County	15,654
	St. Francois County	22,320
	St. Louis City	168,051
	St. Louis County	266,304
	State Set-Aside Committee, MO	175,751
	Ste. Genevieve County	6,078
	Stoddard County	17,690
	Stone County	19,137
	Taney County	30,692
	Texas County	13,891
	Washington County	11,683
	Wayne County	7,239
	Webster County	7,913
	Wright County	12,271
Montana	Big Horn County	8,028
	Cascade County	27,438
	Flathead County	41,830
	Gallatin County	14,292
	Glacier County	11,611
	Hill County	7,483
	Lake County	11,669
	Lewis and Clark County	20,055
	Lincoln County	13,819

State or territory	Jurisdiction	FY 97 award
	Missoula County	34,935
	Park County	6,910
	Ravalli County	13,446
	Roosevelt County	6,293
	Rosebud County	7,942
	Sanders County	8,429
	Silver Bow County	14,823
	State Set-Aside Committee, MT	33,950
	Yellowstone County	46,618
Nebraska	Buffalo County	9,332
	Douglas County	101,049
	Lincoln County	10,364
	Scotts Bluff County	13,045
	State Set-Aside Committee, NE	104,961
Nevada	Carson City	22,492
	Churchill County	8,343
	Clark County	394,231
	Lyon County	11,884
	State Set-Aside Committee, NV	78,180
New Hampshire	State Set-Aside Committee, NH	160,414
New Jersey	Atlantic County	151,594
	Bergen County	347,943
	Burlington County	152,541
	Camden County	229,234
	Cape May County	78,399
	Cumberland County	91,946
	Essex County	199,359
	Gloucester County	118,910
	Hudson County	382,606
	Mercer County	138,277
	Middlesex County	299,505
	Monmouth County	234,867
	Newark City	212,791
	Ocean County	181,899
	Passaic County	282,159
	State Set-Aside Committee, NJ	184,931
	Union County	247,611
New Mexico	Bernalillo County	171,219
	Chaves County	28,470
	Cibola County	17,446
	Colfax County	9,261
	Curry County	15,668
	Dona Ana County	81,639
	Eddy County	24,069
	Grant County	12,328
	Lea County	19,711
	Lincoln County	8,443
	Luna County	37,114
	McKinley County	29,631
	Otero County	21,044
	Rio Arriba County	33,702
	Roosevelt County	6,393
	San Juan County	72,479
	San Miguel County	17,446
	Sandoval County	23,624
	Santa Fe County	41,085
	Socorro County	7,239
	State Set-Aside Committee, NM	11,894
	Taos County	28,570
	Torrance County	5,849
	Valencia County	16,485
New York	Albany County	91,473
	Allegany County	25,760
	Broome County	66,515
	Cattaraugus County	42,547
	Cayuga County	33,157
	Chautauqua County	54,144
	Chemung County	28,312
	Chenango County	24,140
	Clinton County	40,282
	Cortland County	22,148
	Delaware County	16,055
	Dutchess County	75,847
	Erie County	339,901

State or territory	Jurisdiction	FY 97 award
	Essex County	22,463
	Franklin County	26,061
	Fulton County	32,555
	Greene County	21,746
	Herkimer County	31,824
	Jefferson County	54,517
	Lewis County	14,378
	Monroe County	196,908
	Montgomery County	30,176
	Nassau County	410,645
	New York City	3,852,175
	Niagara County	95,974
	Oneida County	81,338
	Onondaga County	147,810
	Orange County	102,955
	Orleans County	22,105
	Oswego County	68,250
	Otsego County	23,768
	Rensselaer County	61,197
	Schenectady County	55,563
	St. Lawrence County	61,254
	State Set-Aside Committee, NY	235,865
	Steuben County	44,969
	Suffolk County	511,765
	Sullivan County	29,588
	Tompkins County	23,123
	Warren County	32,641
	Westchester County	271,666
	Wyoming County	20,671
	Yates County	8,243
North Carolina	Alleghany County	5,906
	Anson County	13,231
	Ashe County	16,170
	Avery County	6,021
	Beaufort County	25,259
	Bertie County	8,888
	Bladen County	16,442
	Brunswick County	31,853
	Buncombe County	48,180
	Caswell County	6,150
	Cherokee County	9,762
	Chowan County	5,763
	Cleveland County	45,213
	Columbus County	26,835
	Craven County	24,814
	Cumberland County	77,625
	Duplin County	16,887
	Durham County	44,984
	Forsyth County	69,726
	Franklin County	11,611
	Gaston County	71,590
	Graham County	7,899
	Granville County	12,959
	Halifax County	32,541
	Harnett County	18,335
	Haywood County	18,191
	Hertford County	7,784
	High Pt City/Davidson, Guilford	168,911
	Hoke County	9,418
	Jackson County	12,529
	Johnston County	20,127
	Kannapolis/Cabarrus, Rowan Cos	61,340
	Lee County	18,134
	Lenoir County	28,627
	Macon County	7,311
	Madison County	6,150
	Martin County	14,579
	Mitchell County	6,350
	Montgomery County	11,870
	New Hanover County	50,474
	Northampton County	8,902
	Onslow County	22,951
	Orange County	15,367
	Pasquotank County	10,336

State or territory	Jurisdiction	FY 97 award
	Pender County	11,153
	Person County	14,106
	Pitt County	43,335
	Richmond County	30,563
	Robeson County	73,310
	Rockingham County	31,781
	Rocky Mount/Edgecombe, Nash	74,514
	Rutherford County	29,616
	Sampson County	20,585
	Scotland County	17,417
	State Set-Aside Committee, NC	268,288
	Swain County	14,708
	Vance County	22,392
	Wake County	94,884
	Warren County	10,121
	Washington County	7,970
	Watauga County	10,407
	Wayne County	35,322
	Wilkes County	25,402
	Wilson County	43,966
	Yadkin County	9,748
North Dakota	Cass County	17,260
	Grand Forks County	13,934
	Morton County	7,383
	Rolette County	8,730
	State Set-Aside Committee, ND	90,307
	Ward County	12,386
Northern Marianas	No. Mariana Islands	65,000
Ohio	Adams County	21,316
	Allen County	46,073
	Ashtabula County	46,102
	Athens County	22,263
	Belmont County	30,004
	Brown County	17,217
	Butler County	100,633
	Carroll County	10,336
	Clark County	49,700
	Clinton County	13,991
	Columbiana County	45,701
	Columbus/Fairfield, Franklin Cos.	274,963
	Coshocton County	15,568
	Cuyahoga County	490,807
	Erie County	32,197
	Fayette County	12,228
	Gallia County	18,378
	Greene County	38,949
	Guernsey County	22,879
	Hamilton County	266,161
	Hardin County	11,454
	Harrison County	7,913
	Highland County	15,898
	Hocking County	13,461
	Holmes County	9,203
	Huron County	40,597
	Jackson County	15,482
	Jefferson County	33,043
	Knox County	21,445
	Lawrence County	26,592
	Licking County	38,418
	Lorain County	129,762
	Lucas County	166,919
	Mahoning County	118,609
	Marion County	31,838
	Meigs County	14,192
	Mercer County	29,803
	Monroe County	9,590
	Montgomery County	176,839
	Morgan County	10,923
	Morrow County	13,790
	Muskingum County	51,836
	Noble County	5,992
	Perry County	19,424
	Pickaway County	13,332
	Pike County	15,009

State or territory	Jurisdiction	FY 97 award
	Portage County	51,750
	Richland County	55,692
	Ross County	28,900
	Scioto County	48,725
	Stark County	144,685
	State Set-Aside Committee, OH	322,462
	Summit County	186,113
	Trumbull County	111,212
	Vinton County	6,436
	Washington County	31,036
	Wayne County	33,931
	Wood County	34,892
Oklahoma	Adair County	8,028
	Beckham County	6,422
	Bryan County	8,271
	Caddo County	8,243
	Carter County	17,432
	Cherokee County	12,672
	Choctaw County	9,132
	Cleveland County	40,095
	Comanche County	30,118
	Creek County	21,173
	Custer County	7,110
	Delaware County	9,676
	Garfield County	14,923
	Garvin County	8,615
	Grady County	16,213
	Haskell County	7,096
	Hughes County	6,938
	Jackson County	8,501
	Kay County	21,288
	Latimer County	6,049
	Le Flore County	20,370
	Lincoln County	9,906
	Logan County	6,824
	Mayes County	10,751
	McCurtain County	20,671
	McIntosh County	8,787
	Muskogee County	26,276
	OK City/Canadian, McLain, Oklahoma	201,237
	Okmulgee County	20,370
	Osage County	10,450
	Ottawa County	13,389
	Pawnee County	6,566
	Payne County	9,791
	Pittsburg County	19,797
	Pontotoc County	16,414
	Pottawatomie County	19,697
	Seminole County	12,701
	Sequoyah County	16,600
	State Set-Aside Committee, OK	52,273
	Stephens County	13,833
	Tulsa County	146,534
	Wagoner County	13,504
	Woodward County	6,393
Oregon	Baker County	9,949
	Benton County	13,991
	Clatsop County	13,088
	Coos County	30,835
	Crook County	10,035
	Curry County	9,261
	Deschutes County	53,212
	Douglas County	48,209
	Grant County	6,350
	Harney County	5,963
	Hood River County	13,217
	Jackson County	84,950
	Jefferson County	7,641
	Josephine County	35,480
	Klamath County	30,262
	Lane County	112,617
	Lincoln County	19,352

State or territory	Jurisdiction	FY 97 award
	Linn County	44,840
	Malheur County	15,310
	Portland/Clackamas/ Multnomah, Washington Cos	412,824
	Salem/Marion,Polk Cos	112,044
	State Set-Aside Committee, OR	15,644
	Tillamook County	8,429
	Umatilla County	34,060
	Union County	11,654
	Wasco County	12,185
	Yamhill County	22,822
Pennsylvania	Allegheny County	465,377
	Armstrong County	40,110
	Beaver County	70,472
	Bedford County	28,097
	Berks County	120,860
	Bethlehem/Lehigh, Northampton Cos	219,457
	Blair County	55,119
	Bradford County	23,940
	Cambria County	86,470
	Carbon County	30,376
	Centre County	29,387
	Clarion County	21,058
	Clearfield County	48,969
	Clinton County	22,836
	Columbia County	36,311
	Crawford County	36,870
	Dauphin County	74,557
	Delaware County	209,394
	Erie County	126,321
	Fayette County	72,593
	Greene County	22,062
	Huntingdon County	28,613
	Indiana County	48,496
	Jefferson County	25,345
	Juniata County	14,005
	Lackawanna County	109,320
	Lancaster County	119,656
	Lawrence County	39,164
	Lebanon County	37,931
	Luzerne County	187,920
	Lycoming County	57,455
	McKean County	19,969
	Mercer County	37,988
	Mifflin County	26,348
	Monroe County	60,193
	Northumberland County	45,184
	Philadelphia City/County	694,955
	Potter County	9,246
	Schuylkill County	84,076
	Somerset County	44,224
	State Set-Aside Committee, PA	480,337
	Susquehanna County	20,055
	Tioga County	21,689
	Venango County	26,778
	Washington County	84,448
	Wayne County	24,398
	Wyoming County	16,772
	York County	122,193
Puerto Rico	Puerto Rico	2,137,646
Rhode Island	Providence Census County	266,648
	State Set-Aside Committee, RI	131,778
South Carolina	Abbeville County	10,665
	Aiken County	65,239
	Allendale County	6,035
	Anderson County	47,277
	Bamberg County	9,963
	Barnwell County	17,374
	Beaufort County	18,722
	Berkeley County	33,243
	Calhoun County	5,949
	Charleston County	109,736
	Cherokee County	18,722
	Chester County	21,101
	Chesterfield County	23,065

State or territory	Jurisdiction	FY 97 award
	Clarendon County	13,919
	Colleton County	13,747
	Darlington County	40,497
	Dillon County	23,682
	Edgefield County	11,626
	Fairfield County	12,443
	Florence County	61,240
	Georgetown County	34,920
	Greenville County	68,235
	Greenwood County	27,882
	Hampton County	7,999
	Horry County	63,161
	Kershaw County	19,539
	Lancaster County	22,879
	Laurens County	18,693
	Lee County	9,633
	Marion County	29,043
	Marlboro County	23,553
	Newberry County	15,023
	Orangeburg County	51,951
	Pickens County	36,153
	Richland County	76,908
	Saluda County	7,024
	Spartanburg County	72,278
	State Set-Aside Committee, SC	51,773
	Sumter County	37,845
	Union County	19,367
	Williamsburg County	36,870
	York County	47,965
South Dakota	Brown County	5,849
	Lawrence County	5,791
	Pennington County	19,324
	Shannon County	6,164
	State Set-Aside Committee, SD	112,872
Tennessee	Anderson County	23,352
	Bedford County	15,740
	Benton County	10,235
	Blount County	36,383
	Bradley County	31,093
	Campbell County	21,474
	Carroll County	17,704
	Carter County	19,869
	Claiborne County	9,705
	Cocke County	26,334
	Coffee County	17,819
	Crockett County	7,641
	Cumberland County	18,693
	Davidson County	140,212
	De Kalb County	9,877
	Decatur County	8,845
	Dickson County	12,386
	Dyer County	17,604
	Fayette County	9,390
	Fentress County	10,293
	Franklin County	19,611
	Gibson County	27,337
	Giles County	14,350
	Grainger County	9,246
	Greene County	43,034
	Grundy County	7,641
	Hamblen County	25,273
	Hamilton County	100,504
	Hardeman County	11,970
	Hardin County	14,378
	Hawkins County	18,249
	Haywood County	15,439
	Henderson County	20,198
	Henry County	13,375
	Hickman County	5,935
	Houston County	6,451
	Humphreys County	12,228
	Jefferson County	18,965
	Johnson County	18,765
	Knox County	97,078

State or territory	Jurisdiction	FY 97 award
	Lauderdale County	12,371
	Lawrence County	38,304
	Lewis County	9,547
	Lincoln County	19,381
	Loudon County	10,981
	Macon County	11,411
	Madison County	34,447
	Marion County	11,024
	Marshall County	9,318
	Maury County	27,050
	Mc Minn County	31,967
	Mc Nairy County	15,525
	Meigs County	7,211
	Monroe County	27,366
	Montgomery County	29,387
	Morgan County	8,228
	Obion County	15,511
	Overton County	9,261
	Polk County	7,841
	Putnam County	21,073
	Rhea County	19,023
	Roane County	22,707
	Rutherford County	42,317
	Scott County	13,403
	Sevier County	42,504
	Shelby County	288,610
	Smith County	7,067
	State Set-Aside Committee, TN	70,491
	Stewart County	8,243
	Sullivan County	48,123
	Tipton County	16,113
	Unicoi County	7,841
	Warren County	17,690
	Washington County	29,617
	Wayne County	12,558
	Weakley County	10,966
	White County	11,167
Texas	Abilene/Jones, Taylor Cos.	51,005
	Amarillo/Potter, Randall Cos	63,677
	Anderson County	16,399
	Angelina County	26,405
	Aransas County	7,268
	Atascosa County	10,966
	Austin County	5,992
	Austin/Travis, Williamson Cos	229,334
	Bastrop County	10,336
	Bee County	12,543
	Bell County	67,146
	Bexar County	438,943
	Bowie County	47,707
	Brazoria County	108,904
	Brazos County	27,653
	Brooks County	6,035
	Brown County	16,356
	Burnet County	7,282
	Caldwell County	7,583
	Calhoun County	11,540
	Cameron County	232,488
	Camp County	6,178
	Cass County	20,356
	Chambers County	8,257
	Cherokee County	15,511
	Comal County	17,388
	Cooke County	10,809
	Coryell County	15,066
	Dallas/Collin, Dallas, Denton Cos.	1,008,665
	Dawson County	6,422
	De Witt County	6,135
	Deaf Smith County	9,433
	Dimmit County	8,472
	Duval County	9,433
	Eastland County	6,336
	Ector County	64,078
	El Paso County	478,580

State or territory	Jurisdiction	FY 97 award
	Ellis County	33,501
	Erath County	6,623
	Fannin County	11,870
	Freestone County	6,221
	Frio County	10,192
	Galveston County	143,739
	Gray County	7,684
	Grayson County	36,985
	Grimes County	7,325
	Guadalupe County	17,905
	Hale County	17,389
	Hardin County	27,724
	Hays County	19,625
	Henderson County	23,381
	Hidalgo County	549,496
	Hill County	9,332
	Hockley County	9,533
	Hopkins County	13,790
	Houston/Fort Bend, Harris Cos.	1,499,817
	Howard County	8,400
	Hunt County	30,419
	Hutchinson County	11,941
	Jasper County	28,068
	Jefferson County	159,780
	Jim Wells County	23,983
	Kaufman County	18,263
	Kerr County	6,924
	Kleberg County	14,335
	Lamar County	22,220
	Lamb County	6,307
	Liberty County	31,824
	Limestone County	8,200
	Longview/Gregg, Harrison Cos.	101,350
	Lubbock County	73,496
	Marion County	6,738
	Matagorda County	35,422
	Maverick County	84,004
	Mc Lennan County	67,891
	Medina County	7,827
	Midland County	41,601
	Milam County	8,200
	Montague County	6,250
	Montgomery County	74,357
	Morris County	7,698
	Nacogdoches County	20,600
	Navarro County	17,804
	Newton County	10,264
	Nolan County	8,228
	Nueces County	187,246
	Orange County	71,002
	Palo Pinto County	16,342
	Panola County	13,203
	Pecos County	6,293
	Polk County	11,827
	Presidio County	18,263
	Red River County	6,537
	Reeves County	11,081
	Robertson County	6,006
	Rusk County	20,901
	San Patricio County	38,562
	Shelby County	9,934
	Smith County	79,116
	Starr County	94,053
	State Set-Aside Committee, TX	167,186
	Tarrant County	471,613
	Titus County	14,407
	Tom Green County	29,459
	Tyler County	10,121
	Upshur County	15,783
	Uvalde County	18,048
	Val Verde County	30,018
	Van Zandt County	11,396
	Victoria County	34,447
	Walker County	8,314

State or territory	Jurisdiction	FY 97 award
	Waller County	8,630
	Washington County	6,365
	Webb County	152,383
	Wharton County	18,621
	Wichita County	41,228
	Willacy County	24,398
	Wise County	11,927
	Wood County	12,027
	Young County	9,074
	Zapata County	6,236
	Zavala County	15,912
Trust Territory	Trust Territories	45,000
Utah	Cache County	16,987
	Carbon County	7,813
	Duchesne County	6,924
	Iron County	6,594
	Salt Lake County	180,308
	San Juan County	6,264
	Sanpete County	6,594
	State Set-Aside Committee, UT	50,238
	Uintah County	9,977
	Utah County	57,326
	Washington County	15,482
	Weber County	52,137
Vermont	Caledonia County	12,558
	Chittenden County	33,086
	Orleans County	14,808
	Rutland County	21,431
	State Set-Aside Committee, VT	68,117
Virgin Islands	Virgin Islands	140,000
Virginia	Accomack County	18,249
	Bristol City	7,211
	Brunswick County	6,566
	Buchanan County	17,919
	Caroline County	11,325
	Carroll County	12,443
	Charlotte County	7,426
	Charlottesville City	8,099
	Danville City	31,208
	Dickenson County	16,743
	Fredericksburg City	6,379
	Giles County	8,644
	Grayson County	7,784
	Halifax County	24,284
	Harrisonburg City	5,920
	Henry County	34,433
	Hopewell City	9,060
	Isle of Wight County	10,307
	Lancaster County	9,820
	Lee County	19,983
	Louisa County	14,608
	Lunenburg County	7,268
	Lynchburg City	16,772
	Martinsville City	10,121
	Mecklenburg County	18,836
	Montgomery County	17,847
	Newport News City	63,046
	Norfolk City	79,747
	Northampton County	7,125
	Northumberland County	9,390
	Page County	12,242
	Patrick County	9,117
	Petersburg City	19,166
	Pittsylvania County	35,322
	Portsmouth City	48,066
	Prince Edward County	7,096
	Pulaski County	18,965
	Richmond City	74,443
	Roanoke City	26,807
	Rockbridge County	6,451
	Russell County	22,320
	Scott County	13,446
	Smyth County	24,556
	State Set-Aside Committee, VA	560,516

State or territory	Jurisdiction	FY 97 award
	Staunton City	7,067
	Suffolk City	24,298
	Tazewell County	26,391
	Washington County	31,222
	Westmoreland County	9,963
	Williamsburg City	6,221
	Wise County	43,923
	Wythe County	15,797
Washington	Adams County	13,676
	Asotin County	7,024
	Benton County	81,409
	Chelan County	50,001
	Clallam County	30,004
	Clark County	89,767
	Cowlitz County	45,543
	Douglas County	20,356
	Franklin County	35,207
	Grant County	47,564
	Grays Harbor County	42,633
	Jefferson County	10,321
	King County	654,515
	Kitsap County	84,620
	Kittitas County	18,707
	Klickitat County	14,350
	Lewis County	37,658
	Mason County	20,929
	Okanogan County	34,705
	Pacific County	11,583
	Pend Oreille County	7,999
	Pierce County	272,225
	Skagit County	61,498
	Skamania County	5,877
	Snohomish County	228,460
	Spokane County	154,590
	State Set-Aside Committee, WA	17,056
	Stevens County	23,567
	Thurston County	83,818
	Walla Walla County	23,639
	Whatcom County	78,686
	Whitman County	5,777
	Yakima County	208,147
West Virginia	Barbour County	13,389
	Berkeley County	26,448
	Boone County	12,228
	Braxton County	9,734
	Brooke County	9,691
	Calhoun County	8,429
	Clay County	7,368
	Fayette County	26,420
	Grant County	7,684
	Greenbrier County	21,202
	Hancock County	12,758
	Harrison County	41,558
	Huntington/Cabell,Wayne Cos.	54,732
	Jackson County	14,378
	Kanawha County	86,025
	Lewis County	11,282
	Lincoln County	13,590
	Logan County	24,398
	Marion County	34,935
	Marshall County	17,331
	Mason County	15,683
	McDowell County	14,593
	Mercer County	21,732
	Mineral County	12,142
	Mingo County	20,442
	Monongalia County	28,670
	Nicholas County	16,471
	Ohio County	16,629
	Pocahontas County	10,479
	Preston County	16,485
	Putnam County	19,481
	Raleigh County	38,992
	Randolph County	22,549

State or territory	Jurisdiction	FY 97 award
	Ritchie County	8,286
	Roane County	11,296
	State Set-Aside Committee, WV	28,125
	Summers County	7,082
	Taylor County	10,522
	Tucker County	7,297
	Upshur County	17,976
	Wetzel County	12,113
	Wood County	41,515
	Wyoming County	11,554
Wisconsin	Ashland County	8,056
	Bayfield County	6,766
	Brown County	57,799
	Clark County	15,296
	Crawford County	6,523
	Dane County	63,333
	Douglas County	17,804
	Dunn County	10,809
	Eau Claire/Chippewa, Eau Claire	42,418
	Grant County	20,671
	Jackson County	7,139
	Juneau County	10,364
	Kenosha County	40,483
	La Crosse County	28,756
	Langlade County	7,411
	Marathon County	44,482
	Marinette County	17,331
	Marquette County	6,824
	Milwaukee County	278,690
	Monroe County	13,547
	Oconto County	12,271
	Polk County	12,572
	Portage County	23,223
	Racine County	58,401
	Rock County	45,701
	Rusk County	7,096
	Sawyer County	7,899
	State Set-Aside Committee, WI	265,632
	Taylor County	8,486
	Vernon County	9,189
	Vilas County	7,383
	Washburn County	6,637
	Waushara County	8,271
	Winnebago County	39,020
Wyoming	Fremont County	17,833
	Natrona County	27,136
	State Set-Aside Committee, WY	105,031

[FR Doc. 97–8202 Filed 3–31–97; 8:45 am]
BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 217–010051–028.
Title: Mediterranean Space Charter Agreement.
Parties:
Croatia Line
DSR-Senator Lines
Evergreen Marine Corp. (Taiwan) Ltd.
Farrell Lines, Inc.
Italia Di Navigazione, S.P.A.
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Line
Mediterranean Shipping Company, S.A.
P&O Nedlloyd, B.V.
P&O Nedlloyd Limited
Sea-Land Service, Inc.
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed Agreement revises Appendix A of the Agreement by deleting Lykes Bros. Steamship Co., Inc., as a party to the Agreement and replacing it with Lykes Lines Limited. The parties have requested a shortened review period.

Agreement No.: 203–011325–010.
Title: Westbound Transpacific Stabilization Agreement.
Parties:
Parties to the Transpacific Westbound Rate Agreement:
American President Lines, Ltd.
Hapag-Lloyd Container Linie GmbH
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
P&O Nedlloyd B.V.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
P&O Nedlloyd Limited
Independent Carrier Parties:
Evergreen Marine Corporation
Hanjin Shipping Co., Ltd.

Hyundai Merchant Marine Co., Ltd.
Transportation Maritima Mexicana, S.A. de C.V.

Synopsis: The proposed modification clarifies existing authority pertaining to the discussion and implementation of rates, charges, and contracts to include specific rates and charges and differentials among rate levels applicable to certain cargo, or pursuant to particular service contracts. The modification also updates the address of Hanjin Shipping Co., Ltd.

Agreement No.: 203–011452–009.
Title: Trans-Pacific Policing Agreement.
Parties:
American President Lines, Ltd.
Cho Yang Line
China Ocean Shipping Company
DSR-Senator Lines
Evergreen Marine Corporation
Hanjin Shipping Co., Ltd.
Hapag-Lloyd Container Linie GmbH
Hyundai Merchant Marine Co., Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha Line
Orient Overseas Container Line, Inc.
P&O Nedlloyd Limited
P&O Nedlloyd B.V.
Sea-Land Service, Inc.
Transportation Maritima Mexicana, S.A. de C.V.
Wilhelmsen Lines AS
Yang Ming Marine Transport Corp.

Synopsis: The proposed modification changes the termination date of the agreement from June 30, 1998 to June 30, 2000.

Dated: March 26, 1997.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 97–8118 Filed 3–31–97; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission Aapplications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Elite Airfreight, Inc., 16440 Air Center Blvd., Houston, TX 77032, Officers: Bobby Hale, President, Larry Earley, Vice President

RJK Logistics Inc., 21A West Jamaica Ave., Valley Stream, NY 11580, Officers: Rosemarie Coppola, President

Sumikin International Transport (U.S.A.), Inc., 1381 N. Wood Dale Rd., Wood Dale, IL 60191, Officers: Shun Hashimoto, President, Tetsuo Yanaka, Executive Vice President

Red Sea Shipping of Florida, 8320 E. Colonial Drive, Orlando, FL 32817, Officer: Badr Al-Harbi

EAS International (USA) Inc., 880 Apollo Street, Suite 351, El Segundo, CA 90245, Officer: Sam Chung, President.

Dated: March 26, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–8117 Filed 3–31–97; 8:45 am]

BILLING CODE 6710–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Notice

BACKGROUND:

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. The Federal Reserve 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. Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the OMB 83-I and supporting statement and the approved collection of information instrument will be placed into OMB's public docket files. The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and d. ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before June 2, 1997.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. McLaughlin, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of

the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, the following report:

1. Report title: Consolidated Report of Condition and Income for Edge and Agreement Corporations
Agency form number: FR 2886b
OMB control number: 7100–0086
Frequency: Quarterly
Reporters: Edge and agreement corporations
Annual reporting hours: 3,619
Estimated average hours per response: 11.6
Number of respondents: 39 banking corporations, 39 investment corporations
Small business are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 602 and 625) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: This report collects balance sheet and income data from Edge and agreement corporations. Information collected on the FR 2886b is used to help plan and target the scope of examinations of Edge corporations and to evaluate applications. Data from the FR 2886b are also used to monitor aggregate institutional trends, such as growth in assets and the number of offices, changes in leverage, and the types and locations of customers. The significant revisions to the report consist of changing reporting to a fully consolidated basis, instead of the consolidation of only branch operations; collecting new information on mutual funds and annuity sales; adding two line items: "Trading assets" and "Trading liabilities;" changing the reporting of current items "Claims on affiliates" and "Liabilities to affiliates" from a net to a gross basis; revising the reporting of securities, income and expenses, changes in capital reserve accounts, and off-balance-sheet items to be more consistent with the collection of similar data on the Report of Condition for Foreign Subsidiaries of U.S. Banking Organizations (FR 2314; OMB No. 7100–0073); revising "Claims on and Liabilities to Affiliates" to include related U.S. banks other than the parent bank; revising "Past Due and Nonaccrual Loans and Lease Financing Receivables" to include past due information on other assets; and exempting nonbanking Edge corporations from reporting seven supporting schedules.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following reports:

1. Report title: Senior Loan Officer Opinion Survey on Bank Lending Practices
Agency form number: FR 2018
OMB control number: 7100–0058
Frequency: Up to six times per year
Reporters: Large U.S. commercial banks and large U.S. branches and agencies of foreign banks
Annual reporting hours: 1,008
Estimated average hours per response: 2.0
Number of respondents: 84
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a), 324, 335, 3101, 3102, and 3105) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The FR 2018 is conducted generally by means of telephone interview by a Federal Reserve Bank officer having indepth knowledge of the area of bank lending practices, with a senior loan officer at each respondent bank. The reporting panel consists of sixty large domestically chartered commercial banks, distributed fairly evenly across Federal Reserve Districts, and twenty-four large U.S. branches and agencies of foreign banks. The survey seeks primarily qualitative information pertaining not only to current price and flow developments but also to evolving techniques and practices in banking. A significant fraction of the questions in each survey consists of unique questions on topics of timely interest. There is the option to survey other types of respondents (such as other depository institutions, bank holding companies, or corporations) should the need arise. The FR 2018 is a very important tool for monitoring and understanding the evolution of lending practices at banks and developments in credit markets generally.

2. Report title: Senior Financial Officer Survey
Agency form number: FR 2023
OMB control number: 7100–0223
Frequency: Up to four times per year
Reporters: Commercial banks, other depository institutions, corporations or large money-stock holders
Annual reporting hours: 240
Estimated average hours per response: 1.0
Number of respondents: 60
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 225a, 248(a), and 263); confidentiality will be determined on a case-by-case basis.

Abstract: The FR 2023 requests qualitative and limited quantitative information about liability management and the provision of financial services from a selection of sixty large commercial banks or, if appropriate, from other depository institutions of corporations. Responses are obtained from a senior officer at each participating institution through a telephone interview conducted by Federal Reserve Bank or Board staff. The survey is conducted when major informational needs arise that cannot be met from existing data sources. The survey does not have a fixed set of questions; each survey consists of a limited number of questions directed at topics of timely interest.

Board of Governors of the Federal Reserve System, March 27, 1997

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–8221 Filed 3–31–97; 9:45AM]
Billing Code 6210–01–M

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. Once the application has been accepted for processing, it will also 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 April 25, 1997.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice

President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Pinnacle Bancorp, Inc., Central City, Nebraska; to acquire 100 percent of the voting shares of First Ogallala Investment, Inc., Ogallala, Nebraska, and thereby indirectly acquire First National Bank in Ogallala, Ogallala, Nebraska.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. BonState Bancshares, Inc., Bonham, Texas, and Bonham Financial Services, Inc., Dover, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of Bonham Financial Services, Inc., Dover, Delaware.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105-1579:

1. Castle Creek Capital Partners Fund-I, L.P.; Castle Creek Capital, L.L.C.; and Eggemeyer Advisory Corporation, all of San Diego, California; to acquire up to 35 percent of the voting shares of Rancho Santa Fe National Bank, Rancho Santa Fe, California, and up to 24.9 percent of the voting shares of First Community Bank of the Desert, Yucca Valley, California.

Board of Governors of the Federal Reserve System, March 26, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–8135 Filed 3–31–97; 8:45 am]

BILLING CODE 6210–01–F

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 § 225.25 of Regulation Y (12 CFR 225.25) 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. Once the notice has been accepted for processing, it will also 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 April 25, 1997.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. First Citizens Bancorp, Cleveland, Tennessee; to acquire The Home Bank F.S.B., Ducktown, Tennessee, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y. Notificant will convert its subsidiary bank, The Home Bank, Ducktown, Tennessee, to a savings bank. The proposed activity will be conducted throughout the State of Tennessee.

Board of Governors of the Federal Reserve System, March 26, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–8134 Filed 3–31–97; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, April 7, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 28, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–8446 Filed 3–26–97; 3:01 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–97–08]

Proposed Data Collections Submitted for Public Comment and Recommendations

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 Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

1. 1998 Alternative School Youth Risk Behavior Survey

(0920–0258)—Extension—The purpose of this request is to extend OMB clearance to conduct an ongoing survey among secondary school students of priority health risk behaviors related to the major preventable causes of mortality, morbidity, and social problems among both youth and adults in the U.S. The OMB clearance currently in effect (0920–0258, expiration 10/97) covers conduct of the national school-based Youth Risk Behavior Survey (YRBS)

biennially among students attending regular public, private, and Catholic schools in grades 9–12. This request is to extend OMB clearance to conduct a YRBS in 1998 among a nationally representative sample of students in alternative schools, which have been excluded from the national school-based YRBS in the past. Alternative schools, which represent about 5% of U.S. high schools, serve students primarily who are at risk of not progressing in regular high schools and, as a result, not graduating, as well as students who have already gotten into disciplinary trouble, usually related to drug use or violence. Data on the health risk behaviors of adolescents is the focus of at least 26 national health objectives in *Healthy People 2000: Midcourse Review and 1995 Revisions*. This survey will provide data to help measure these objectives among alternative school students. No other national source of data exists for this population. The data also will have significant implications for policy and program development in alternative schools. The total estimated cost to respondents is $39,375 assuming a minimum wage of $5.25 for the 1997–1998 school year.

Respondents	Number of respondents	Number of responses/ respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Alternative school students	10,000	1	0.75	7,500

Dated: March 26, 1997.

Wilma G. Johnson,

Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–8161 Filed 3–31–97; 8:45 am]

BILLING CODE 4163–18–P

Administration for Children and Families

[Program Announcement No. OCS 97–08A]

Request for Applications Under the Office of Community Services' Fiscal Year 1997 Community Food and Nutrition Program

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Correction Notice.

SUMMARY: On March 21, 1997, the Office of Community Services (OCS) published its FY 1997 Community Food and Nutrition Program Notice in the **Federal Register** (FR Doc. 97–7213, Vol. 62, No. 55). Attachment A to the Notice (pages 13631 and 13632) contained the Poverty Income Guidelines for FY 1995 instead of FY 1997. This Notice contains the FY 1997 Poverty Income Guidelines which is the correct version of Attachment A.

FOR FURTHER INFORMATION CONTACT: Joseph Carroll, Acting Director, Administration for Children and Families, Office of Community Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, telephone (202) 401–9345 or fax (202) 401–4687.

The Catalog of Federal Domestic Assistance Number is 93.571 for the Community Food and Nutrition Program.

Dated: March 27, 1997.

Donald Sykes,

Director, Office of Community Services.

Attachment A

1997 Poverty Income Guidelines for the 48 Contiguous States and the District of Columbia

Size of family unit	Poverty guidelines
1	$7,890
2	10,610
3	13,330
4	16,050
5	18,770
6	21,490
7	24,210
8	26,930

For family units with more than 8 members, add $2,720 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above)

1997 Poverty Income Guidelines for Alaska

Size of family unit	Poverty guidelines
1	$9,870
2	13,270
3	16,670
4	20,070
5	23,470
6	26,870
7	30,270
8	33,670

For family units with more than 8 members, add $3,400 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above)

1997 Poverty Income Guidelines for Hawaii

Size of family unit	Poverty guidelines
1	$9,070
2	12,200
3	15,330
4	18,460
5	21,590
6	24,720
7	27,850
8	30,980

For family units with more than 8 members, add $3,130 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above)

[FR Doc. 97–8189 Filed 3–31–97; 8:45 am]

BILLING CODE 4184–01–M

Refugee Resettlement Program; Proposed Availability of Formula Allocation Funding for FY 1997 Targeted Assistance Grants for Services to Refugees in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Notice of proposed availability of formula allocation funding for FY 1997 targeted assistance grants to States for services to refugees [1] in local areas of high need.

[1] In addition to persons who meet all requirements of 45 CFR 400.43, "Requirements for documentation of refugee status," eligibility for targeted assistance includes Cuban and Haitian entrants, certain Amerasians from Vietnam who are admitted to the U.S. as immigrants, and certain Amerasians from Vietnam who are U.S. citizens. (See section II of this notice on "Authorization.") The term "refugee", used in this notice for convenience, is intended to encompass such additional persons who are eligible to participate in refugee program services, including the targeted assistance program.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the

SUMMARY: This notice announces the proposed availability of funds and award procedures for FY 1997 targeted assistance grants for services to refugees under the Refugee Resettlement Program (RRP). These grants are for service provision in localities with large refugee populations, high refugee concentrations, and high use of public assistance, and where specific needs exist for supplementation of currently available resources.

DATES: Comments on this notice must be received May 1, 1997.

ADDRESSES: Address written comments, in duplicate, to: Toyo Biddle, Director, Division of Refugee Self-Sufficiency, Office of Refugee Resettlement, align Administration for Children and Families, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447.

APPLICATION DEADLINE: The deadline for applications will be established by the final notice; applications should not be sent in response to this notice of proposed allocations.

FOR FURTHER INFORMATION CONTACT: Toyo Biddle (202) 401–9250.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed availability of funds for grants for targeted assistance for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for supplementation of resources for services to this population.

The Office of Refugee Resettlement (ORR) anticipates having available $49,857,000 in FY 1997 funds for the targeted assistance program (TAP) as part of the FY 1997 appropriation for the Department of Health and Human Services (Pub. L. No. 104–208).

The FY 1997 House Appropriations Committee Report (H.R. Rept. No. 104–659) reads as follows with respect to targeted assistance funds:

The Committee has transferred funds for discretionary activities previously provided under targeted assistance to the social services programs. The Committee intends that remaining funding be allocated according to the formula contained in the House and Senate versions of H.R. 2202.

The formula allocation provision referred to in the House Report was never enacted into law and is therefore not in effect.

The Director of the Office of Refugee Resettlement (ORR) proposes to use the $49,857,000 appropriated for FY 1997 targeted assistance as follows:

- $25,871,300 will be allocated under the 5-year population formula, as set forth in this notice.
- $19,000,000 will be awarded under a discretionary grant announcement to States to provide supportive services to elderly refugees, particularly those who will soon lose SSI eligibility due to the alien eligibility restrictions in the welfare reform law. A grant announcement will be issued separately which sets forth application requirements and evaluation criteria.
- $4,985,700 (10% of the total) will be used to fund continuation grants under a discretionary grant announcement that was issued in FY 1996.

In addition, the Office of Refugee Resettlement will have available an additional $5,000,000 in FY 1997 funds for the targeted assistance discretionary program through the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Pub. L. No. 104–208). These funds will augment the 10-percent of the targeted assistance program which is set-aside for grants to localities most heavily impacted by the influx of refugees such as Laotian Hmong, Cambodians and Soviet Pentecostals, including secondary migrants who entered the United States after October 1, 1979.

The purpose of targeted assistance grants is to provide, through a process of local planning and implementation, direct services intended to result in the economic self-sufficiency and reduced welfare dependency of refugees through job placements.

The targeted assistance program reflects the requirements of section 412(c)(2)(B) of the Immigration and Nationality Act (INA), which provides that targeted assistance grants shall be made available "(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency, (ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity."

II. Authorization

Targeted assistance projects are funded under the authority of section 412(c)(2) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. No. 99–605), 8 U.S.C. 1522(c); section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. No. 96–422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above; section 584(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. No. 100–202), insofar as it incorporates by reference with respect to certain Amerasians from Vietnam the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above, including certain Amerasians from Vietnam who are U.S. citizens, as provided under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100–461), 1990 (Pub. L. No. 101–167), and 1991 (Pub. L. No. 101–513).

III. Client and Service Priorities

Targeted assistance funding must be used to assist refugee families to achieve economic independence. To this end, States and counties are required to ensure that a coherent family self-sufficiency plan is developed for each eligible family that addresses the family's needs from time of arrival until attainment of economic independence. (See 45 CFR 400.79 and 400.156(g).) Each family self-sufficiency plan should address a family's needs for both employment-related services and other needed social services. The family self-sufficiency plan must include: (1) A determination of the income level a family would have to earn to exceed its cash grant and move into self-support without suffering a monetary penalty; (2) a strategy and timetable for obtaining that level of family income through the placement in employment of sufficient numbers of employable family members at sufficient wage levels; and (3) employability plans for every employable member of the family. In local jurisdictions that have both targeted assistance and refugee social services programs, one family self-sufficiency plan may be developed for a family that incorporates both targeted assistance and refugee social services.

Services funded through the targeted assistance program are required to focus primarily on those refugees who, either because of their protracted use of public assistance or difficulty in securing employment, continue to need services

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targeted assistance program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival, or until they obtain permanent resident alien status, whichever comes first.

beyond the initial years of resettlement. States may not provide services funded under this notice, except for referral and interpreter services, to refugees who have been in the United States for more than 60 months (5 years).

In accordance with 45 CFR 400.314, States are required to provide targeted assistance services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) Refugees who are cash assistance recipients, particularly long-term recipients; (b) unemployed refugees who are not receiving cash assistance; and (c) employed refugees in need of services to retain employment or to attain economic independence.

In addition to the statutory requirement that TAP funds be used "primarily for the purpose of facilitating refugee employment" (section 412(c)(2)(B)(i)), funds awarded under this program are intended to help fulfill the Congressional intent that "employable refugees should be placed on jobs as soon as possible after their arrival in the United States" (section 412(a)(1)(B)(i) of the INA). Therefore, in accordance with 45 CFR 400.313, targeted assistance funds must be used primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program in order to achieve economic self-sufficiency as soon as possible. Targeted assistance services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Targeted assistance funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

In accordance with § 400.317, if targeted assistance funds are used for the provision of English language training, such training must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related activities.

A portion of a local area's allocation may be used for services which are not directed toward the achievement of a specific employment objective in less than one year but which are essential to the adjustment of refugees in the community, provided such needs are clearly demonstrated and such use is approved by the State. Allowable services include those listed under § 400.316.

Reflecting section 412(a)(1)(A)(iv) of the INA, States must "insure that women have the same opportunities as men to participate in training and instruction." In addition, in accordance with § 400.317, services must be provided to the maximum extent feasible in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women. The Director also strongly encourages the inclusion of refugee women in management and board positions in agencies that serve refugees. In order to facilitate refugee self-support, the Director also expects States to implement strategies which address simultaneously the employment potential of both male and female wage earners in a family unit. States and counties are expected to make every effort to assure availability of day care services for children in order to allow women with children the opportunity to participate in employment services or to accept or retain employment. To accomplish this, day care may be treated as a priority employment-related service under the targeted assistance program. Refugees who are participating in TAP-funded or social services-funded employment services or have accepted employment are eligible for day care services for children. For an employed refugee, TAP-funded day care should be limited to one year after the refugee becomes employed. States and counties, however, are expected to use day care funding from other publicly funded mainstream programs as a prior resource and are encouraged to work with service providers to assure maximum access to other publicly funded resources for day care.

In accordance with § 400.317, targeted assistance services must be provided in a manner that is culturally and linguistically compatible with a refugee's language and cultural background, to the maximum extent feasible. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population. Services funded under this notice must be refugee-specific services which are designed specifically to meet refugee needs and are in keeping with the rules and objectives of the refugee program. Vocational or job-skills training, on-the-job training, or English language training, however, need not be refugee-specific.

When planning targeted assistance services, States must take into account the reception and placement (R & P) services provided by local resettlement agencies in order to utilize these resources in the overall program design and to ensure the provision of seamless, coordinated services to refugees that are not duplicative. See § 400.156(b).

ORR strongly encourages States and counties when contracting for targeted assistance services, including employment services, to give consideration to the special strengths of mutual assistance associations (MAAs), whenever contract bidders are otherwise equally qualified, provided that the MAA has the capability to deliver services in a manner that is culturally and linguistically compatible with the background of the target population to be served. ORR also strongly encourages MAAs to ensure that their management and board composition reflect the major target populations to be served.

ORR defines MAAs as organizations with the following qualifications:

a. The organization is legally incorporated as a nonprofit organization; and

b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association is comprised of refugees or former refugees, including both refugee men and women.

Finally, in order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible in a time of limited resources, ORR strongly encourages States and counties to promote and give special consideration to the provision of services through coalitions of refugee service organizations, such as coalitions of MAAs, voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

The award of funds to States under this notice will be contingent upon the completeness of a State's application as described in section IX, below.

IV. [Reserved for Discussion of Comments in the Final Notice]

V. Eligible Grantees

Eligible grantees are those agencies of State governments that are responsible for the refugee program under 45 CFR 400.5 in States containing counties which qualify for FY 1997 targeted assistance awards.

The use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

The State agency will submit a single application on behalf of all county governments of the qualified counties in that State. Subsequent to the approval of the State's application by ORR, local targeted assistance plans will be developed by the county government or other designated entity and submitted to the State.

A State with more than one qualified county is permitted, but not required, to determine the allocation amount for each qualified county within the State. However, if a State chooses to determine county allocations differently from those set forth in this notice, in accordance with § 400.319, the FY 1997 allocations proposed by the State must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of its targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. In addition, if a State chooses to allocate its FY 1997 targeted assistance funds in a manner different from the formula set forth in this notice, the FY 1997 allocations and methodology proposed by the State must be included in the State's application for ORR review and approval.

Applications submitted in response to the final notice are not subject to review by State and areawide clearinghouses under Executive Order 12372, "Intergovernmental Review of Federal Programs."

VI. Qualification and Allocation

A. Qualified Counties

In the FY 1996 targeted assistance final notice (61 FR 36739 [July 12, 1996]), the ORR Director made clear her intention to determine the qualification of counties for targeted assistance funds once every three years, beginning in FY 1996. Therefore, it is ORR's intent that the 39 counties listed as qualified for TAP funding in FY 1996 will remain qualified for TAP funding for FY 1997. We do not plan to consider the eligibility of additional counties for FY 1997, with one exception. Last year, one county which did not rank within the top 39 counties complained that its 5-year arrival population as reported by ORR underrepresented the actual number of refugee and entrant arrivals who were resettled in that county. The county stated that it was not credited with a number of initial resettlements to the county because the destination listed for these refugees/entrants was the address of the voluntary agency responsible for resettlement which is located in a neighboring county. ORR's response was if the county was able to provide the documentation to prove its case, and if the additional numbers enabled the county to rank within the top 39 counties, ORR would make the adjustment in the FY 1997 allocations notice.

Therefore, if any county, which is not one of the 39 qualified targeted assistance counties, believes that its 5-year arrival population from FY 1991–FY 1995 (the period used in the final FY 1996 TAP notice) was undercounted by ORR last year for the reason stated above and wishes to have its rank reconsidered, the county must provide the following evidence: The county must submit to ORR a letter signed by the local voluntary agency that resettled refugees in the county that attests to the fact that the refugees/entrants listed in an attachment to the letter were resettled as initial placements during the 5-year period from FY 1991–FY 1995 in the county making the claim. Documentation must include the name, alien number, date of birth, and date of arrival in the U.S. for each refugee/entrant claimed.

Failure to submit the required documentation to ORR no later than the end of the 30-day public comment period will result in forfeiture of consideration.

If the county's rank on refugee arrivals for the 5-year period from FY 1991–FY 1995, based on the adjusted 5-year arrival population total for the county, and its rank on refugee concentration in relation to the county general population adds to a summed rank that places the county within the top 39 counties for the FY 1996 notice, ORR will add the county to the qualified county list for FY 1997 and will calculate the county's allocation for FY 1997 on the basis of its 5-year arrival population for the period from FY 1992–FY 1996. None of the 39 original counties that qualified last year will be dropped.

B. Allocation Formula

Of the funds available for FY 1997 for targeted assistance, $25,871,300 is allocated by formula to States for qualified counties based on the initial placements of refugees, Amerasians, and entrants in these counties during the 5-year period from FY 1992 through FY 1996 (October 1, 1991–September 30, 1996).

With regard to Havana parolees, in the absence of reliable data on this population, we are crediting 7,288 Havana parolees who arrived in FY 1996 to qualified targeted assistance counties based on the counties' proportion of the 5-year entrant arrival population. For FY 1995, Florida's Havana parolees for each qualified county are based on actual data submitted by the State of Florida last year, while Havana parolees credited to counties in other States were prorated based on the counties' proportion of the 5-year entrant population in the U.S. The proposed allocations in this notice reflect these additional parolee numbers.

VII. Allocations

Table 1 lists the qualified counties, the number of refugee/entrant arrivals in those counties during the 5-year period from October 1, 1991—September 30, 1996, the prorated number of Havana parolees credited to each county based on the county's proportion of the 5-year entrant population in the U.S., the sum of the first three columns, and the proposed amount of each county's allocation based on its 5-year total population.

Table 2 provides proposed State totals for targeted assistance allocations.

TABLE 1.—PROPOSED TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 1997

County	Refugees	Entrants	Havana parolees[1]	Total arrivals: FY 1992–1996	Total FY 1997 proposed allocation
Alameda County, CA	4,941	21	6	4,968	$300,153
Fresno County, CA	5,841	2	0	5,843	353,018
Los Angeles County, CA	25,803	689	217	26,709	1,613,686
Merced County, CA	1,539	0	0	1,539	92,982
Orange County, CA	22,525	38	12	22575	1,363,921

TABLE 1.—PROPOSED TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 1997—Continued

County	Refugees	Entrants	Havana parolees[1]	Total arrivals: FY 1992–1996	Total FY 1997 proposed allocation
Sacramento County, CA	12,293	5	2	12,300	743,133
San Diego County, CA	12,428	516	148	13,092	790,984
SAN FRANCISCO AREA, CA	11077	195	64	11336	684,891
San Joaquin County CA	2,433	7	2	2,442	147,539
Santa Clara County, CA	16,305	50	10	16,365	988,729
Denver County, CO	3,479	3	1	3,483	210,434
District of Columbia, DC	4,076	17	5	4,098	247,590
Dade County, FL	10,617	38,254	13,1845	62,056	3,749,257
Duval County, GL	3,053	28	17	3,098	187,173
Palm Beach County, FL	768	2,943	592	4,303	259,976
DeKalb County, GA	5,815	23	7	5,845	353,139
Fulton County, GA	6,300	238	67	6,605	399,056
CHICAGO AREA, IL	18,048	502	137	18687	1,129,019
Polk County, IA	2,940	1	0	2,941	177,687
Baltimore City, MD	3,387	3	0	3,390	204,815
Suffolk County, MA	5,791	289	95	6,175	373,077
Oakland County, MI	3,986	8	3	3,997	241,488
Hennepin County, MN	5,796	3	0	5,799	350,360
Ramsey County, MN	4,538	10	4	4,552	275,020
St. Louis City, MO	5,891	2	0	5,893	356,039
Lancaster County, NE	2,433	34	6	2,473	149,412
Bernalillo County, NM	1,574	1,292	382	3,248	196,235
Broome County, NY	1,718	28	9	1,755	106,032
Monroe County, NY	3,018	516	153	3,687	222,759
NEW YORK CITY AREA, NY	84,377	1,218	376	85,971	5,194,138
Oneida County, NY	2,635	1	0	2,636	159,260
PORTLAND AREA, OR	11,034	580	149	11,763	710,689
Philadelphia County, PA	8,100	78	24	8,202	495,543
Davidson County, TN	3,187	54	8	3,249	196,296
DALLAS AREA, TX	12,123	612	177	12,912	780,108
Harris County, TX	10,559	176	45	10,780	651,299
FAIRFAX AREA, VA	4,672	8	2	4,682	282,874
Richmond City, VA	1,914	109	31	2,054	124,097
SEATTLE AREA, WA	16,650	48	9	16,707	1,009,392
Total	363,664	48,601	15,945	428,210	25,871,300

[1] Includes Havana Parolees (HP's) for FY 1995 and FY 1996.

For FY 1995, HP arrivals to the qualifying Florida counties (7609) were based on actual data while HP arrivals to the non-Florida qualifying counties (1048) were prorated based on the counties' proportion of the five year entrant population in the U.S.

For FY 1996, 7288 HP's were prorated to the qualifying counties based on the counties' proportion of the five year entrant population in the U.S.

TABLE 2—PROPOSED TARGETED ASSISTANCE ALLOCATIONS BY STATE: FY 1997

State	Total FY 1997 proposed allocation
California	$7,079,036
Colorado	210,434
District of Col.	247,590
Florida	4,196,406
Georgia	752,195
Illinois	1,129,019
Iowa	177,687
Maryland	204,815
Massachusetts	373,077
Michigan	241,488
Minnesota	625,380
Missouri	356.039
Nebraska	149,412
New Mexico	196,235
New York	5,682,189
Oregon	710,689
Pennsylvania	495,543
Tennessee	196,296
Texas	1,431,407
Virginia	406,971
Washington	1,009,392

TABLE 2—PROPOSED TARGETED ASSISTANCE ALLOCATIONS BY STATE: FY 1997—Continued

State	Total FY 1997 proposed allocation
Total	25,871,300

VIII. Application and Implementation Process

Under the FY 1997 targeted assistance program, States may apply for and receive grant awards on behalf of qualified counties in the State. A single allocation will be made to each State by ORR on the basis of an approved State application. The State agency will, in turn, receive, review, and determine the acceptability of individual county targeted assistance plans.

Pursuant to § 400.210(b), FY 1997 targeted assistance funds must be obligated by the State agency no later than one year after the end of the Federal fiscal year in which the Department awarded the grant. Funds must be liquidated within two years after the end of the Federal fiscal year in which the Department awarded the grant. A State's final financial report on targeted assistance expenditures must be received no later than two years after the end of the Federal fiscal year in which the Department awarded the grant. If final reports are not received on time, the Department will deobligate any unexpended funds, including any unliquidated obligations, on the basis of a State's last filed report.

The requirements regarding the discretionary portions of the targeted assistance program will be addressed separately in the grant announcements for those funds. Applications for these funds are therefore not subject to provisions contained in this notice but to other requirements which will be conveyed separately.

IX. Application Requirements

The proposed State application requirements for grants for the FY 1997 targeted assistance formula allocation are as follows:

States that are currently operating under approved management plans for their FY 1996 targeted assistance program and wish to continue to do so for their FY 1997 grants may provide the following in lieu of resubmitting the full currently approved plan:

The State's application for FY 1997 funding shall provide:

A. Assurance that the State's current management plan for the administration of the targeted assistance program, as approved by ORR, will continue to be in full force and effect for the FY 1997 targeted assistance program, subject to any additional assurances or revisions required by this notice which are not reflected in the current plan. Any proposed modifications to the approved plan will be identified in the application and are subject to ORR review and approval. Any proposed changes must address and reference all appropriate portions of the FY 1996 application content requirements to ensure complete incorporation in the State's management plan.

B. Assurance that targeted assistance funds will be used in accordance with the requirements in 45 CFR Part 400.

C. Assurance that targeted assistance funds will be used primarily for the provision of services which are designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program. States must indicate what percentage of FY 1997 targeted assistance formula allocation funds that are used for services will be allocated for employment services.

D. Assurance that targeted assistance funds will not be used to offset funding otherwise available to counties or local jurisdictions from the State agency in its administration of other programs, e.g. social services, cash and medical assistance, etc.

E. The amount of funds to be awarded to the targeted county or counties. If a State with more than one qualifying targeted assistance county chooses to allocate its targeted assistance funds differently from the formula allocation for counties presented in the ORR targeted assistance notice in a fiscal year, its allocations must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. The application must provide a description of, and supporting data for, the State's proposed allocation plan, the data to be used, and the proposed allocation for each county.

F. Assurance that local administrative budgets will not exceed 15% of the local allocation. Targeted assistance grants are cost-based awards. Neither a State nor a county is entitled to a certain amount for administrative costs. Rather, administrative cost requests should be based on projections of actual needs. States and counties are strongly encouraged to limit administrative costs to the extent possible to maximize available funding for services to clients.

G. All applicants must establish targeted assistance proposed performance goals for each of the 6 ORR performance outcome measures for each targeted assistance county's proposed service contract(s) or sub-grants for the next contracting cycle. Proposed performance goals must be included in the application for each performance measure. The 6 ORR performance measures are: entered employments, cash assistance reductions due to employment, cash assistance terminations due to employment, 90-day employment retentions, average wage at placement, and job placements with available health benefits. Targeted assistance program activity and progress achieved toward meeting performance outcome goals are to be reported quarterly on the ORR–6, the "Quarterly Performance Report."

States which are currently grantees for targeted assistance funds should base projected annual outcome goals on the past year's performance. Proposed targeted assistance outcome goals should reflect improvement over past performance and strive for continuous improvement during the project period from one year to another.

H. A line item budget and justification for State administrative costs limited to a maximum of 5% of the total award to the State. Each total budget period funding amount requested must be necessary, reasonable, and allocable to the project. States that administer the program locally in lieu of the county, through a mutual agreement with the qualifying county, may add up to, but not exceed, 10% of the county's TAP allocation to the State's administrative budget.

States administering the program locally: States that have administered the program locally or provide direct service to the refugee population (with the concurrence of the county) must submit a program summary to ORR for prior review and approval. The

summary must include a description of the proposed services; a justification for the projected allocation for each component including relationship of funds allocated to numbers of clients served, characteristics of clients, duration of training and services, and cost per placement. In addition, the program component summary must describe any ancillary services or subcomponents such as day care, transportation, or language training.

X. Reporting Requirements

States are required to submit quarterly reports on the outcomes of the targeted assistance program, using Schedule A and Schedule C of the new ORR–6 Quarterly Performance Report form which was sent to States in ORR State Letter 95–35 on November 6, 1995.

Dated: March 26, 1997.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 97–8188 Filed 3–31–97; 8:45 am]

BILLING CODE 4184–01–P

Food and Drug Administration

[Docket No. 97F–0116]

Mitsui Petrochemical Industries, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Mitsui Petrochemical Industries, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 4-methylpentene-1 copolymers resulting from the copolymerization of 4-methylpentene-1 and 1-alkenes having from 12 to 18 carbon atoms for use in contact with food.

DATES: Written comments on the petitioner's environmental assessment by May 1, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Spring C. Randolph, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3191.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 7B4534) has been filed by Mitsui Petrochemical Industries, Ltd., c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in § 177.1520 *Olefin polymers* (21 CFR 177.1520) to provide for the safe use of 4-methylpentene-1 copolymers manufactured by the catalytic copolymerization of 4-methylpentene-1 with 1-alkenes having from 12 to 18 carbon atoms in contact with food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before May 1, 1997, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 6, 1997.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 97–8115 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 97M–0125]

Roche Molecular Systems, Inc.; Premarket Approval of AMPLICOR® Mycobacterium Tuberculosis Test

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Roche Molecular Systems, Inc., Somerville, NJ for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the AMPLICOR® (MTB) Test. After reviewing the recommendation of the Microbiology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of November 26, 1996, of the approval of the application.

DATES: Petitions for administrative review by May 1, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sharon L. Hansen, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2096.

SUPPLEMENTARY INFORMATION: On December 22, 1994, Roche Molecular Systems, Inc., Somerville, NJ 08876–3711, submitted to CDRH an application for premarket approval of the AMPLICOR® (MTB) Test. The device is a target amplified in vitro diagnostic test for the qualitative detection of *M. tuberculosis* complex DNA in concentrated sediments prepared from sputum (induced or expectorated), bronchial specimens including bronchoalveolar lavages or aspirates, or tracheal aspirates. The AMPLICOR® MTB Test is intended for use as an adjunctive test for evaluating acid fast bacilli (AFB) smear positive sediments prepared using NALC-NaOH or NaOH digestion-decontamination of respiratory specimens from untreated patients suspected of having tuberculosis. Untreated patients are patients who have: (1) Received no antituberculosis therapy; (2) had less than 7 days of therapy; or (3) have not received such therapy in the last 12 months. Only untreated patients may be evaluated with the AMPLICOR® MTB Test, which should only be performed in institutions proficient in the culture and identification of *M. tuberculosis* (ATS Level II and III or CAP extent 3 and 4). The test should always be performed in conjunction with a mycobacterial culture.

On January 25, 1996, the Microbiology Devices Panel of the Medical Devices Advisory Committee,

an FDA advisory committee, reviewed and recommended approval of the application. On November 26, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 1, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: February 20, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–8114 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 97M–0120]

Angelini Pharmaceuticals, Inc.; Premarket Approval of the 2-In-1 Drop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Angelini Pharmaceuticals, Inc., River Edge, NJ, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the 2-In-1 Drop. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of February 13, 1997, of the approval of the application.

DATES: Petitions for administrative review by May 1, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James F. Saviola, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1744.

SUPPLEMENTARY INFORMATION: On May 25, 1994, Angelini Pharmaceuticals, Inc., River Edge, NJ 07661, submitted to CDRH an application for premarket approval of the 2-In-1 Drop. The device is a contact lens drop, packaged in a single-use container, that is indicated for use with soft (hydrophilic) contact lenses (including disposables) and rigid gas permeable contact lenses as a lubricating and rewetting agent during the wearing period and as a wetting agent to cushion lenses prior to placement on the eye. The 2-In-1 Drop may also be used in place of a daily cleaner as part of an appropriate chemical disinfection regimen.

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this application was not referred to the Ophthalmic Devices Panel of the Medical Device Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the application substantially duplicates information previously reviewed by this panel.

On February 13, 1997, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 1, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated

to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 4, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–8169 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 97M–0122]

Xillix Technologies Corp.; Premarket Approval of Xillix LIFE-Lung Fluoresence Endoscopy System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application submitted by Hogan and Hartson, Washington, DC, U.S. representative for Xillix Technologies Corp., Richmond, B.C., Canada, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of Xillix LIFE-Lung Fluoresence Endoscopy System. After reviewing the recommendation of the Ear, Nose, and Throat Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 19, 1996, of the approval of the application.

DATES: Petitions for administrative review by May 1, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kirby J. Cooper, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2080.

SUPPLEMENTARY INFORMATION: On December 21, 1995, Hogan and Hartson, Washington, DC, U.S. representative for Xillix Technologies Corp., Richmond, B.C. Canada, submitted to CDRH an application for premarket approval of Xillix LIFE-Lung Fluorescence Endoscopy System. The device is a fluorescence endoscopy system and is indicated for use as an adjunct to white light bronchoscopy, using an Olympus BF-20D bronchoscope, to enhance the physician's ability to identify and locate bronchial tissue, suspicious for moderate/severe dysplasia or worse, for biopsy and histologic evaluation in the following patient populations:

1. Patients with known or previously diagnosed lung cancer; and

2. Patients with suspected lung cancer including: (a) Patients with Stage I completely resected lung cancer, with no evidence of metastatic disease, who are at risk for secondary disease; and (b) patients suspected of having lung cancer because of clinical symptoms such as positive sputum cytology, hemoptysis, unresolved pneumonia, persistent cough, or positive x-ray.

On June 11, 1996, the Ear, Nose, and Throat Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On September 19, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 1, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 4, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health

[FR Doc. 97–8170 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 35, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans, call the HRSA Reports Clearance Officer on (301) 443–1129.

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

Proposed Project: Program Data Report Form for the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990, Title III HIV Early Intervention Services Program

(OMB No. 0915–0158)—Revision and Extension—Title III of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990, as amended by the CARE Act Amendments of 1996, provides categorical funding to increase the capacity and capability of organizations that provide primary health care to provide HIV-related early intervention services to medically underserved persons who have, or are at high risk for, HIV infection. These services are provided as part of a continuum of HIV prevention and health care services.

This clearance request is for extension of OMB approval of the Title III Program Data Report form, which is submitted annually by Title III grant recipients. The bulk of the information being collected describes the epidemiologic and demographic data on the populations receiving early intervention services from grant recipients, and provides the basis for the annual report to the Secretary, which is legislatively mandated. It is also used to monitor the delivery of services, guide federal policy, and assist in program development and evaluation. Only minor revisions to the form are proposed, including deletion of some sections found to lack utility, revision of some data elements and instructions for clarity, and addition of data elements to improve the usefulness of the data.

The estimate of burden for the form is as follows:

Form name	No. of respondents	Responses per respondent	Hours per response	Total burden hours
Program Data Report Form	170	1	500	85,000

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: March 26, 1997.

J. Henry Montes,

Director, Office of Policy and Information Coordination.

[FR Doc. 97–8168 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–15–P

The Ryan White Comprehensive AIDS Resources Emergency Act of 1990, as Amended by the Ryan White CARE Act Amendments of 1996

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of a Pre-Application Technical Assistance Workshop for Ryan White Title III HIV Planning Grants.

SUMMARY: The Health Resources and Services Administration (HRSA) will hold a pre-application technical assistance workshop for competing applicants for Ryan White Title III HIV Planning Grants, of Part C of Title XXVI of the Public Health Service (PHS) Act. A Ryan White Title III HIV Planning Grant will assist health care service entities to qualify for grant support under the Ryan White Title III Early Intervention Services Program.

Eligible applicants for the Ryan White Title III HIV Planning Grants are public or nonprofit private entities. Grant recipients of the Ryan White Title III Early Intervention Services Program are not eligible to receive Ryan White Title III HIV Planning Grants.

It should be noted that eligible applicants for the Ryan White Title III Early Intervention Services Program are public or private, nonprofit entities that are: Current primary care service providers to populations at risk for HIV disease; community health centers under section 330 of the PHS Act; migrant health centers under section 330(g) of the PHS Act; health care for the homeless grantees under section 330(h) of the PHS Act; family planning grantees under section 1001 of the PHS Act, other than states; comprehensive hemophilia diagnostic and treatment centers; or federally qualified health centers under section 1905(1)(2)(B) of the Social Security Act.

PURPOSE: The purpose of the pre-application technical assistance workshop is to provide information about the Ryan White Title III HIV Planning Grant program, and to review application procedures. Information will also be provided about the Ryan White Title III Early Intervention Services Program. Participants will have the opportunity to review the program guidance and to receive technical assistance pertaining to all aspects of writing a Ryan White Title III HIV Planning Grant application.

FOR FURTHER INFORMATION AND TO REGISTER: Anyone interested in attending this workshop must contact Ms. Karin Martinsen, Professional and Scientific Associates, Inc., 8180 Greensboro Drive, Suite 1050, McLean VA 22102–3823 (phone: 703–442–9824). Costs of attending the workshop are the sole responsibility of the attendee. There is a nominal registration fee of $50 to cover the cost of materials, lunch and refreshments.

For general information, contact the HIV Primary Care Programs Branch, Division of Programs for Special Populations, Bureau of Primary Health Care, 4350 East West Highway, Bethesda, MD 20814 (telephone: 301–594–4444).

Date, Time, and Location

Wednesday, April 9, 1997 (the due date for the Ryan White Title III HIV Planning Grant is May 1, 1997). 10:00 a.m.–5:00 p.m., St. Louis Airport Marriot, St. Louis, Missouri, (314) 423–9700.

The OMB *Catalog of Federal Domestic Assistance* number for this program is 93.918.

Dated: March 26, 1997.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 97–8167 Filed 3–31–97; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Institute of Child Health and Human Development: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Development of a Microbial Screen for Anti-Virals Targeting PKR or Inhibitors of PKR

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health is seeking one or more CRADA partners for further development and evaluation of a microbial screen in yeast to identify anti-viral agents that target regulators of and/or the PKR kinase. The National Institute of Child Health and Human Development has established a system in yeast to identify and

characterize viral regulators of the PKR kinase, that should also be useful for identifying anti-viral agents that counteract the viral regulators. To expedite research and development of this system, the National Institutes of Health is seeking CRADAs with pharmaceutical or biotechnology companies in accordance with the regulations governing the transfer of Government-developed agents. Any proposal to use or develop this system will be considered.

ADDRESSES: CRADA proposals and questions about this opportunity should be addressed to: Dr. Gordon Guroff, Deputy Scientific Director, National Institute of Child Health and Human Development, Building 49, Room 5A64, Bethesda, MD 20892 (301/496–4751).

DATES: CRADA proposals should be received on or before July 30, 1997 for priority consideration. However, CRADA proposals submitted thereafter will be considered until a suitable CRADA Collaborator is selected.

SUPPLEMENTARY INFORMATION: The protein kinase PKR is a component of the interferon-induced anti-viral defense mechanism in mammalian cells. Upon activation by binding double-stranded RNA in infected cells, the kinase down-regulates the cellular translational apparatus, and thus impairs viral protein expression. To overcome the inhibitory effects of PKR, viruses have developed efficient methods to prevent the activation or function of the kinase. A potential site of therapeutic intervention is to block viral inhibition of PKR.

The NICHD has developed a microbial system in the yeast Saccharomyces cerevisiae in which expression of PKR inhibits growth by down-regulating cellular protein synthesis. The toxicity of PKR in this system can be relieved by co-expression of viral regulatory factors including the vaccinia virus K3L protein. This simple microbial system should be amenable to high through-put screens to identify anti-viral agents that inactivate viral regulators of PKR, and thus restore PKR toxicity in this system. In addition, agents that act on PKR and reduce the sensitivity of PKR to viral regulatory factors could also be identified. This system should also be useful to identify regulators of PKR from other viruses, and then subsequently used to identify inhibitors of these newly identified viral regulatory factors.

In an effort to expedite research and development of new anti-viral agents targeting PKR, the National Institute of Child Health and Human Development seeks a CRADA partner(s) for joint exploration. Any CRADA proposals for use of this system will be considered.

The CRADA aims will include the rapid publication of research results consistent with protection of proprietary information and patentable inventions as well as the timely exploitation of commercial opportunities. The CRADA partner will enjoy the benefits of first negotiation for licensing Government rights to any inventions arising under the agreement and will advance funds payable upon signing the CRADA to help defray Government expenses for patenting such inventions and other CRADA-related costs.

The role of the National Institute of Child Health and Human Development will be as follows:

1. Provide the collaborator with the data on the system covered by the agreement.
2. Provide the yeast strains and plasmids covered by the agreement.
3. Continue studies on the system to optimize growth tests for screens.
4. Work cooperatively with the Collaborator to perform the necessary controls to validate results from screens.
5. Jointly identify additional PKR inhibitors, and establish necessary strains for anti viral screens.

The role of the Collaborator will be as follows:

1. Undertake studies to evaluate the usefulness of this system for high through-put screens.
2. Cooperate to identify additional PKR inhibitors that could be tested using this system.
3. Undertake studies using this system to identify agents that inactivate viral inhibitors of PKR.

Selection criteria for choosing the CRADA Collaborator(s) will include but are not limited to the following:

1. The ability to collaborate with the NICHD on further research and development of this technology. This ability can be demonstrated through experience and expertise in this and related areas of technology.
2. The demonstration of adequate resources to perform the research and development of this technology (e.g., personnel, expertise, and facilities) and accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.
3. The level of financial support the CRADA Collaborator will provide for CRADA related Government activities.
4. The willingness to cooperate with the NICHD in publication of research results consistent with the protection of proprietary information and patentable inventions which may arise during the period of the agreement.
5. Agreement to be bound by DHHS rules and regulations regarding human subjects, patent rights, ethical treatment of animals, and randomized clinical trials.
6. Agreement with provisions for equitable distribution of patent rights to any inventions developed under the CRADA(s). Generally, the rights of ownership are retained by the organization which is the employer of the inventor, with an irrevocable, non-exclusive, royalty free license to the Government (when a company employee(s) is the sole inventor) or an option to negotiate an exclusive license to the company on terms that are appropriate (when the Government employee(s) are either sole or joint inventors).

Dated: March 18, 1997.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 97–8120 Filed 3–31–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4200–N–46]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed information collection for public comment.

SUMMARY: The proposed information collection requirement for the State Community Development Block Grant (CDBG) program will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comment due date: June 2, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Shelia E. Jones, Department of Housing & Urban Development, 451 7th Street, SW, Room 7230, Washington, DC 20410–7000.

FOR FURTHER INFORMATION CONTACT: Steve Johnson, Acting Director, State and Small Cities Division, Department of Housing and Urban Development, Room 7286, 451 Seventh Street, SW, Washington, DC 20410–7000. For telephone communication, contact Yvette Aidara, State and Small Cities Division, at 202–708–1322. This is not

a toll-free number. Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Community Development Block Grants: State's Program

OMB Control Number: 2506–0085

Description of the need for the information and proposed used: The information is needed to assist HUD in determining whether States are carrying out the CDBG program in accordance with the applicable laws. In addition, States must maintain records at the state level to facilitate review and audit by HUD of each state's administration of its grant pursuant to section 104(e) of the statute and section 570.490 of the State CDBG rule.

Agency form numbers, if applicable: The Housing and Community Development Act of 1974, as amended, requires states that administer the CDBG program to submit: (1) a Final Statement that contains the community development objectives, a method of distribution, and the certification by the Governor or a duly authorized state official (Section 104(a)(1)); (2) an annual performance and evaluation report (PER) (Section 104(e)); and such records as may be necessary to facilitate review and audit by HUD of the state's administration of CDBG funds (Section 104(e)(2)).

Members of affected public: State Governments participating in the State administered CDBG program

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Task	Number of respondents	Frequency of response (annual)	Estimate of burden hours	Total U.S. burden hours
PER (Performance & Evaluation Report).	49	1	216	10,584
Recordkeeping:				
States	49	On-going	117	5,733
Localities	3,500	On going	26	91,000
Consolidated Plan*	*49	(*)	(*)	(101,950)
Total	49 plus		7065	107,317

*ConPlan paperwork hours reported with 2506–0117.

Status of the proposed information collection: Reinstatement, with minor change, of a previously approved collection for which approval is near expiration and request for OMB renewal for three years. The current OMB approval expires in April, 1997.

This report *does not* include 101,950 hours (2039 per respondent) spent on Consolidated Plan preparation and reporting. Those hours are reported with 2506–0117.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 26, 1997.

Jacquie Lawing,

General Deputy, Assistant Secretary.

[FR Doc. 97–8209 Filed 3–31–97; 8:45 am]

BILLING CODE 4210–29–M

[Docket No. FR–4200–N–47]

Notice of Proposed Information Collection for Public Comment; Community Development Block Grant Entitlement Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of proposed information collection for public comments.

SUMMARY: The proposed information collection requirement for the Community Development Block Grant (CDBG) entitlement program described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: June 2, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Sheila E. Jones, Department of Housing and Urban Development, 451–7th Street, SW, Room 7230, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Deirdre Maguire-Zinni, Director, Entitlement Communities Division, (202) 708–1577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35 as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the

information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Community Development Block Grant Entitlement Program.

OMB Control Number, if applicable: 2506.0077.

Description of the need for the information and proposed use: Community Development Block Grant (CDBG) Entitlement grantees are required by 24 CFR 570.506 to retain records necessary to document compliance with statutes, regulations, Executive Orders, and OMB Circulars applicable to the CDBG Entitlement Program. Also, Entitlement grantees are required by Section 104(e) of Title I of the Housing and Community Development Act to annually submit a performance report, which is necessary for the Secretary to perform an annual review of performance required by that section of the law, as well as providing the documentation necessary to prepare the Annual Report to Congress on the CDBG program.

Entitlement grantees will no longer be required to submit a separate annual report (Grantee Performance Report or GPR) specifically addressing all CDBG Entitlement program activities. Grantees will now report on their CDBG activities in the Consolidated Annual Performance and Evaluation Report (which would also include performance report information for the HOME Investment Partnership, Emergency Shelter Grants [ESG], and Housing Opportunities for Persons With AIDS [HOPWA] programs as well, should the CDBG grantee also be a recipient of any funds under these programs).

The automated Integrated Disbursement and Information System (IDIS) will be a key component in the production of the Consolidated Annual Performance and Evaluation Report. Grantees will input information about their CDBG program activities into IDIS on an on-going basis throughout their program year. Since data can be easily extracted from IDIS to be included in the Consolidated Annual Performance and Evaluation Report, the time necessary to produce the report will be reduced. Duplication of information and inconsistent reporting will be reduced also. There are no standard forms required to be used in the Consolidated Annual Performance and Evaluation Report, therefore grantees have much flexibility with respect to its design and format.

The proposed information collection requirement includes a revision of the currently approved recordkeeping and reporting requirements for entitlement grantees in the CDBG program. The existing approval granted under OMB Number 2506–0077 is due to expire May 31, 1997. The existing approval includes the Final Statement (SF–424), which was submitted by grantees as a condition for receiving their grant, and GPR (Forms HUD–4949.1 through 4949.6), which was submitted at the end of each grantee's program year.

This is to advise that the Final Statement will be excluded from the information collection requirement, since the information previously included in the Final Statement is now submitted to the Department as part of the consolidated Submission for Community Development Planning and Development Programs (see OMB approval No. 2506–0117).

Although the IDIS and the Consolidated Annual Performance and Evaluation Report can contain information on a grantee's CDBG, HOME, ESG, and HOPWA programs, this information collection requirement submitted to OMB requests approval for *CDBG Entitlement Program recordkeeping and reporting requirements only.*

The Department is in the process of converting all of its CDBG Entitlement grantees into the IDIS. Given the wide range of grantee program year start dates for 1997 (January 1, 1997 to October 1, 1997) some grantees have yet to be fully converted into the IDIS. Some communities may continue to report through the GPR until they are fully converted into the IDIS. Also, the IDIS does not collect all information necessary to meet all requirements for the Entitlement CDBG program. Grantees will have to submit supplementary documents with their Consolidated Annual Performance and Evaluation Report to meet these requirements. In future program years, grantees will report through the IDIS system, with supplementary documents submitted.

Members of affected public: Entitlement grantees of the Community Development Block Grant Program.

Estimation of the total numbers of hours needed to prepare the information collection, including number of respondents, frequency of response, and hours of response: The Department estimates that each of its 925 grantees will annually use, on average, 125 hours to keep records (non-IDIS recordkeeping) on their CDBG activities, and 305 hours to prepare reports on activities (both IDIS-generated and non-IDIS reports).

570.506 (recordkeeping) (on-going): 925×125 hrs=115,625 hrs.
570.507 (reporting): 925×305 hrs=282,125 hrs.
Total burden hours=397,750 hrs.
Computation of reporting hours:
(Quarterly and annual reports from IDIS, annual total): 925×284 hrs=262,700
(Non-IDIS reports, Supplemental annual): 925×21 hrs=19,425
Total reporting hrs=282,125 hrs.

Status of the proposed information collection: Reinstatement, with change, of a previously approved collection for which approval is near expiration and request for OMB renewal for three years. The current OMB approval expires in May 1997.

This report *does not* include 35,920 hours spent on Consolidated Plan preparation and submission. Those hours are reported with 2606–0117.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 26, 1997.

Jacquie Lawing,

General Deputy Assistant Secretary.

[FR Doc. 97–8210 Filed 3–31–97; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Western Water Policy Review Advisory Commission Meeting

AGENCY: Department of the Interior.

ACTION: Notice of open meeting.

SUMMARY: As required by the Federal Advisory Committee Act, notice is hereby given that the Western Water Policy Review Advisory Commission (Commission), established by the Secretary of the Interior under the Reclamation Projects Authorization and Adjustment Act of 1992, will meet to receive direct testimony from its contracted researchers who are reporting on issues in six major river basins in the west and to meet on other Commission business.

DATES: Thursday, April 17, 1997, 8:30 a.m.–5:00 p.m.; Friday, April 18, 1997, 8:00 a.m.–5:00 p.m.; Saturday, April 19, 1997, 8:00 a.m.–12:00 p.m.

ADDRESSES: Location: Regal Harvest House, 1345 28th Street, Boulder, Colorado. Room locations will be posted in the hotel lobby. Copies of the agenda are available from the Western Water Policy Review Office, D–5001; P.O. Box 25007; Denver, CO 80225–0007.

FOR FURTHER INFORMATION CONTACT: The Commission Office at telephone 303–236–6211, FAX 303–236–4286, or E-mail to rgunnarson@do.usbr.gov.

SUPPLEMENTARY INFORMATION: *Public Participation:* Written statements may be provided in advance to the Western Water Policy Review Office, address cited under the **ADDRESSES** caption of this notice, or submitted directly at the meeting. Statements will be provided to the members prior to the meeting if received by no later than April 10, 1997. The Commission's schedule will not allow time for formal presentations by the public during the meeting.

Dated: March 25, 1997.

Larry Schulz,

Administrative Officer.

[FR Doc. 97–8227 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–94–M

Bureau of Land Management

[WY–920–07–1320–00]

Powder River Regional Coal Team Activities: Amendment of Agenda

AGENCY: Department of Interior, Wyoming.

ACTION: Modification of regional coal team meeting agenda.

SUMMARY: Addition of Discussion Items to Regional Coal Team (RCT) agenda for its Annual meeting.

DATES: The RCT meeting remains as initially scheduled; e.g. 9:00 a.m. M.D.T. on Wednesday, April 23, 1997.

ADDRESSES: The meeting will be held as originally scheduled at the Wyoming Conservation Commission's Meeting Room, 777 West 1st Street, Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: Pam Hernandez or Eugene Jonart, Wyoming State Office, Attn: (922), P.O. Box 1828, Cheyenne, Wyoming 82003, telephone (307) 775–6270 or 775–6257.

SUPPLEMENTARY INFORMATION: The RCT would like to announce that several changes have occurred which they would like to bring to the public's attention. A new coal lease-by-application (LBA) was filed with the BLM Wyoming State Office by Amax Land Company (WYW141568), on March 20, 1997, for an estimated 200 million tons and 1,578 acres. This is the initial public notification of this pending application, in accordance with the Powder River Operational Guidelines (1991).

In addition, a brief update of the 1996 Powder River Basin Market Analysis has been added. Any party interested in providing comments or data related to the above pending application may either do so in writing to the State Director (922), Wyoming State Office, Bureau of Land Management, P.O. Box 1828, Cheyenne, WY, 82003, no later than April 18, 1997, or by addressing the RCT with his/her concerns at the meeting on April 23, 1997.

The amended agenda for the meeting follows:

1. Introduction of RCT Members and guests.
2. Approval of the Minutes of the April 23, 1996, Regional Coal Team meeting held in Cheyenne, Wyoming.
3. Regional Coal Activity Status:
   a. Current Production and Trend.
   b. Activity Since Last RCT Meeting.
   c. Status of pending LBAs previously reviewed by RCT:

—North Rochelle LBA—WYW127221, Ziegler; filed 7/22/92; 140 million tons; est. sale date July 1997. Draft EIS was reviewed by public from November 8, 1996, thru January 10, 1997. A public hearing was held in Gillette, WY, on December 12, 1996

—Powder River—WYW136142; Peabody; filed 3/23/95, est. 550 million tons, 4,020 acres, tentative sale date in March 98

—Jacob's Ranch—WYW136458; (Wyoming), Kerr-McGee; filed 4/14/95, est 432 million tons, 4,000 acres, tentative sale date June 98

   d. Status of Coal Exchanges—Belco/Hay Creek; Nance/Brown-AVF.
   e. Pending Coal Lease Modifications (if any).
   f. New coal lease applications (LBAs).
4. Update of Selected Portions of 1996 Executive Summary.
5. Update of 1996 Market Analysis.
6. Other Regional Issues:

—Status of Buffalo Resource Area's Management Plan, (Wyoming).

—Encoal Corporation Presentation

—North American Power Group Presentation

7. Lease Applicant Presentations:

—Evergreen Enterprises

—Antelope Coal Company

—Amax Land Company

8. RCT Activity Planning Recommendations.

—Review and recommendation(s) on pending lease Application(s)

9. Discussion of the next meeting site and time.
10. Adjourn.

Public discussion opportunities will be provided on all agenda items.

Alan R. Pierson,

State Director, Wyoming.

[FR Doc. 97–8163 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–22–M

[CA–930–1430–01; CAS 585]

Termination of Classifications of Public Lands for Small Tract Classification Number 506, Recreation and Public Purpose, and Multiple-Use Management, and Opening Order; California; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In notice document 96–22270 beginning on page 46481 in the issue of Tuesday, September 3, 1996, make the following correction:

On page 46482 in the second column, (a). Insert sec. 11 into the legal description for T. 43 N., R. 13 E.; (b). insert the following legal description:

T. 41 N., R. 14 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

Dated: March 19, 1997.

David McIlnay,

Chief, Branch of Lands.

[FR Doc. 97–8159 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–40–P

[NV–942–07–1420–00]

Filing of Plats of Survey; Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: Filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Robert H. Thompson, Acting Chief, Cadastral Survey, Bureau of Land Management (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702–785–6541.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on January 9, 1997:

The plat, representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines of Township 14 North, Range 20 East, of the Mount Diablo Meridian, in the State of Nevada, under Group No. 739, was accepted January 7, 1997.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at

the Nevada State Office, Reno, Nevada on January 16, 1997:

The plat, in five (5) sheets, representing the dependent resurvey of the Sixth Standard Parallel South, through a portion of Range 59 East, a portion of the south boundary, the east boundary, a portion of the subdivisional lines and a portion of Mineral Survey No. 5026, and the subdivision of certain sections, Township 25 South, Range 59 East, of the Mount Diablo Meridian, in the State of Nevada, under Group No. 702, was accepted January 14, 1997.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on January 30, 1997:

The plat, representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, and the subdivision of sections 4 and 9, Township 11 North, Range 26 East, of the Mount Diablo Meridian, in the State of Nevada, under Group No. 757, was accepted January 28, 1997.

This survey was executed to meet certain needs of the Bureau of Land Management.

4. The Plat of Survey of the following described lands will be officially filed at the Nevada State Office, Reno, Nevada on May 5, 1997:

The plat, representing the dependent resurvey of a portion of the subdivisional lines and Mineral Survey No. 4813 in Township 16 North, Range 29 East; and the dependent resurvey of a portion of Mineral Survey No. 5123 in Townships 16 North, Ranges 28 and 29 East, and the survey of a portion of the west boundary and a portion of the subdivisional lines of Township 16 North, Range 29 East, of the Mount Diablo Meridian, in the State of Nevada, under Group No. 759, was accepted March 18, 1997.

This survey was executed to meet certain needs of the Bureau of Land Management.

5. Subject to valid existing rights the provisions of existing withdrawals and classifications, the requirements of applicable laws, and other segregations of record, those lands listed under item 4 are open to application, petition, and disposal, including application under the mineral leasing laws. All such valid applications received on or prior to May 5, 1997, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

6. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: March 19, 1997.

Robert H. Thompson,

Acting Chief Cadastral Surveyor, Nevada.

[FR Doc. 97–8160 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–HC–P

National Park Service

Notice of Boundary Adjustment and Exchange of Lands In Clallam and Mason Counties, Washington

SUMMARY: This notice announces a revision of the boundaries of Olympic National Park. Federal lands within Olympic National Park (ONP) have been conveyed to the City of Tacoma (Tacoma) for operation of the Lake Cushman hydroelectric project. The boundary of ONP has been adjusted to delete these disposed federal lands. In exchange, the United States (U.S.) has acquired formerly State-owned lands within the boundaries of ONP, which were provided by Tacoma.

FOR FURTHER INFORMATION CONTACT: Realty Officer, Land Resources Program Center, Columbia Cascades System Support Office, 909 First Avenue, Seattle, WA 98104–1060 (206) 220–4065.

SUPPLEMENTRY INFORMATION: This boundary change and land exchange was made pursuant to the Act of October 23, 1992, Public Law 102–436 (106 Stat. 2217).

Effective March 3, 1997, the following described federal lands were conveyed to Tacoma by the U.S. and deleted from the boundaries of ONP:

Willamette Meridian

Township 23 North, Range 5 West, Mason County
Tract 37 in unsurveyed Sections 3 and 4.
Containing 29.83 acres, more or less.

In exchange, the U.S. acquired the following described lands which are within the boundary of ONP:

Willamette Meridian

Township 30 North, Range 10 West, Clallam County
Section 26: NW¼NW¼, and
Township 28 North, Range 15 West, Clallam County
Section 36: N½NE¼NE¼SW¼.
The above lands aggregating 45 acres, more or less.

The lands exchanged were determined to be of equal value. An environmental assessment of the project resulted in a Finding of No Significant Impact.

Management of the former federal lands, although conveyed to Tacoma and being removed from the boundary of ONP, will continue to include public access and resource protection through a management agreement.

Maps concerning the exchange and boundary adjustment are on file and available for inspection in the office of the National Park Service, Department of the Interior, Land Resources Program Center, Columbia Cascades System Support Office.

Dated: March 14, 1997.

William C. Walters,

Deputy Field Director, Pacific West Area.

[FR Doc. 97–8187 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–P

Petersburg National Battlefield General Management Plan Public Meeting and Intent To Publish an Environmental Impact Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting/open house and notice of intent to publish environmental impact statement.

SUMMARY: This notice announces an upcoming scoping meeting/open house for Petersburg National Battlefield General Management Plan and the intent to publish an environmental impact statement in association with the general management plan.

DATE AND TIME: Thursday, April 10, 1997 from 2:00 to 4:00 pm.

ADDRESSES: Petersburg National Battlefield Visitor Center, Highway 36, Petersburg, VA 23803.

The purpose of the meeting/open house to describe the general management planning effort beginning for Petersburg National Battlefield and to solicit concerns about the future management of the park. The agenda for the open house consists of an overview of the project and an open discussion of citizen concerns.

We encourage all who have an interest in the park's future to attend or to contact the Park Superintendent by letter or telephone. Minutes of the meeting will be available for public review four weeks after the meeting at the Visitor Center.

FOR FURTHER INFORMATION CONTACT: Superintendent, Petersburg National Battlefield, 1539 Hickory Hill Road, Petersburg, VA 23803, (804) 732–4210.

Dated: March 7, 1997.

Peter Iris-Williams,

Chesapeake/Allegheny System Support Office, Partnership & Stewardship Team.

Hon. John Warner
Hon. Charles Robb
Hon. Robert Scott
Hon. Norman Sisisky
Governor George Allen

[FR Doc. 97–8247 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–M

Saint Croix National Scenic Riverway, Minnesota and Wisconsin

AGENCY: National Park Service, Interior.

ACTION: Implementation of Saint Croix National Scenic River interim camping management program.

SUMMARY: The National Park Service, Saint Croix National Scenic Riverway, will, over the next 3 years, update its 1993 Camping Management Plan and program to bring it into compliance with National Park Service policy and regulations. This interim program will parallel the Lower Saint Croix Riverway Cooperative Management Plan and Upper Saint Croix Riverway General Management Plan planning processes. No action will be taken that is not in keeping with the general direction of the planning process or that cannot be changed.

Current direction for implementing the riverway's camping management program is provided in the Riverway's Lower Riverway Master Plan (February 1976), Upper Riverway Master Plan (August 1976), River Use Management Plan (1992), National Park Service Management Policies (1988), and Title 36, Code of Federal Regulations. The National Park Service will continue to manage camping along the Upper Riverway consistent with current practices, including limiting camping on Federal lands to designated sites and landings north of Nevers Dam (mile 63). In addition to the above camping requirements, the National Park Service will immediately begin to actively manage camping along the Lower Saint Croix National Scenic Riverway between Saint Croix Falls, Wisconsin/Taylors Falls, Minnesota (mile 53) to the north city limits of Stillwater (mile 25) and may begin action on that section of the Upper Saint Croix Riverway from Saint Croix Falls/Taylors Falls north to Nevers Dam (mile 63). Management actions will include the increased enforcement of existing rules and regulations and the development of a "designated site" camping program. This year's proposed actions will be published in final in the Saint Croix National Scenic Riverway Superintendent's Compendium later this spring.

In addition, the National Park Service is seeking citizen volunteers to assist in revising, updating, and implementing its interim and long range Camping Management Plan and program. Assistance is sought in identifying, developing, and maintaining sites, as well as assistance in general river shoreline clean-up. Any interested individuals should contact the Superintendent at the address listed below.

A copy of the proposed designation/zoning program for 1997 may be requested by contacting the Superintendent at the address provided below. Authority for the Superintendent to take action is found in 36 CFR 2.10 Camping and Food Storage and 36 CFR 2.14 Sanitation and Refuse.

DATES: The Superintendent, Saint Croix National Scenic Riverway, will accept comments regarding camping and overnight use on the Saint Croix National Scenic Riverway until May 1, 1997.

ADDRESSES: Copies of the Superintendent's Compendium will be available for public review on May 7, 1997 at the following locations: Superintendent's Office, Saint Croix National Scenic Riverway, 401 Hamilton Street, St. Croix Falls, Wisconsin; Lower Saint Croix National Scenic Riverway Stillwater Visitor Center, 117 Main Street, Stillwater, Minnesota; Upper Saint Croix National Scenic Riverway Marshland Visitor Center, Highway 70, Grantsburg, Wisconsin; and the Upper Saint Croix National Scenic Riverway Trego Visitor Center, Highway 63, Trego, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Superintendent Anthony L. Andersen, Saint Croix National Scenic Riverway, P.O. Box 708, St. Croix Falls, Wisconsin 54024; telephone 715–483–3284, fax 715–483–3288, or e:mail him SACN_Superintendent@NPS.Gov.

Dated: March 20, 1997.

David N. Given,

Deputy Regional Director.

[FR Doc. 97–8244 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–P

Dayton Aviation Heritage Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Dayton Aviation Heritage Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

DATE, TIME, AND ADDRESS: Tuesday, April 8, 1997, 5:15 p.m. to 6:30 p.m., Innerwest Priority Board conference room, 1024 West Third Street, Dayton, Ohio 45407.

This business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons accommodated on a first-come, first-served basis. The Chairman will permit attendees to address the Commission, but may restrict the length of presentations. An agenda will be available from the Superintendent, Dayton Aviation, 1 week prior to the meeting.

FOR FURTHER INFORMATION CONTACT: William Gibson, Superintendent, Dayton Aviation, National Park Service, PO Box 9280, Wright Brothers Station, Dayton, Ohio 45409, or telephone 513–225–7705.

SUPPLEMENTARY INFORMATION: The Dayton Aviation Heritage Commission was established by Public Law 102–419, October 16, 1992.

Dated: March 19, 1997.

David N. Given,

Deputy Regional Director, Midwest Regional Office.

[FR Doc. 97–8245 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–M

Gettysburg National Military Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the twenty-second meeting of the Gettysburg National Military Park Advisory Commission.

DATES: The public meeting will be held on April 17, 1997, from 7 p.m.–9 p.m.

LOCATION: The meeting will be held at Gettysburg Cyclorama Auditorium, 125 Taneytown Road, Gettysburg, Pennsylvania 17325.

AGENDA: Sub-Committee Reports, Presentation on the Archeological Excavation of Human Remains—August 1996, Operational Update on Park Activities, and Citizens Open Forum.

FOR FURTHER INFORMATION CONTACT: John A. Latschar, Superintendent, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. The statement should be addressed to the Advisory

Commission, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Gettysburg National Military Park located at 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

Dated: March 19, 1997.

John A. Latschar,

Superintendent, Gettysburg NMP/Eisenhower NHS.

[FR Doc. 97–8243 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–M

Maine Acadian Culture Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the Maine Acadian Culture Preservation Commission will meet on Friday, April 18, 1997. The meeting will convene at 7 p.m. in the student lounge, University of Maine, Fort Kent, Aroostook County, Maine.

The Maine Acadian Culture Preservation Commission was appointed by the Secretary of the Interior pursuant to the Maine Acadian Culture Preservation Act (Pub. L. 101–543). The purpose of the Commission is to advise the National Park Service with respect to:

- The development and implementation of an interpretive program of Acadian culture in the state of Maine; and
- The selection of sites for interpretation and preservation by means of cooperative agreements.

The Agenda for this meeting is as follows:

1. Review and approval of the summary report of the meeting held February 21, 1997.
2. A talk by Dr. Jean-Claude Dupont, "Myth and symbol in Acadian and Quebec culture compared".
3. Report of the National Park Service project staff.
4. Upcoming commission meetings and speakers.
5. Opportunity for public comment.
6. Proposed agenda, place, and date of the next Commission meeting.

The meeting is open to the public. Further information concerning Commission meetings may be obtained from the Superintendent, Acadia National Park. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Acadia National Park, PO Box 177, Bar Harbor, ME 04609–0177; telephone (207) 288–5472.

Dated: March 11, 1997.

Paul F. Haertel,

Superintendent, Acadia National Park.

[FR Doc. 97–8246 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–P

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 22, 1997. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by April 16, 1997.

Carol D. Shull,

Keeper of the National Register.

Arizona

Apache County

Lyman Lake Rock Art Site, Address Restricted, Saint Johns vicinity, 97000347

La Paz County

Harquahala Mountain Smithsonian Solar Observatory Archeological District, Address Restricted, Gladden vicinity, 97000346

California

San Francisco County

Grabhorn Press Building, 1335 Sutter St., San Francisco, 97000349

Hunter-Dulin Building, 111 Sutter St., San Francisco, 97000348

Florida

Bradford County

Woman's Club of Starke, 201 N. Walnut St., Starke, 97000350

Madison County

St. Mary's Episcopal Church, (Florida's Carpenter Gothic Churches MPS), 108 NW. Horry St., Madison, 97000351

Georgia

Fulton County

Howell Station Historic District, Roughly bounded by W. Marietta, Rice, Baylor, and Herndon Sts., Niles Cir., and Longley Ave., Atlanta, 97000352

Rucker, Simeon and Jane, Log House, 755 Old Rucker Rd., Alpharetta vicinity, 97000353

Louisiana

Ouachita Parish

Robinson Business College, 604 Jack McEnery Ave., Monroe, 97000354

Montana

Missoula County

Studebaker Building, (Missoula MPS), 216 W. Main St., Missoula, 97000355

New York

Jefferson County

Newton, A., Farm, (Orleans MPS), NY 180, jct. with Co. Rd. 13, Hamlet of Omar, Orleans, 97000356

Orange County

Orange Mill Historic District, Powder Mill Rd., near jct. with NY 52, Newburgh, 97000357

Westchester County

Good Counsel Complex, 52 N. Broadway, White Plains, 97000358

South Carolina

Colleton County

Ravenwood Plantation, SC 64, .9 mi. E of SC 458, Neyles vicinity, 97000359

Texas

Brewster County

Nolte-Rooney House, 307 E. Sul Ross Ave., Alpine, 97000360

Comal County

Holz-Forshage-Krueger Building, 472 W. San Antonio St., New Braunfels, 97000362

Dallas County

Dallas Fire Station No. 16, 5501 Columbia Ave., Dallas, 97000363

Palo Pinto County

Palo Pinto County Courthouse, 520 Oak St., Palo Pinto, 97000365

Travis County

Brown Building, 708 Colorado St., Austin, 97000364

Nagel, Chester and Lorine, House, 3215 Churchill Dr., Austin, 97000361

Wisconsin

Marinette County

Chautauqua Grounds Site, Address Restricted, Marinette vicinity, 97000367

Winnebago County

Banta, George, Sr. and Ellen, House, 348 Naymut St., Menasha, 97000366

[FR Doc. 97–8228 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–P

Notice of Inventory Completion for Native American Human Remains and Unassociated Funerary Objects from South Dakota in the Possession of the Museum of Anthropoiogy, University of Kansas, Lawrence, KS

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human

remains and unassociated funerary objects from South Dakota in the possession of the Museum of Anthropology, University of Kansas, Lawrence, KS.

A detailed assessment of the human remains was made by Museum of Anthropology professional staff in consultation with representatives of the Three Affiliated Tribes of the Fort Berthold Reservation.

During 1950–1952, human remains representing four individuals were recovered from the Talking Crow site (39BF3), SD, by University of Kansas Museum of Anthropology staff during legally authorized excavations associated with a River Basin Survey. No known individuals were identified. No associated funerary objects are present. During these same excavations, 23 cultural items consisting of ceramic sherds and a bone awl were recovered from burials at the Talking Crow site (39BF3), SD.

The Talking Crow site has been identified as an Arikara village occupied between 1500–1600 AD and 1725–1750 AD based on continuities of ceramics, village arrangement, earthlodge construction, and manner of internment consistent with traditional Arikara practice.

During the early 1960s, human remains representing four individuals were recovered from sites 39ST216, 39CA4 (Anton Rygh site), and 39SL4 (Sully site) during legally authorized excavations by the University of Kansas Department of Anthropology. No known individuals were identified. No associated funerary objects are present.

Sites 39ST216, 39CA4 (Anton Rygh site), and 39SL4 (Sully site) have been identified as early 18th century Arikara based on village arrangement, earthlodge construction, manner of interment consistent with traditional Arikara practice, and geographic location.

Based on the above mentioned information, officials of the Museum of Anthropology, University of Kansas have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of eight individuals of Native American ancestry. Officials of the Museum of Anthropology, University of Kansas have determined that, pursuant to 25 U.S.C. 3001 (3)(B), these 23 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual.

Lastly, officials of the Museum of Anthropology, University of Kansas have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Three Affiliated Tribes of the Fort Berthold Reservation.

This notice has been sent to officials of the Three Affiliated Tribes of the Fort Berthold Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Mary Adair, Museum of Anthropology, University of Kansas, Lawrence, KS 66045; telephone: (913) 864–4245 before May 1, 1997. Repatriation of the human remains and unassociated funerary objects to the Three Affiliated Tribes of the Fort Berthold Reservation may begin after that date if no additional claimants come forward.

Dated: March 26, 1997.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Assistant Manager, Archeology and Ethnography Program.

[FR Doc. 97–8214 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–F

Notice of Intent to Repatriate Cultural Items in the Possession of the State Historical Society of Wisconsin, Madison, WI

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a)(2), of the intent to repatriate cultural items in the possession of the State Historical Society of Wisconsin, Madison, WI, which meet the definition of "sacred object" and " object of cultural patrimony" under Section 2 of the Act.

The eighteen cultural items consist of one drum, four drumlegs, two drumsticks, two silver brooches, one featherbelt, one featherbox, two pipes with stems, one pipe bag, two pouches, and one tobacco bowl. The drum is constructed from a wooden barrel covered with rawhide painted on the top side. The sides of the drum have an attached cloth skirt, fur trim, floral beaded belt, and four beaded tabs with designs of human hands, human figures, silver brooches, and tin jingles. The four drumlegs are carved wood with portions wrapped with beadwork. The two drumsticks are wood carved in a hoop style with wrapped fur and beadwork. The featherbelt consists of a leather belt with beaded wool drops and attached rows of golden eagle and flicker feathers. The feather box is wood with bas relief designs carved on the lid. The first pipe has a round wooden stem wrapped with beadwork, and the pipebowl is red pipstone with lead inlay. The second pipe is a flat wooden stem with wrapped beadwork, and the pipebowl is black pipestone. The pipebag is leather with floral beadwork on one side. The two pouches are leather with partially beaded floral designs. The tobacco bowl is a carved walnut bowl.

Between 1914–1952, Mr. H. L. Mumm and later his heirs operated several trading posts at various locations in northern Wisconsin, including Minocqua, a town adjacent to the Lac Du Flambeau reservation. In 1954, the Banta Publishing Company purchased these cultural items from Mrs. Odie Mumm Abel and Mr. Edward F. Mumm, heirs of the original collector, Mr. H. L. Mumm and donated them to the State Historical Society of Wisconsin. Consultation evidence presented by representatives of the Lac Du Flambeau Band of Lake Superior Chippewa confirm that all cultural items listed above are used in the Big Drum ceremony. Representatives of the Chi-Dewei'igan, or Big Drum Society, have stated that these items are needed by traditional religious leaders for the practice of Native American religion by their present day adherents. Representatives of the Lac Du Flambeau Band of Lake Superior Chippewa and the Chi-Dewei'igan Society also state that the Big Drum and all associated items are owned communally, and no individual had the right to sell or otherwise alienate these cultural items. Further, representatives of both the Lac du Flambeau Chi-Dewei'igan and the Forest County Potawatami Chi-Dewei'igan have stated that this particular drum and associated items was in use at Lac du Flambeau before their accession into the State Historical Society of Wisconsin.

Based on the above-mentioned information, officials of the State Historical Society of Wisconsin have determined that, pursuant to 25 U.S.C. 3001 (3)(C), these eighteen cultural items are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the State Historical Society of Wisconsin have also determined that, pursuant to 25 U.S.C. 3001 (3)(D), these eighteen cultural items have ongoing

historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Finally, officials of the State Historical Society of Wisconsin have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these items and the Lac Du Flambeau Band of Lake Superior Chippewa.

Authorities of the United States Fish and Wildlife Service have been contacted regarding applicability of Federal endangered species statutes to this transfer and have concurred in the conclusion that the object is not covered due to its age.

This notice has been sent to officials of the Forest County Potawatami of Wisconsin and the Lac Du Flambeau Band of Lake Superior Chippewa. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact David Wooley, Curator of Anthropology, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706, telephone (608) 264–6574 before May 1, 1997. Repatriation of these objects to the Lac Du Flambeau Band of Lake Superior Chippewa may begin after that date if no additional claimants come forward.

Dated: March 26, 1997.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Assistant Manager, Archeology and Ethnography Program.

[FR Doc. 97–8215 Filed 3–31–97; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

TIME AND DATE: April 11, 1997 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting
2. Minutes
3. Ratification List
4. Inv. Nos. 731–TA–761–762 (Preliminary) (Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan)—briefing and vote.
5. Inv. Nos. 701–TA–368–371 and 731–TA–763–766 (Preliminary) (Steel Wire Rod from Canada, Germany, Trinidad & Tobago, and Venezuela)—briefing and vote.
6. Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: March 26, 1997.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–8361 Filed 3–28–97; 1:13 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ)–1119]

RIN 1121–ZA66

National Institute of Justice Solicitation "NIJ Requests Proposals to Evaluate the Tribal Strategies Against Violence (TSAV) Initiative"

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Notice of the availability of the NIJ solicitation "NIJ Requests Proposals to Evaluate the Tribal Strategies Against Violence (TSAV) Initiative."

ADDRESSES: Proposals should be mailed to the National Institute of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

DATES: The deadline for receipt of proposals is close of business April 30, 1997. Postmarked applications received after this date are not acceptable.

FOR FURTHER INFORMATION CONTACT: For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center at 1–800–421–6771.

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, secs. 201–03, as amended, 42 U.S.C. 3721–23 (1988).

Background

The National Institute of Justice (NIJ) is soliciting proposals to conduct an evaluation of the Tribal Strategies Against Violence Initiative, a discretionary program of the Bureau of Justice Assistance (BJA). This solicitation is part of the BJA/NIJ collaboration to evaluate programs supported by the Byrne Formula and Discretionary Grant Programs, Omnibus Crime Control and Safe Streets Act of 1968, as amended beginning at section 501 (42 U.S.C. 3751 *et seq.*).

The Tribal Strategies Against Violence (TSAV) Initiative is a Federal-Tribal partnership that is designed to empower Native-American communities through the development and implementation of a comprehensive reservation-wide strategy to reduce crime, violence and substance abuse. Of primary focus is the formation of a centralized planning team that is representative of tribal service providers (i.e. law enforcement, prosecution, social services, education, etc.), spiritual leaders, businesses, residents, and youth whose attention is directed at both the building and/or enhancing of local partnerships and the development of strategies as they relate to community policing and prosecution, family violence, juvenile delinquency, and prevention education.

The initial demonstration sites, identified in FY 1995, were located on the Fort Peck, Montana (Assiniboine and Sioux Tribes) and Rosebud, South Dakota (Sioux) reservations. Five demonstration sites were added in FY 1996. They are: Puyallup Tribe of Indians, Puyallup, WA; Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, MI; Turtle Mountain Band of Chippewa Indians, Belcourt, ND; Chickasaw Nation of Oklahoma, Ada, Pontotoc, OK; and Shoshone-Paiute Tribes of the Duck Valley Reservation, Owyhee, NV. Each site has received an award of $120,000.

Interested persons should call the National Criminal Justice Reference Service, at (800) 851–3420 to obtain a copy of "NIJ Requests Proposals to Evaluate the Tribal Strategies Against Violence (TSAV) Initiative" (refer to SL #000207). For World Wide Web access, connect to the NCJRS Justice Information Center at http://www.ncjrs.org, and click on Justice Grants. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set modem at 9600 baud, 8–N–1.

Dated: March 19, 1997.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 97–8177 Filed 3–31–97; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request; Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 78–6

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides 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 the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Class Exemption 78–6. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before June 2, 1997. 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 clarify 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: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, D.C. 20210, (202) 219–7933, FAX (202) 219–4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 78–6 allows (a) purchase of personal property by a multiple employer welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who makes contributions to such plan (hereinafter referred to as a contributing employer) or from a wholly-owned subsidiary of such an employer, (b) the leasing of personal property by an apprenticeship plan from a contributing employer or from a wholly owned subsidiary of such an employer, and (c) the leasing of real property (other than office space within the contemplation of section 408(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act)) by an apprenticeship plan from a contributing employer, a wholly owned subsidiary of such an employer, or from an employee organization any of whose members' work results in contributions being made to the apprenticeship plan. In the absence of this exemption, certain aspects of these transactions might be prohibited by sections 406(a)(1) (A), (C) and (D) of the Act.

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, such apprenticeship plans would have difficulty operating in accordance with the purposes for which they were established. The recordkeeping requirements incorporated within the class exemption are intended to protect the interests of plan participants and beneficiaries. The exemption has one basic information collection condition. The exemption requires that apprenticeship plans which enter into transactions covered by the exemption must maintain the records of such transactions for a period of six years from the termination of such transactions.

Type of Review: Extension.
Agency: Pension and Welfare Benefits Administration.
Title: Prohibited Transaction Class Exemption 78–6.
OMB Number: 1210–0080.
Recordkeeping: 6 years.
Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.
Total Respondents: 1,000.
Frequency: On occasion.
Total Responses: 5,000
Average Time Per Response: 5 minutes
Estimated Total Burden Hours: 417
Total Burden Cost (capital/start-up): $0.00
Total Burden Cost (operating/maintenance): $0.00

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: March 26, 1997.

Gerald B. Lindrew,

Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.

[FR Doc. 97–8195 Filed 3–31–97; 8:45 am]
BILLING CODE 4510–29–P

Pension and Welfare Benefits Administration Proposed Information Collection Request; Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 94–20

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides 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 the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Class Exemption 94–20. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before June 2, 1997.

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 clarify 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: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, D.C. 20210, (202) 219–7933, FAX (202) 219–4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 94–20 permits the purchase and sale of foreign currencies between an employee benefit plan and a bank or a broker-dealer or an affiliate thereof which is a party in interest with respect to such plan. In the absence of this exemption, certain aspects of these transactions might be prohibited by section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act).

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, individuals or entities which are parties in interest of an employee benefit plan would not be able to engage in the purchase or sale of foreign currencies between the plan and a bank or a broker-dealer or an affiliate thereof which is a party in interest with respect to such plan and thus, create a potential hardship to those affected. The exemption has one basic information collection condition. To protect the interests of participants and beneficiaries, the bank or broker-dealer or affiliates thereof using the class exemption are required to maintain within territories under the jurisdiction of the United States Government, for a period of six years from the date of the transaction, the records necessary to enable the Department of Labor or the Internal Revenue Service and certain other interested persons to ensure that the conditions of the exemption have been satisfied.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 94–20.

OMB Number: 1210–0085.

Recordkeeping: 6 years.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 1.

Frequency: On occasion.

Total Responses: 1.

Average Time Per Response: 1 hour.

Estimated Total Burden Hours: 1 hour.

Total Burden Cost (capital/start-up): $0.00.

Total Burden Cost (operating/maintenance): $0.00.

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: March 26, 1997.

Gerald B. Lindrew,

Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.

[FR Doc. 97–8196 Filed 3–31–97; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. Date: April 24, 1997

Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Seminars and Institutes for School Teachers in Western Civilization II, submitted to the Division of Research and Education for projects at the March 1, 1997 deadline.

2. Date: April 25, 1997

Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Seminars and Institutes for School Teachers in World Civilizations, submitted to the Division of Research and Education for projects at the March 1, 1997 deadline.

3. Date: April 28, 1997

Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Seminars and Institutes for College and University Faculty in Western Civilization II, submitted to the Division of Research and Education for projects at the March 1, 1997 deadline.

4. Date: April 29, 1997

Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Seminars and Institutes for College and University Faculty in American Studies, submitted to the Division of Research and Education for projects at the March 1, 1997 deadline.

5. Date: April 30, 1997

Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Seminars and Institutes for School Teachers in American and

Comparative Literature, submitted to the Division of Research and Education for projects at the March 1, 1997 deadline.

Nancy E. Weiss,

Adivsory Committee Management Officer.

[FR Doc. 97–8242 Filed 3–31–97; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Proposed Data Collection: Public's Views and Comments

Title of Proposed Collection: Public Attitudes About Technology.

The National Science Foundation, an independent federal agency, is interested in obtaining the public's views and attitudes toward technology.

Specifically, we are seeking input and comments from all interested persons on their views of the value of technology in their lives, and their familiarity with and level of comfort when using technological innovations such as computers and other complex yet common electronic devices.

In addition to the general public, we are especially interested in receiving comments from students in grades 7 through 12 and from informed observers and followers of science and engineering research and education.

In an effort to obtain the public's input and useful information, the National Science Foundation has developed the questions that follow. Responses from the public will be used only in the aggregate, and only to help NSF in its efforts to better explain itself and its activities to the American public.

We hope you will provide us with your thoughts on the following questions. Detailed comments are also welcome and greatly appreciated.

Responses and comments can be mailed to Public Attitudes About Technology, c/o Office of Legislative and Public Affairs, National Science Foundation, 4201 Wilson Blvd., Room 1245, Arlington, VA 22230. Comments can also be sent via email to nstw@nst.gov, or faxed to (703) 306–1070.

All comments should be received by Monday, April 21, 1997.

Dated: March 24, 1997.

Julia Moore,

Director, Office of Legislative and Public Affairs.

For students in grades 7–12, which are you most likely to do after high school?

Go to college,
Go to a trade or technical school, or
Go straight to work
Other

Again for students in grades 7–12, what is the highest level of college education you are most likely to complete?

A graduate degree, such as a masters, doctorate or law degree
A four year undergraduate degree from a college or university, or
A two-year undergraduate degree, such as from a community college
Other

If you had to choose, which would you say are your favorite subjects in school?

The ones that involve math and science or,
the ones that involve English or social studies—such as government and history
Both equally
Neither

Now we're going to list some more specific subjects. For each one, please say whether you consider it to be so exciting that you would like to learn more about it or whether it's not that exciting to you.

Space exploration, including the planets, space travel, and special projects like the Hubble Telescope
New advances in computer technology, such as faster processing chips and more sophisticated software
Medical research such as cloning and hi-tech ways to study and treat human diseases

If you had the choice, what kind of house would your prefer to live in—a house that has lots of electronic equipment, hi-tech appliances and computers, or a simpler house that has fewer of these types of things?

Do you think that having strong computer skills and an understanding of other technology is necessary to make a good living or do you think a good living can be made without these skills?

Thinking about the computer skills people need by the time they graduate from high school, how do you feel about the computer education students get in school these days?

Do you feel that computer education is on track or,
Do you feel that schools should be teaching a lot more?

Next we'd like to know how confident you feel using computers. We'd like you to use a scale from zero to ten, where ten represents a person who is very confident with computers and zero is a person who is not confident at all with computers. Which number on this scale from zero to ten best describes how confident you feel using computers?

Not confident Very confident

00 01 02 03 04 05 06 07 08 09 10

In your household, who usually programs the VCR? Someone 18 years old or younger, or someone 19 years old or older?

18 years old or younger
19 years old or older

Have you, personally, ever used a computer?

If you have used a computer, how old were you the first time you used a computer?

In the past week, meaning the last seven days, how much time would you say you spent using a computer?

If you had the choice, would you like to spend more time, less time or about the same amount of time as you already do using a computer?

Do you ever have the opportunity to use the Internet or not?

In the past week, meaning the last seven days, how much time did you, personally, spend using an on-line service, such as America Online, the Internet or the World Wide Web?

For this next series of questions, we are going to ask about various types of technology—such as computers and electronic equipment—that you might come into contact with in your daily life.

First, we'd like to know how often you use several types of technology. Please indicate whether you do it several times a day, about once a day, a few times a week, a few times a month, less often than that, or never.

Use a computer
Operate a VCR
Program or get messages from a telephone answering machine
Play video or computer games
Use stereo or audio equipment, such as a CD player or boom box
Use a calculator

Please tell us whether you consider each one of the following types of equipment to be something that is important for you to own or have in your home, or whether it is something you could easily live without.

A computer
A VCR
A telephone answering machine
Video or computer games
Stereo and audio equipment, such as a CD player or boom box
A microwave oven
A calculator
A television

When you go to use a piece of electronic equipment, computer software or other type of technology for the first time, can you usually learn to use it on you own or do you usually need some help?

In general, who do you think is better figuring out and using technology—teenagers or adults?

Do you have a computer at home?

Do you have access to the Internet through a computer at home?

Suppose you had a research report to write either at school or work. If you had the choice, how would you prefer to conduct the research?

For students in grades 7–12, when you have to conduct an experiment or do other labatory work in your science classes at school, does that work usually help you understand what the class is studying, or not?

Next is a list of a few things that some people do on computers. Please tell us if this is something you have ever done on a computer, or not.

Used a word processing program to write a report
Used the Internet to conduct research
Played computer games
Chatted on the Internet or sent e-mail
Searched the Internet for interesting sites

Tell us whether or not you expect to see these things happened in your lifetime:

Space travel will be common for ordinary Americans
New technology will prevent wars from happening
Cloning of humans will be common
Every person in the country, including kids, will have their own portable phone and personal phone number
Home computers will work as a computer, TV, VCR, and telephone all in one
Cancer will be cured
AIDS will be cured
Most Americans will live to be more than 100 years old
Floods, earthquakes and other natural disasters will be controlled or prevented by new developments in science
Americans will vote for President and other elected officials on the Internet

For students in grades 7–12, in terms of the grades you usually get, would you say you are a top student in your school, above average, average or below average?

How many hours did you spend watching television *yesterday?*

Now thinking about the last week, meaning the last seven days, how many hours would you say you spent in total talking with friends on the telephone?

How often do you read books on your own, that is, books that are not required reading for school or work?

For students in grades 7–12, are you currently involved in any activities that require you stay after school, such as a sports team, theater, band or club?

Do you regularly carry a beeper or pager, or not?

Now here are some background questions.

How old are you?

Are you in school now, and if so, what grade? If not, what is the highest grade that you completed?

Are you, yourself of Hispanic origin or descent such, as Mexican, Puerto Rican, Cuban, or other Spanish background?

What is your race? Are you white, African-American, or some other race?

[FR Doc. 97–8162 Filed 3–31–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME: 9:30 a.m., Tuesday, April 8, 1997.

MATTERS TO BE DISCUSSED PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

6825 Marine Incident Summary Report: Near Grounding of the Liberian Tankship PATRIOT, Bay of Campeche, Mexico, October 15, 1995.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 314–6065.

Dated: March 28, 1997.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 97–8375 Filed 3–28–97; 1:12 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 55–61425–SP; ASLBP No. 97–725–02–SP]

Frank J. Calabrese, Jr.; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

Frank J. Calabrese, Jr.
(Denial of Senior Reactor Operator's License)

The hearing, if granted, will be conducted pursuant to 10 C.F.R. Subpart L of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a denial by NRC Staff of Mr. Calabrese's senior reactor operator's license application and Mr. Calabrese's request for a hearing pursuant to 10 C.F.R. Section 2.103.

The Presiding Officer in this proceeding is Administrative Judge G. Paul Bollwerk, III. Pursuant to the provisions of 10 C.F.R. § 2.722, the Presiding Officer has appointed Administrative Judge Thomas D. Murphy to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bollwerk and Judge Murphy in accordance with C.F.R. § 2.701. Their addresses are:

Administrative Judge G. Paul Bollwerk, III, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555
Administrative Judge Thomas D. Murphy, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Issued at Rockville, Maryland, this 26th day of March 1997.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 97–8207 Filed 3–31–97; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Co. Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–71 and DPR–62, issued to the Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant (BSEP) Units 1 and 2 respectively, located near Southport in Brunswick County, North Carolina.

The proposed amendment would revise the Technical Specifications (TS) for BSEP Units 1 and 2 to eliminate certain instrumentation response time testing requirements in accordance with

NRC-approved BWR Owners Group Topical Report NEDO–32291–A, "System Analysis for the Elimination of Selected Response Time Testing Requirements." The testing requirements are associated with the reactor protection system (RPS), isolation system, and emergency core cooling system (ECCS). The proposed amendment must be issued in a timely manner to avoid an unnecessary shutdown of both BSEP units as a result of forcing compliance with current TS requirements. Such a shutdown creates a potential for an undesirable plant transient and is unnecessary in that the proposed TS, which would permit continued operation, are consistent with guidelines already approved by the NRC staff.

The licensee was formally notified by the NRC on March 21, 1997, of the potential that its response time testing procedures, which are consistent with the NRC-approved NEDO–32291–A Topical Report, do not meet current TS surveillance requirements. The licensee then promptly examined its testing practices, determined that a TS compliance issue existed, and submitted a TS amendment request on March 24, 1997. That amendment request was superseded on March 27, 1997, with the proposed amendment addressed by this notice. The NRC staff is thus satisfied that, once formally notified of a potential TS compliance problem, the licensee used its best efforts to make a timely amendment request.

In response to a March 21, 1997, verbal request from the licensee, enforcement discretion was granted by the NRC on this matter until April 21, 1997, while the proposed amendment is publicly noticed and considered by the NRC. The licensee's request for enforcement discretion is documented in a letter to the NRC dated March 22, 1997. The NRC's approval of that request is documented in a letter dated March 25, 1997. Both letters are available to the public.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6), for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

CP&L has reviewed these proposed license amendment requests and concluded that their adoption does not involve a significant hazards consideration. The bases for this determination follows.

1. The proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

BWR Owners' Group Licensing Topical Report NEDO–32291–A demonstrates that quantitative response time testing is redundant to other Technical Specification requirements. Qualitative tests are sufficient to identify failure modes or degradation in instrument response time and ensure operation of the associated systems within acceptance limits. There are no known failure modes that can be detected by response time testing that cannot also be detected by other Technical Specification required tests. ECCS, RPS, and Isolation System response times will continue to be determined using a methodology that has been reviewed and approved by the NRC. Therefore, the proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed license amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed license amendments do not affect the capability of the associated systems to perform their intended function within the acceptance limits assumed in the plant safety analyses and required for successful mitigation of an initiating event. The proposed amendments do not change the way in which any plant systems are operated. ECCS, RPS, and Isolation System response times will continue to be determined using a methodology that has been reviewed and approved by the NRC. Therefore, the proposed amendments do not create the possibility of a new or different kind of accident.

3. The proposed license amendments do not involve a significant reduction in a margin of safety.

The current Technical Specification response times are based on the maximum allowable values assumed in the plant safety analyses.

These analyses conservatively establish the margin of safety. As described above, determination of response times based on an alternate NRC approved methodology (i.e., provided in the NEDO–32291–A report) will not affect the capability of the associated systems to perform their intended function within the allowed response time used as the bases for the plant safety analyses. Plant and system response to an initiating event will remain in compliance with the assumptions of the safety analyses; therefore, the margin of safety is not affected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 1, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to

intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mr. Mark Reinhart, Acting Director, Project Directorate II–1, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 27, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, MD, this 27th day of March 1997.

For the Nuclear Regulatory Commission.

David C. Trimble,

Project Manager, Project Directorate II–1, Division of Reactor Projects-I–II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–8400 Filed 3–31–97; 12:485 pm]

BILLING CODE 7590–01–P

[Docket No. 50–336]

Northeast Nuclear Energy Company, et al.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company, et al. (the licensee) to withdraw its November 30, 1994, application, as supplemented May 8 and August 1, 1995, for proposed amendment to Facility Operating License No. DPR–65 for the Millstone

Nuclear Power Station, Unit No. 2, located in New London, Connecticut.

The proposed amendment would have revised the Technical Specifications to clarify the design basis for the Emergency Diesel Generator fuel oil supply.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on December 21, 1994 (59 FR 65818). However, by letter dated February 24, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated November 30, 1994, as supplemented May 8 and August 1, 1995, and the licensee's letter dated February 24, 1997, which withdrew the application for license amendment. The above documents are 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 Three Rivers Community—Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 17th day of March 1997.

For the Nuclear Regulatory Commission.

Daniel G. McDonald,

Senior Project Manager, Special Projects Office—Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 97–8203 Filed 3–31–97; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station); Exemption

I

The Vermont Yankee Nuclear Power Corporation (VYNPC, the licensee) is the holder of Facility Operating License No. DPR–28 which authorizes operation of the Vermont Yankee Nuclear Power Station (the facility) at power levels no greater than 1593 megawatts thermal. The facility is a single-unit boiling water reactor (BWR) located at the licensee's site in Windham County, Vermont.

The License provides, among other things, that the Vermont Yankee Nuclear Power Station is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants. The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. Subsection III.J is the subject of the licensee's exemption request.

Section III.J of Appendix R requires that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto.

III

By letter dated June 17, 1996, the licensee requested an exemption from Section III.J of Appendix R. In particular, the licensee stated that it cannot meet the requirements for emergency lighting units with at least an 8-hour battery power supply in the following areas:

(1) A portion of general yard areas for access and egress to the nitrogen containment inerting tank area and the nitrogen storage bottle area, and

(2) the nitrogen containment inerting tank area and the nitrogen storage tank area.

The licensee proposes to utilize the security perimeter lighting for outdoor egress routes and for tasks performed in either of two locations. Based on the staff's review of the information provided by the licensee, the staff has concluded, given that the security lighting is powered from a separate power source, the security lighting is not vulnerable to fire loss. The security lighting is inspected and maintained as part of the plant security requirements. The licensee has confirmed that the illumination levels in the affected areas of the plant are adequate to enable operators to implement the actions required for safe shutdown.

Therefore, the staff considers the licensee's alternative lighting configuration to be equivalent to that achieved by literal conformance with Appendix R to 10 CFR Part 50 and, therefore, meets the underlying purpose of Section III.J of Appendix R. Therefore, the licensee's request for exemption from the requirements of Section III.J in the subject locations should be granted.

IV

Pursuant to 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. Item (ii) of the subject regulation includes special circumstances where application of the subject regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of Section III.J of Appendix R is to provide adequate illumination to assure the capability of performing all necessary safe shutdown functions as well as provide illumination for required movements into and out of the plant. In lieu of the 8-hour battery powered units specified by Appendix R, the licensee has proposed using existing security lighting. The staff has reviewed the proposed alternative and has concluded, as described above, that the security lighting system would be a reliable alternative and would provide an adequate level of illumination to assure that all required safe shutdown functions and required personnel movements can be performed. Therefore, the staff concludes that special circumstances exist for the licensee's requested exemption in that imposition of the literal requirements of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), special circumstances exist in that existing levels of emergency lighting satisfy the underlying purpose of Appendix R to 10 CFR Part 50. Further, the staff has concluded that the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Therefore, the Commission hereby grants the exemption request from the requirements of Section III.J of Appendix R to 10 CFR Part 50 described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the quality of the human environment (62 FR 12255).

This Exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 23rd day of March 1997.

Samuel J. Collins,

Director Office of Nuclear Reactor Regulation.

[FR Doc. 97–8205 Filed 3–31–97; 8:45 am]

BILLING CODE 7590–01–P

UNITED STATES NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Power Authority of the State of New York (Indian Point Nuclear Generating Unit No. 3); Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–64 issued to the Power Authority of the State of New York (the licensee) for the Indian Point Nuclear Generating Unit No. 3, located in Westchester County, New York.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would include provisions in Technical Specifications (TS) 5.3 and 5.4 which allow for the storage of fuel with an enrichment not to exceed 4.95 + 0.05 weight percent (w/o) Uranium 235 (U–235) in the new and spent fuel storage racks and would revise requirements governing the placement of fuel assemblies in the fuel storage pit. The proposed action is in accordance with the licensee's application for amendment dated November 22, 1996.

The Need for Proposed Action

The proposed changes are needed so that the licensee can use higher fuel enrichment to provide the flexibility of extending the fuel irradiation and to permit operation for longer fuel cycles.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revisions to the TS. The proposed revisions would permit use of fuel enriched to a nominal 5.0 w/o U–235. The safety considerations associated with reactor operation with higher enrichment and extended irradiation have been evaluated by the NRC staff. The staff has concluded that such changes would not adversely affect plant safety. The proposed changes have no adverse effect on the probability of any accident. The higher enrichment, with increased fuel burnup, may slightly change the mix of fission products that might be released in the event of a serious accident, but such small changes would not significantly affect the consequences of serious accidents. 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.

The environmental impacts of transportation resulting from the use of higher enrichment fuel and extended irradiation were published and discussed in the staff assessment entitled, "NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation," dated July 7, 1988. This assessment was published in connection with an Environmental Assessment related to the Shearon Harris Nuclear Plant, Unit 1, which was published in the **Federal Register** (53 FR 30355) on August 11, 1988, as corrected on August 24, 1988 (53 FR 32322). As indicated therein, the environmental cost contribution of an increase in the fuel enrichment of up to 5 weight percent U–235 and irradiation limits of up to 60,000 gigawatt days per metric ton (GWD/MT) are either unchanged or may, in fact, be reduced from those summarized in Table S–4 as set forth in 10 CFR 51.52(c). These findings are applicable to the proposed increase at Indian Point given that the proposal involves 5% and burnup of less than 60,000 gigawatt days per metric ton (GWD/MT). Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment.

With regard to potential non-radiological impacts of reactor operation with higher enrichment and extended irradiation, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any other alternative would have equal or greater environmental impacts and need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce the environmental impact of plant operations and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to operation of Indian Point Nuclear Generating Unit No. 3.

Agencies and Persons Consulted

In accordance with its stated policy, on December 12, 1996, the staff consulted with the New York State official, Heidi Voelk, of the New York State Energy Research and Development Authority regarding the environmental impact of the proposed action. The state official had no comments.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated November 22, 1996, that 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 for the Indian Point Nuclear Generating Unit No. 3, at White Plains Public Library, 100 Martine Avenue, White Plains, New York.

Dated at Rockville, Maryland, this 26th day of March 1997.

For The Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Project Directorate I–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–8206 Filed 3–31–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

DATE: Weeks of March 31, April 7, 14, and 21, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 31

Monday, March 31

10:00 a.m.
Briefing by the Executive Branch (Closed—Ex. 1)

2:00 p.m.
Classified Security Briefing (Closed—Ex. 1)

2:30 p.m.
Meeting with DOE on External Regulations of DOE Facilities (Public Meeting)

Week of April 7—Tentative

Wednesday, April 9

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

Week of April 14—Tentative

There are no meetings scheduled for the week of April 14.

Week of April 21—Tentative

Wednesday, April 23

10:00 a.m.
Briefing on Millstone (Public Meeting)
(Contact: Gene Imbro, 301–415–1490)
11:30 a.m.
Affirmation Session (Public Meeting) (if needed)
1:30 p.m.
Briefing on Electric Grid Reliability (Public Meeting)
Contact: Ernie Rossi, 301–415–7499)

Thursday, April 24

9:00 a.m.
Briefing on Electric Utility Restructuring (Public Meeting)
(Contact: Bob Wood, 301–415–1255)
1:30 p.m.
Briefing on Staff Response to Arthur Andersen Study Recommendations (Public Meeting)
(Contact: Rich Barrett, 301–415–7482)

Friday, April 25

10:00 a.m.
Meeting with Commonwealth Edison on Response to 10 CFR 50.54 (F) Letter (Public Meeting)
(Contact: Bob Capra, 301–415–1395)

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at:
http://www/nrc/gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: March 28, 1997.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 97–8432 Filed 3–28–97; 3:01 pm]

BILLING CODE 7590–01–M

Draft Regulatory Guides and Standard Review Plan Sections; Issuance, Availability

The Nuclear Regulatory Commission has issued four guides in its Regulatory Guide Series along with three sections of NUREG–0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants." The Regulatory Guide Series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

These regulatory guides and standard review plan sections are in support of amendments to 10 CFR Parts 21, 50, 52, 54, and 100 (61 FR 65157) that update the criteria used in decisions regarding power reactor siting, including geologic, seismic, and earthquake engineering considerations for future nuclear power plants.

Regulatory Guide 1.165, "Identification and Characterization of Seismic Sources and Determination of Safe Shutdown Earthquake Ground Motion," provides general guidance on procedures acceptable to the NRC staff on conducting geological, geophysical, seismological, and geotechnical investigations; identifying and characterizing seismic sources; conducting probabilistic seismic hazard analyses; and determining the safe shutdown earthquake ground motion for a nuclear power plant.

Revision 2 to Regulatory Guide 1.12, "Nuclear Power Plant Instrumentation for Earthquakes," describes seismic instrumentation type, location, operability, and characteristics that are acceptable to the NRC staff for satisfying the requirements of the Commission's regulations.

Regulatory Guide 1.166, "Pre-Earthquake Planning and Immediate Nuclear Power Plant Operator Postearthquake Actions," provides guidance acceptable to the NRC staff for a timely evaluation after an earthquake of the recorded seismic instrumentation data and for determining whether plant shutdown is required.

Regulatory Guide 1.167, "Restart of a Nuclear Power Plant Shut Down by a Seismic Event," provides guidance acceptable to the NRC staff for performing inspections and tests of nuclear power plant equipment and structures prior to restart of a plant that has been shut down by a seismic event.

Revision 3 of Standard Review Plan Section 2.5.1, "Basic Geologic and Seismic Information," describes the kinds of basic geological, seismological, and geophysical information and review procedures necessary to evaluate a nuclear power station site.

Revision 3 of Standard Review Plan Section 2.5.2, "Vibratory Ground Motion," describes procedures to assess the ground motion potential of seismic sources at the site and to assess the safety shutdown earthquake.

Revision 3 of Standard Review Plan Section 2.5.3, "Surface Faulting," describes the geosciences information and review procedures needed to asses the significance of faults to the suitability of the site.

A document entitled "Resolution of Public Comments on Draft Regulatory Guides and Standard Review Plan Sections Pertaining to the Proposed Seismic and Earthquake Engineering Criteria for Nuclear Power Plants" explains the NRC's disposition of the comments received on the draft regulatory guides and standard review plan sections. A copy of this document has been placed in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies are available from Dr. Andrew J. Murphy, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6010.

The Office of Management and Budget has verified the determination that these regulatory guides and Standard Review Plan sections do not constitute a major rule.

Regulatory guides and the Standard Review Plan are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft documents (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory guides and standard review plans are not copyrighted, and Commission approval is not required to reproduce them.

(5. U.S.C. 552(a))

Dated at Rockville, Maryland, this 19th day of March 1997.

For the Nuclear Regulatory Commission.

David L. Morrison,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 97–8204 Filed 3–31–97; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 15g–3, SEC File No. 270–346, OMB Control No. 3235–0392

Rule 15g–4, SEC File No. 270–347, OMB Control No. 3235–0393

Rule 15g–5, SEC File No. 270–348, OMB Control No. 3235–0394

Rule 15g–6, SEC File No. 270–349, OMB Control No. 3235–0395

Rule 15g–7(a), SEC File No. 270–350, OMB Control No. 3235–0396

Rule 17Ac2–1 and Form TA–1, SEC File No. 270–95, OMB Control No. 3235–0084

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget requests for approval of extension on previously approved collections of information:

Rule 15g–3 requires that brokers and dealers disclose to customers current quotation prices or similar market information in connection with transactions in certain low-priced, over-the-counter securities. It is estimated that approximately 270 respondents incur an average burden of 100 hours annually to comply with the rule.

Rule 15g–4 requires brokers and dealers effecting transactions in penny stocks for or with customers to disclose the amount of compensation received by the broker-dealer in connection with the transaction. It is estimated that approximately 270 respondents incur an average of 100 hours annually to comply with the rule.

Rule 15g–5 requires brokers and dealers to disclose to customers the amount of compensation to be received by their sales agents in connection with penny stock transactions. It is estimated that approximately 270 respondents incur an average burden of 100 hours annually to comply with the rule.

Rule 15g–6 requires brokers and dealers that sell penny stocks to their customers to provide monthly account statements containing information with regard to the penny stocks held in customer accounts. It is estimated that approximately 270 respondents incur an average burden of 90 hours annually to comply with the rule.

Rule 15g–7(a) would require brokers and dealers that effect transactions in penny stocks and are the only market makers with respect to such securities to disclose this fact in connection with such transactions. It is estimated that approximately 270 respondents would incur an average burden of 50 hours annually to comply with the rule.

Rule 17Ac2–1 and Form TA–1 is used by transfer agents to register with the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation, and to amend their registration.

It is estimated that approximately 359 respondents will incur an average burden of 538.5 hours annually to comply with the rule and form.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 24, 1997.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–8222 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (ICG Communications, Inc., Common Stock, $.01 Par Value) File No. 1–11965

March 26, 1997.

ICG Communications, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Board of Directors (the "Board") unanimously approved a resolution on February 11, 1997, to withdraw the Security from listing on the Amex and, instead, to list such Security on the Nasdaq National Market ("Nasdaq"). The decision of the Board was based upon the belief that listing the Security on Nasdaq will be more beneficial to its stockholders than the present listing on Amex because the Company has increasingly become aware of a reluctance by a seemingly growing number of trading firms to trade or market securities listed on Amex. The Company believes this reluctance has been a factor contributing to the very thin trading volume in the Company's stock. Furthermore, the Company also believes such reluctance to trade has, in turn, contributed to an unwillingness to do research on the Company. As a combined result, investors and prospective investors have not been as well served as the Company believes they are more likely to be on Nasdaq.

Any interested person may, on or before April 16, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–8224 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 22582; 812–10532]

INTRUST Kansas Tax Exempt Bond Fund, et al.; Notice of Application

March 25, 1997.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANTS: INTRUST Kansas Tax Exempt Bond Fund (the "Acquiring Fund"), a series of INTRUST Funds Trust ("INTRUST Funds"), SEI Kansas Tax Free Income Portfolio (the "Reorganizing Portfolio"), a series of the SEI Tax Exempt Trust ("SEI Trust"), INTRUST Bank, N.A. ("INTRUST"), and SEI Fund Management ("SEI").

RELEVANT ACT SECTIONS: Order requested under section 17(b) granting and exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order to permit the Acquiring Fund to acquire all of the assets and assume all of the stated liabilities of the Reorganizing Portfolio. Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

FILING DATES: The application was filed on February 25, 1997. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 21, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: INTRUST Funds Trust, 3435 Stelzer Road, Columbus, Ohio 43219; SEI Tax Exempt Trust, Oaks, Pennsylvania 19456; INTRUST Bank, N.A., 105 North Main Street, Box One, Wichita, Kansas 67201; SEI Fund Management, Oaks, Pennsylvania 19456.

FOR FURTHER INFORMATION CONTACT: John K. Forst, Staff Attorney, at (202) 942–0569, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The INTRUST Funds, organized as a Delaware business trust, and SEI Trust, organized as a Massachusetts business trust, are registered under the Act as open-end management investment companies. INTRUST is the investment adviser to the Acquiring Fund and the Reorganizing Portfolio. SEI is the administrator of the Reorganizing Portfolio.

2. INTRUST and its affiliates provide a variety of trust, fiduciary, custodial, investment management, and other services to, among others, individuals, corporations, pension plans, and profit sharing plans. As of February 18, 1997, INTRUST and its affiliates collectively held of record 99.10% of the outstanding shares of the Reorganizing Portfolio. Except with respect to certain defined benefit plans sponsored by INTRUST and its affiliates, (a) neither INTRUST nor its affiliates has any economic interest in any such shares, and (b) all such shares being held of record by INTRUST and its affiliates are held by it for the benefit of others in trust, agency, or other fiduciary or representative capacity. In certain instances, INTRUST and its affiliates may hold or share voting discretion, investment discretion or both with respect to the shares held of record.

3. The Acquiring Fund and Reorganizing Portfolio have the same investment objectives and policies. The Reorganizing Portfolio offers two classes of shares, Class A and Class B. Class A shares are offered primarily to persons purchasing through a trust investment manager or an account managed or administered by a financial institution. All issued and outstanding Class B shares currently are held by SEI and will be redeemed by the Reorganizing Portfolio as part of the reorganization. The Acquiring Fund offers two classes of shares, Institutional Service Class ("Service Class") and Institutional Premium Class. Shareholders of the Reorganizing Portfolio's Class A shares will receive Service Class shares of the Acquiring Fund. Service Class shares are sold without a sales charge, but are subject to a rule 12b–1 plan which provides for a payment of up to .25% of average daily net assets. The Service Class will not incur 12b–1 plan expenses during its first year of operation. Service Class shares may be subject to service organization fees.

4. The Acquiring Fund will acquire all of the assets and assume all of the stated liabilities of the Reorganizing Portfolio in exchange for Service Class shares of the Acquiring Fund. Immediately after the reorganization, Service Class shares of the Acquiring Fund will be distributed to shareholders of the Reorganizing Portfolio. The number of shares of the Acquiring Fund to be issued to shareholders of the Reorganizing Portfolio will be determined on the basis of the relative net asset values per share and the aggregate net assets of the Acquiring Fund computed as of the date of the closing and at the time at which the Acquiring Fund ordinarily determines its net asset value.

5. The Boards of Trustees of SEI Trust and INTRUST Funds approved the Agreement and Plan of Reorganization ("Reorganization Agreement") on November 25, 1996, and September 16, 1996, respectively. Each Board of Trustees, including a majority of trustees who are not "interested persons" as defined in section 2(a)(19) of the Act, found that participation in the reorganization was in the best interest of the Reorganizing Portfolio and the Acquiring Fund, respectively, and that the interests of existing shareholders of the funds would not be diluted as a result of the reorganization. In reaching their determinations, each Board of Trustees considered a number of factors, including: (a) the reorganization will be effected at net asset value; (b) all costs of the Reorganizing Portfolio and Acquiring Fund associated with the reorganization will be paid by INTRUST; (c) shareholders of the Reorganizing Portfolio must approve the Reorganization Agreement; (d) each reorganization is expected to be tax-free to the parties thereto and their shareholders; (e) shareholders of the Reorganizing Portfolio will have a broader array of INTRUST-advised investment options; and (f) the investment objectives and policies of the Acquiring Fund and the Reorganizing Portfolio are the same.

6. INTRUST voluntarily has agreed to limit through May 1, 1998 the actual total operating expense ratio of the Acquiring Fund to the actual total operating expense ratio of the Reorganizing Portfolio as of December 31, 1996. The expenses incurred in connection with entering into and carrying out the provisions of the Reorganization Agreement, whether or

not consummated, will be paid by INTRUST.

7. The INTRUST Funds or SEI Trust may terminate the Reorganization Agreement without liability on the part of the terminating party (a) on or prior to January 1, 1998, with the consent of the other or (b) after that date by either party on written notice at any time prior to the consummation of the reorganization, if the conditions to that party's obligation to perform have not been satisfied. The INTRUST Funds and SEI Trust agree not to make any changes to the Reorganization Agreement that would have a material adverse effect on the application without prior SEC approval.

Applicants' Legal Analysis

1. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security or other property.

2. Section 2(a)(3) of the Act defines the term "affiliated person" of another person to include any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting securities of such other person.

3. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

4. Applicants may not rely on rule 17a–8 in connection with the reorganization because the Acquiring Funds and the Reorganizing Portfolio may be deemed to be affiliated for reasons other than those set forth in the rule. As noted above, INTRUST and its affiliates hold of record more than 5% of the outstanding shares of the Reorganizing Portfolio.

5. Section 17(b) of the Act provides that the SEC may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

6. Applicants submit that the reorganization meets the standard for relief under section 17(b), in that the terms of the reorganization are reasonable and fair and do not involve overreaching on the part of any person concerned; and the reorganization is consistent with the general purposes of the Act and with the policies of the Acquiring Fund and the Reorganizing Portfolio.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–8233 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–22583; File No. 812–10510]

John Hancock Mutual Life Insurance Company, et al.

March 25, 1997.

AGENCY: The Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: John Hancock Mutual Life insurance Company ("John Hancock"), John Hancock Mutual Variable Life Insurance Account UV ("Account UV"), John Hancock Variable Life Insurance Company ("JHVLICO"), John Hancock Variable Life Account V ("Account V"), John Hancock Variable Life Account U ("Account U"), John Hancock Variable Life Account S ("Account S," together with Account UV, Account V and Account U, the "Existing Accounts"), John Hancock Variable Series Trust I ("Trust"), any other separate accounts established by John Hancock or JHVLICO in the future to support variable life insurance contracts ("Other accounts," together with the existing Accounts, the "Accounts") and John Hancock Distributors, Inc. ("Distributors").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 6(c) of the 1940 Act to amend certain orders previously issued by the Commission granting exemptive relief from all sections of the 1940 Act specified in Rule 6e–2(b) under the 1940 Act (other than Sections 7 and 8(a)); Sections 2(a)(32), 2(a)(35), 9(a), 13(a), 15(a), 15(b), 22(c), and 22(d) of the 1940 Act; all rules specified in Rule 6e–2(b); and Rules 6e–2(a)(2), 6e–2(b)(1), 6e–2(b)(12), 6e–2(b)(13)(iv), 6e–2(b)(15), 6e–2(c)(1), 6e–2(c)(4) and 22c–1 under the 1940 Act.

SUMMARY OF THE APPLICATION: Applicants seek an order amending orders issued by the Commission in connection with File Nos. 812–5959, 812–8428, 812–6424, 812–6835, 812–8426, 812–8858 and 812–8446 (the "Existing Orders"): (i) to add Distributors as a party; (ii) to specify that Distributors, or any other company that may be appointed as such in the future ("Future Underwriter"), is or will be the principal underwriter with respect to the variable annuity contracts ("VA Contracts"), the variable life insurance policies ("VLI Policies") and the Trust's shares ("Trust Shares") referred to in the applications granted by the Existing Orders; and (iii) to provide Distributors or any Future Underwriter certain exemptive relief that was previously granted by the Existing Orders to John Hancock in its capacity as principal underwriter of the VLI Policies and Trust Shares.

FILING DATE: The application was filed on January 24, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on April 21, 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: c/o Sandra M. DaDalt, Associate Counsel, John Hancock Mutual Life Insurance Company, John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117.

FOR FURTHER INFORMATION CONTACT: Ethan D. Corey, Senior Counsel, or Kevin M. Kirchoff, Branch Chief, Office of Insurance Products (Division of Investment Management) at 202–942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the Application; the complete Application is available for a fee from the Commission's Public Reference Branch.

Applicant's Representations

1. John Hancock is a mutual life insurance company chartered under the laws of the Commonwealth of Massachusetts. John Hancock is the depositor of Account UV and is the current principal underwriter for the VA Contracts, VLI Policies and Trust Shares. John Hancock is registered as a broker-dealer under the Securities Exchange Act of 1934 ("1934 Act"), and is a member of the National Association of Securities Dealers, Inc. ("NASD").

2. JHVLICO is a stock life insurance company, incorporated under the laws of the Commonwealth of Massachusetts. JHVLICO is the depositor of Account V, Account U, and Account S, and a wholly-owned subsidiary of John Hancock.

3. Account UV, Account V, Account U, and Account S serve as investment vehicles for certain VLI Policies. Each of the Existing Accounts is (and any Other Account will be) registered with the Commission under the 1940 Act as a unit investment trust.

4. The Trust, a Massachusetts business trust, serves as a funding medium for Account UV, Account V, Account U, and Account S. The trust is registered as a management investment company under the 1940 Act, and that Trust Shares are registered under the Securities Act of 1933.

5. Distributors, incorporated under the laws of the State of Delaware, is registered as a broker-dealer under the 1934 Act, and is a member of the NASD. Distributors is an indirect wholly-owned subsidiary of John Hancock. Distributors is or will be the principal underwriter of VLI Policies and Trust Shares.

6. Broker-dealers other than Distributors may also serve as principal underwriters of VLI Policies or Trust Shares. Any such Future Underwriter will be registered under the 1934 Act as a broker-dealer and will be a member of the NASD.

7. John Hancock and JHVLICO have issued (and continue to issue) single premium and scheduled premium VLI Policies in reliance on Rule 6e–2, flexible premium VLI Policies in reliance on Rule 6e–3(T), and, in reliance on Rule 6e–2, certain "hybrid" VLI Policies that incorporate features of both scheduled and flexible premium variable life insurance.

8. John Hancock has determined that it no longer remains useful or advisable to serve as the principal underwriter for VLI Policies or Trust Shares. Accordingly, Applicants propose to substitute Distributors for John Hancock as principal underwriter for the VLI Policies and Trust Shares. As a consequence, the Application seeks to have extended to Distributors and any Future Underwriters certain of the exemptive relief that the Exiting Orders previously granted to John Hancock in its capacity as principal underwriter.

9. In File No. 812–5959, John Hancock, JHVLICO, and Account U obtained exemptions from Sections 2(a)(32), 2(a)(35), 22(c) and 22(d) and Rules 6e–2(b)(1), 6e–2(b)(12), 6e–2(b)(13)(iv), 6e–2(c)(4), and 22c–1 with respect to certain single-premium VLI Policies. the relief permits those parties to deduct a contingent deferred sales charge and to deduct both a "front-end' sales charge and contingent deferred sales charge in connection with such VLI Policies. Release Nos. IC–14565 (Feb. 11, 1985) (Order) and IC–14320 (Jan. 7, 1985 (Notice).

10. In File No. 812–8428, John Hancock and Account UV obtained exemptive relief substantially identical to that described in paragraph 9, above. This Existing Order also granted John Hancock and Account UV relief from Rules 6e–2(b)(1) and 6e–2(c)(4) to use the 1980 Commissioners' Standard Ordinary Mortality tables ("1980 CSO Tables") in connection with Rule 6e–2's definition of "sales load," as applied to such single premium VLI Policies. Release Nos. IC–19748 (Sept. 29, 1993) (Order) and IC–19680 (Sept. 2, 1993) (Notice).

11. In File No. 812–6424, John Hancock, JHVLICO, Affiliates, Account U, Account V, Account S, Account UV, Other Accounts, Affiliate Accounts and the Trust obtained exemptions from Sections 9(a), 13(a), 15(a) and 15(b) and Rule 6e–2(b)(15) to permit "mixed" funding (*i.e.*, the sale of Trust Shares both to variable annuity separate accounts and to variable life insurance separate accounts that may rely on Rule 6e–2) in connection with the conditional exemptions contained in Rule 6e–2(b)(15) regarding these sections of the 1940 Act. Release Nos. IC–15407 (Nov. 12, 1986) (Order) and IC–15359 (Oct. 15, 1986) (Notice).

12. In File No. 812–6835, JHVLICO, Account V, and John Hancock obtained exemptions from all sections of the 1940 Act specified in Rule 6e–2(b) (other than Sections 7 and 8(a)), Sections 2(a)(32), 2(a)(35), and 22(c), all rules specified in Rule 6e–2(b) and Rules 6e–2(b)(1), 6e–2(b)(12), 6e–2(b)(13)(iv), 6e–2(c)(1), 6e–2(c)(4), and 22c–1, with respect to certain hybrid VLI Policies. The relief permits those parties generally to rely on the exemptions provided by Rules 6c–3 and 6e–2 under the 1940 Act (notwithstanding any questions about whether the hybrid VLI Policies meet Rule 6e–2's definition of variable life insurance contracts); to deduct part of the policies's sales charge as a contingent deferred sales charge; to deduct any uncollected issue charge upon surrender or lapse of a policy; and to use the 1980 CSO Tables in connection with the definition of "sales load" for such VLI Policies. Release Nos. IC–16197 (Dec. 29, 1987) (Order) and IC–16152 (Nov. 30, 1987) (Notice).

13. In file No. 812–8426, John Hancock and Account UV obtained exemptive relief substantially identical to that described in paragraph 12, above. Release Nos. IC–19746 (Sept. 29, 1993)(Order) and IC–19682 (Sept. 2, 1993)(Notice).

14. In File No. 812–8858, John Hancock, Account UV, JHVLICO, and account V obtained exemptive relief substantially identical to that described in paragraphs 12 and 13, above, except that the relief obtained in those earlier proceedings for deduction of any uncollected "issue charge" upon surrender or lapse of the policies was here obtained instead for deduction of a "contingent deferred administrative charge." Release Nos. IC–20332 (June 1, 1994)(Order) and IC–20266 (May 2, 1994)(Notice).

15. In File No. 812–8446, John Hancock, Account UV, JHVLICO, Account U, Account V, and the Other Accounts obtained exemptions from Rules 6e–2(a)(2) and 6e–2(b)(15) to permit each of such Accounts to serve simultaneously as funding media for both Rule 6e–2 and Rule 6e–3(T) VLI Policies. Release Nos. IC–19898 (Nov. 24, 1993)(Order) and IC–19817 (Oct. 27, 1993)(Notice).

Applicant's Legal Analysis

1. The Application requests an order of the Commission, pursuant to Section 6(c) of the 1940 Act, and amending the Existing Orders: (i) to add Distributors as a party; (ii) to specify that Distributors or a Future Underwriter is or will be the principal underwriter with respect to the VA Contracts, VLI Policies and the Trust Shares; and (iii) to provide to Distributors or any Future Underwriter certain exemptive relief that was previously granted to John Hancock in its capacity as principal underwriter of the VLI Policies and Trust Shares.

2. All of the relief requested in the Application for Distributors and Future Underwriters has previously been granted by the Commission for John Hancock in one or more of the Existing Orders. Applicants assert that all of such relief continues to be as appropriate as it was when the Existing Orders were granted and that the legal

and factual basis and justification for the initial granting of such relief likewise continues.

3. Applicants represent that all of the facts asserted and representations made in the applications (and any amendments thereto) for the Existing Orders remain true and accurate in all respects material to any relief that is requested herein. Applicants further represent that they will continue to comply with any terms, conditions, and undertakings that were set forth in those applications (and any amendments thereto) in connection with the exemptions that they now request be extended to Distributors or any Future Underwriter.

Conclusion

Applicants submit that, for the reasons and upon the facts summarized above, the exemptive relief requested pursuant to Section 6(c) of the 1940 Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–8232 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (USL Capital Corporation, 8¾% Senior Notes Due December 1, 2001); File No. 1–4976

March 26, 1997.

USL Capital Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–1(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons explained in the application for withdrawing the Securities from listing and registration include the following:

The Company issued $200,000,000 principal amount of its Security under an Indenture dated July 1, 1991. The Securities were listed on the Amex and registered under Section 12(b) of the Securities Exchange Act of 1934, as amended. As of the date hereof, Securities in the principal amount of $200,000,000 remain outstanding. As of December 31, 1996, there was only one registered holder of the Securities, which were beneficially owned by 64 participants of The Depository Trust Company.

In making the decision to withdraw the Securities from listing on the AMEX, the Company considered the direct and indirect costs and expenses attendant on maintaining the listing of the Securities on the AMEX and complying with the reporting requirements of the Act, the small number of record and beneficial holders of the Securities, the availability of a market maker for the Securities, the fact that the Company has no other publicly traded debt or equity securities and the availability of information with respect to the co-obligor of the Securities, Ford Motor Credit Company. Further, it is the Company's understanding that the Securities have not traded on the Amex for some time and that any transactions involving the Securities have been conducted off the exchange. As a result of the foregoing, the Company does not see any particular advantage in the continued listing of the Securities on an exchange.

The Company has complied with Rule 18 of the AMEX by filing with the AMEX a certified copy of resolutions adopted by the Company's Board of Directors authorizing the withdrawal of the Securities from listing on the AMEX and by setting forth in detail to the AMEX the reasons for such proposed withdrawal and the facts in support thereof.

Any interested person may, on or before April 16, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–8225 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38437; File No. SR–Amex–97–14]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Trading in One Sixteenth of a Dollar

March 25, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on March 17, 1997, the American Stock Exchange, Inc. ("Amex" 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. Subsequently, the Exchange submitted Amendment No. 1 to the proposed rule change.[2] 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 Amex proposes to amend Exchange Rule 127 (Minimum Fractional Changes) to permit trading in sixteenths in Amex securities selling at $10 and higher.

The text of the proposed rule change is available at the Office of the Secretary, the 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 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.

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[1] 15 U.S.C. 78s(b)(1).

[2] Letter from James F. Duffy, Executive Vice President and General Counsel, Amex, to Anthony P. Pecora, Attorney, Division of Market Regulation, SEC, dated March 24, 1997 ("Amendment No. 1"). In addition to correcting a typographical oversight, Amendment No. 1 enhanced the Amex's discussion concerning the filing's impact on the Intermarket Trading System and its burden on competition.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Amex proposes to amend Amex Rule 127 (Minimum Fractional Changes) to provide a significant expansion in the number of Amex securities traded in fractions of 1/16 of $1.00. In 1992, the Commission approved sixteenths trading for Amex securities selling under $5 and above $0.25.[3] In 1995, the Commission approved an expansion of these parameters to allow sixteenths trading in Amex securities selling under $10.[4]

The Exchange has determined to extend the benefits of trading in sixteenths to Amex equity securities priced at $10 and over, which currently includes approximately 50% of Amex's equity list.[5] The Exchange believes that trading in sixteenths will promote investor protection by, among other things, enhancing the already significant potential for price improvement available on the Amex to both retail and professional orders.

On March 18, 1997, the Amex discussed the proposed expansion of trading in sixteenths with the Intermarket Trading System ("ITS") participants and with the Securities Industry Automation Corporation ("SIAC"). The ITS Operating Committee voted unanimously to instruct SIAC to make necessary enhancements to the ITS host system to accommodate the proposed expanded sixteenths trading. SIAC also agreed to coordinate with the ITS participants regarding any required testing and changes to the participants' internal systems.[6]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[7] of the Act in general and furthers the objectives of Section 6(b)(5)[8] in particular in that it is designed to promote just and equitable principles of trade, to facilitate transactions in securities and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition. Indeed, the Exchange believes an expansion of trading in sixteenths will enhance competition by permitting trading in all Amex equity securities by all ITS participants in narrower trading fractions, with the potential for significant price improvement for investors. The proposed rule change will require SIAC to modify the host system and may require individual ITS participant markets to modify their own systems to permit trading in sixteenths via ITS in Amex securities priced $10 and higher. No competitive issue is raised by these system changes, however, as expanded sixteenths trading will not commence until the SIAC and participant system changes have been effected.

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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Also, copies of such filing will be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–97–14 and should be submitted by April 22, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–8229 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[3] Securities Exchange Act Release No. 31118 (Aug. 28, 1992), 57 FR 40484 (Sept. 3, 1992) (approving SR–Amex–91–07).

[4] Securities Exchange Act Release No. 35537 (Mar. 27, 1995), 60 FR 16894 (Apr. 3, 1995) (approving File No. SR–Amex–95–02).

[5] Standard and Poor's Depositary Receipts® ("SPDRs®") and S&P MidCap 400 SPDRs™ will continue to trade in 1/64's.

[6] The Commission notes that the tests conducted March 22, 1997 involving the Amex, the Boston Stock Exchange, the Nasdaq Stock Market, and the Pacific Stock Exchange were successful. Amendment No. 1, *supra* note 2.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 17 C.F.R. 200.30–3(a)(12).

[Release No. 34–38438; File No. SR–CBOE–96–57]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 1, 2, and 3 Relating to a Minor Rule Violation Plan Amendment To Create a Settlement Procedure for Position Limit Fines

March 25, 1997.

I. Introduction

On September 25, 1996, the Chicago Board Options Exchange, Inc. ("CBOE" 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 amend its minor rule violation procedure to create an offer of settlement process for certain position limit violations.

The proposed rule change, together with the substance of the proposal, was published for comment in Securities Exchange Act Release No. 37787 (October 4, 1996), 61 FR 53472 (October 11, 1996). No comments were received on the proposed rule change. The CBOE filed Amendment Nos. 1, 2, and 3 with the Commission on January 21, March 4, and March 4, 1997, respectively.[3] This

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 clarifies that the Exchange will report any Business Conduct Committee ("Committee") decision accepting a settlement offer under the proposed settlement procedure for position limit fines to the Commission on a current

Continued

order approves the proposal, including Amendment Nos. 1, 2, and 3, on an accelerated basis.

II. Description

Section 19(d)(1) of the Act and Rule 19d–1(c)(1) thereunder require a self-regulatory organization ("SRO") to report any "final" disciplinary action taken to the Commission on a current basis. Rule 19d–1(c)(2) of the Act, which provides for the filing and approval of a minor rule violation reporting plan, states that any disciplinary action taken by an SRO for violation of the SRO's rules that has been designated a "minor rule violation" by the SRO pursuant to a plan approved by the Commission shall not be considered "final" for purposes of Section 19(d)(1) and Rule 19d–1(c)(1) of the Act if the sanction imposed consists of a fine that (1) does not exceed $2,500 and (2) where the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies at the SRO with respect to the matter. Under Rule 19d–1(c)(2), these unadjudicated minor rule violations can be reported on a quarterly basis rather than on a current basis.[4]

CBOE Rule 17.50 sets forth the minor rule violation provisions adopted by CBOE in accordance with Section 19(d)(1) and Rule 19d–1(c)(2) of the Act. Under CBOE Rule 17.50(a), "[a]ny fine imposed pursuant to this Rule that (i) does not exceed $2,500 and (ii) is not contested, shall be reported on a periodic, rather than a current, basis, except as may be otherwise required by Rule 19d–1 under the Securities Exchange Act of 1934 and by any other regulatory authority." The CBOE currently processes position limit violations as minor rule violations pursuant to CBOE Rule 17.50 (i.e. summary fines) and can impose a fine, not exceeding $5,000 for any one trade date, for such violations. An Exchange member may contest the fine(s) imposed under Rule 17.50 by following the procedures outlined in Rule 17.50(c), which include filing a written answer and requesting a hearing, if the member so desires. At that time the matter becomes subject to review by the Business Conduct Committee ("Committee") because it becomes a disciplinary proceeding subject to Chapter XVII of the CBOE's rules and, where applicable, the current reporting provisions of Rule 19d–1(c)(1) of the Act.

Members with significant position limit summary fines do not presently have access to the settlement resolution process available to respondents under Exchange Rule 17.8 for regular disciplinary matters pending before the Committee, including making offers of settlement and personal appearances. According to the CBOE, some members who proceeded to a contested fine hearing admitted that the violations occurred, and used the hearing forum solely to request that the fines be reduced or removed. Based upon this past experience with contested position limit summary fine matters, as well as an internal regulatory focus study, the Exchange is proposing a new procedure so that members with significant position limit violations meeting certain criteria will have an opportunity within the minor rule violation procedure to present one settlement offer before the Committee.

The proposed rule change adds language describing the settlement offer procedure to Interpretation and Policy .01 under Exchange Rule 17.50. The additional language defines the threshold levels of position limit summary fines that trigger access to the new settlement procedure. The original filing stated that the CBOE will treat (a) position limit violations resulting in any one-day fine in excess of $2,500, or (b) position limit violations resulting in an aggregate fine in excess of $10,000 and involving five or more consecutive trade dates, as appropriate for an offer of settlement opportunity before the Committee. Under Amendment No. 1, the CBOE adds upper limits to the threshold levels, so that the settlement procedure can be used for (a) position limit violations resulting in any one-day fine in excess of $2,500 but not exceeding $5,000; or (b) position limit violations resulting in an aggregate fine greater than $10,000 and not more than $5,000 in any one day. This amendment makes the CBOE's proposed rule consistent with the limits for commencing an action under CBOE's minor rule plan; for example, violations which would result in a fine exceeding $5,000 a day cannot be processed under CBOE's minor rule plan.[5]

Amendment No. 1 also clarifies several aspects of the settlement process under the minor rule violation procedure. Members who meet the threshold position limit fine level have the opportunity to submit one written offer of settlement in accordance with Rule 17.8(a), except that the Interpretations and Policies of Rule 17.8 will not apply and the member must submit the settlement offer within thirty (30) days of the date of service of the written statement informing them of the fine(s) imposed. Amendment No. 1 also states that a member may personally appear before the Committee in order to make an oral statement in support of the offer. In addition, Amendment No. 1 adds language to the rule change stating that a decision accepting an offer of settlement under this process will be reported on a current basis pursuant to Rule 19d–1 of the Act.[6] Amendment No. 2 adds additional language to proposed Interpretation and Policy .01 of Rule 17.50 stating that members whose offer of settlement is accepted by the Committee shall report the acceptance of the settlement offer on the member's broker-dealer form under the Act ("Form BD") as a decision in a contested Exchange disciplinary proceeding. Amendment No. 3 further amends the language of proposed Interpretation and Policy .01 of Rule 17.50 to state that members whose offer of settlement is accepted by the Committee shall report the acceptance on the uniform application for securities industry registration or transfer ("Form U–4") as a decision in a contested Exchange disciplinary proceeding.[7]

The CBOE is only proposing to apply the new settlement procedures to fines imposed under Rule 17.50 for position limit violations at this time. In this regard, the CBOE noted that it has not experienced significant accumulations of fines by members for minor rule violations under Exchange Rule 17.50 other than position limit violations.

basis. Amendment No. 1 also clarifies the settlement offer time frame and procedure. Amendment No. 2 changes the language of proposed Interpretation and Policy .01 of Rule 17.50 to state that members whose offer of settlement is accepted by the Committee must report the acceptance of the settlement offer on the members' broker-dealer form under the Act ("Form BD") as a decision in a contested Exchange disciplinary hearing. Amendment No. 2 also makes a technical change to proposed Interpretation and Policy .01 of Rule 17.50 by lettering paragraphs as (a) and (b). Amendment No. 3 further changes the language of proposed Interpretation and Policy .01 of Rule 17.50 to state that members whose offer of settlement is accepted by the Committee must report the acceptance of the settlement offer on the uniform application for securities industry registration or transfer ("Form U–4"). See letters from Margaret G. Abrams, Senior Attorney, CBOE, to Sharon Lawson, Senior Special Counsel, Market Regulation, Commission, dated January 15, 1997 ("Amendment No. 1"), February 12, 1997 ("Amendment No. 2"), and February 26, 1997 ("Amendment No. 3"), respectively.

[4] Under CBOE's minor rule plan and Rule 17.50(a), the Exchange can impose fines up to $5,000 for minor rule violations. Fines above $2,500 must, however, be reported on a current basis.

[5] See note 4, supra.

[6] This will be the case irrespective of whether the accepted settlement offer is below $2,500.

[7] If the offer of settlement is not accepted, the minor rule violation process will continue as if the offer was never made; the member will be able to either contest the violation under Rule 17.50(c) or pay the fine. Phone conversation between Margaret G. Abrams, Senior Attorney, CBOE, and Heather Seidel, Attorney, Market Regulation, Commission, on February 25, 1997.

III. Discussion

The proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act[8] in that it is designed to refine and enhance the Exchange's minor rule violation procedure as applied to position limit violations, while retaining adequate enforcement measures for violations of such rules, thereby removing impediments to a free and open market and protecting investors and the public interest.[9]

The Commission finds that by adopting formal procedures for the settlement of certain position limit summary fines that are separate from a full disciplinary hearing, the proposed rule change should increase the efficiency of the Exchange's disciplinary process by saving the time and expense of both members and Exchange staff in preparing for hearings, while continuing to ensure that position limit rules are effectively enforced. Under the CBOE's proposed rule, violations settled using new procedures, irrespective of whether the settlement amount is under $2,500, will be subject to immediate, rather than quarterly, reporting to the Commission.[10] The Commission believes this result is appropriate and makes CBOE's new rule consistent with the CBOE's minor rule reporting plan and Rule 19d–1(c)(2),[11] due to the fact that the members are contesting the fine amounts and have sought an adjudication on the violation which includes the opportunity to have a hearing.

For the same reasons, the CBOE has also amended their new rule to state that the acceptance of settlement offers under this new procedure must be reported on the Form BD[12] and Form U–4. Both Form BD and Form U–4 require broker-dealers to report violations of an SRO's rules, except for violations designated as "minor rule violation[s]," under a plan approved by the Commission. However, the definition of a "minor rule violation" on Form BD and Form U–4 states that rule violations may be designated as "minor" under a plan if the sanction imposed consists of a fine of $2,500 or less, and if the sanctioned person does not contest the fine. The Commission believes that because under the proposed rule change, the person submitting the settlement offer is contesting the fine amount, the acceptance of a settlement offer under the new procedures being adopted herein must be reported on Form BD and Form U–4 just like any decision in a contested Exchange disciplinary proceeding, even if the settlement amount does not exceed $2,500. Amendments Nos. 2 and 3 adequately address this concern by requiring the acceptance of a settlement offer to be reported on Form BD and Form U–4 as a contested Exchange disciplinary proceeding.

In summary, the Commission believes that the development of the interim step of a settlement procedure for contesting the fine amount for position limit minor rule violations should help to make the CBOE's entire disciplinary process more efficient by avoiding unnecessarily burdening the formal disciplinary process with such actions, while still retaining adequate enforcement measures for violations of the position limit rules contained in the minor rule plan. In addition, the fact that acceptance of settlement offers under the new settlement process will be reported currently, rather than on a quarterly basis, ensures that the Commission receives adequate notice of these contested fines.

The Commission finds good cause to approve Amendment Nos. 1, 2, and 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Specifically, as stated above in greater detail, by requiring current reporting of the acceptance of settlement offers under the new settlement procedure for position limit violations, Amendment No. 1 will ensure that the Commission receives adequate notice of contested fines which have been settled, while still providing a mechanism for effectively enforcing position limit violations. Similarly, Amendment Nos. 2 and 3 ensure that the accepted settlement offers will be reported on Form BD and Form U–4, leading to greater protection of the investors and the public interest, by clarifying that the acceptance of a settlement offer is a decision in a contested Exchange disciplinary proceeding for purposes of the Form BD and Form U–4. Accordingly, the Commission believes that it is consistent with Section 6(b)(5) of the Act to approve Amendment Nos. 1, 2, and 3 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment Nos. 1, 2, and 3 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules change that are filed with the Commission, and all written communications relating to Amendment Nos. 1, 2, and 3 between the Commission and any persons, 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 such filing will also be available at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–96–57 and should be submitted by April 22, 1997.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CBOE–96–57), including Amendment Nos. 1, 2, and 3, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–8230 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38439; File No. SR–CHX–96–31]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Inc., To Amend Articles IV, VII, and XII of the Exchange's Rules To Modify the Exchange's Disciplinary Procedures

March 25, 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 December 9, 1996,[1]

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[8] 15 U.S.C. 78(f)(b)(5).

[9] 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).

[10] Amendment No. 1 specifically changes the text of CBOE's proposed rule to state that "[a] decision by the Business Conduct Committee accepting an offer of settlement hereunder shall be reported on a current basis pursuant to Rule 19d–1 under the Securities Exchange Act of 1934."

[11] See discussion earlier regarding the content and operation of Rules 19d–1(c)(1) and 19d–1(c)(2) of the Act and of CBOE's Rule 17.50.

[12] Form BD requires broker-dealers to report violations of Commission and Exchange rules, as well as certain criminal, civil and administrative penalties, and this information is then made available to the public and investors.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

[1] The Exchange filed Amendment No. 1 with the Commission on February 18, 1997, the substance of

Continued

the Chicago Stock Exchange, Inc. ("CHX" 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 Exchange proposes to amend Articles IV, VII, and XII of the Exchange's Rules to modify the Exchange's disciplinary procedures.

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

The purpose of the proposed rule change, which makes substantive changes to some portions of the disciplinary procedures, is to provide a balanced process for managing disciplinary matters by bringing peer review into the disciplinary process while at the same time including independent review and participation by public members of the Board of Governors or other individuals not connected to the Exchange during each stage of the disciplinary process. The proposed rule change is also meant to harmonize Exchange practice with that of other exchanges by separating key management personnel who have overall responsibility for the "business" areas of the Exchange from the disciplinary process. To accomplish this goal, the proposed rule change eliminates the active role the President has played in the disciplinary process. The Exchange feels that it is more appropriate for the President, who runs the daily business of the Exchange, to be separated from the disciplinary process. The Exchange notes that no other exchange has its chief executive officer involved in the disciplinary process.

Additionally, as described more fully below, the proposed rule change eliminates one level of internal appeal after a hearing. Rather than permitting respondents to appeal to the Judiciary Committee and then the Executive Committee, the decision of a reconstituted Judiciary Committee will be final. The Exchange believes that the prior system of double review was an inefficient use of CHX resources.

The Exchange believes that the proposal is timely. The Governance Committee of the CHX has, for some time, been examining several governance issues affecting the Exchange. For example, the Governance Committee was instrumental in developing the recent proposal to create a class of "approved lessors" on the Exchange.[2] Another area that the Governance Committee focused on is disciplinary procedures and the proposal contained herein is, in large part, the completion of the Governance Committee's efforts.

The proposal extensively amends Article XII, dealing with discipline and hearing procedures, and the rules thereunder. Proposed Rule 1(a) provides that Exchange staff will investigate potential disciplinary matters brought to their attention and make a report to an Initial Determination Panel, rather than to the President, if the staff decides to recommend changes. Proposed Rule 1(b) provides for a new Hearing Pool, a standing body of individuals appointed jointly by the Chairman and the Vice Chairman, with the approval of the Executive Committee or the Board of Governors. The Hearing Pool will consist of not less than twelve and not more than twenty-five members. The Exchange feels that this range is appropriate, based on its analysis of the historical number of disciplinary procedures brought before the Exchange, together with the complexity of those proceedings. At least four Hearing Pool members must be public governors of the Exchange or other individuals not affiliated with the Exchange or with any broker or dealer. These Hearing Pool members are referred to as "Unaffiliated Panelists." These unaffiliated panelist members of the Hearing Pool may be individuals other than public governors, in part, because of the limited number of public governors on the CHX. Moreover, the use of such "outside" Hearing Pool members will permit the Exchange to take advantage of outside expertise that is often useful in conducting disciplinary proceedings. Continued use of such expertise would assist in assuring efficient and fair disciplinary procedures. The remaining members of the Hearing Pool shall be chosen from among members of the Exchange and partners, officers, and directors of member firms.

The Exchange intends to require each member of the Hearing Pool to complete a questionnaire upon such member's appointment to either an Initial Determination Panel or a Hearing Panel. The purpose of such questionnaire will be to assist in identifying any potential conflicts of interest. In addition, under the proposed rule change, each Hearing Pool member has an affirmative obligation to bring actual and potential conflicts of interest to the attention of the Chairman and the Vice Chairman.

Under proposed Rule 1(c), reports of staff investigations of possible disciplinary violations will be made to an Initial Determination Panel selected for that disciplinary matter, consisting of three disinterested individuals, chosen from the Hearing Pool, appointed jointly by the Chairman and the Vice Chairman with the approval of the Executive Committee or the Board. For purposes of proposed Rule 1(c) and related proposed Rule 1(g), "disinterested" means that the individual cannot have any direct or indirect interest in the disciplinary matter, or any other conflict of interest, which might preclude the individual from rendering an objective and impartial determination. the Exchange will determine if an individual is disinterested using the questionnaire described above and the provisions in proposed Rule 1(c) and proposed Rule 1(g) that put an affirmative obligation on the individual to report any actual or potential conflicts of interest to the Chairman or Vice Chairman. Each Initial Determination Panel will include at least one Hearing Pool member who is an Unaffiliated Panelist.

All decisions of the Initial Determination Panel will be made by majority vote. Each Initial Determination Panel will have the authority to determine the manner in which it will proceed, consistent with the other disciplinary rules. An Initial Determination Panel will be automatically dissolved once it completes all of its duties, either immediately if no charges are brought by the Initial Determination Panel (or by

which is incorporated into this notice. *See* letter from David Rusoff, Attorney, Foley & Lardner, to Katherine England, Assistant Director, Market Regulation, Commission, dated February 17, 1997.

[2] *See* SR–CHX–96–30.

the Executive Committee on appeal of the Initial Determination) or, if the disciplinary matter proceeds, after the Hearing Panel has issued a decision or has otherwise completed its work. If a member of the Initial Determination Panel is unable to continue serving on the Panel without causing undue delay, or is not qualified to continue serving on the panel, a new member of the Hearing Pool will be selected to replace him or her and will be given adequate opportunity to review the proceedings of the Initial Determination Panel and familiarize him or herself with the evidence and documents. The Exchange has determined that a period of two weeks or less will not constitute "undue delay."

Under proposed Rule 1(d), the Initial Determination Panel, rather than the President, as is the case under the current rules, determines whether or not to bring charges. The Exchange staff may appeal the decision of the Initial Determination Panel not to bring charges to the Executive Committee or the Board, not including Executive Committee members, if any, who have been involved in that particular disciplinary proceeding up to that time. Review by the Executive Committee or Board will be de novo review and that decision will be final. Proposed Rule 1(e) provides that if either the Initial Determination Panel (or the Executive Committee or Board on appeal) decides that it appears that the accused has committed a default or other offense in violation of the Exchange's Constitution or rules, the Initial Determination Panel (or Executive Committee or Board on appeal) shall direct the Exchange staff to bring charges, a copy of which shall be served in writing on the accused. The proposed rule change modifies the title of proposed Rule 1(f) from "Serving Instruments on the Accused" to "Serving Charges."

Proposed Rule 1(g) provides for the appointment of a Hearing Panel by the Chairman and Vice-Chairman, with the approval of the Board. The Hearing Panel will consist of three persons chosen from the Hearing Pool and one member of the Hearing Panel must be an Unaffiliated Panelist. The Hearing Panel may not include any Hearing Pool members who were members of the Initial Determination Panel for that particular matter. Hearing Panel members must be disinterested [3] and will be required to report any actual or potential conflicts of interest to the Chairman or Vice Chairman.

[3] *See supra* discussion relating to the definition of "disinterested."

Under proposed Rule 1(g), the Hearing Panel will consider the charges, will conduct a hearing if requested, and will decide whether the accused has committed the violations alleged and, if so, what sanction should be imposed. As with the Initial Determination Panel, all decisions of the Hearing Panel will be made by majority vote; the Hearing Panel will automatically dissolve after completing its duties and notifying the Secretary in writing of its decision. Each Hearing Panel will have the authority to determine the manner in which it proceeds consistent with these Rules. If a member of the Hearing Panel is unable to continue serving on the Panel without causing an undue delay, or is not qualified to continue serving on the Panel because of the existence of a relationship between him or her and the person or persons involved in the matter, a new member of the Hearing Pool will be selected to replace him or her and will be given adequate opportunity to review the proceedings of the panel and familiarize himself or herself with the evidence and documents so far presented to the Hearing Panel.

As mentioned above, all Initial Determination Panels and Hearing Panels will have the authority under the proposed rule change to determine their own procedures. The Exchange believes that this is appropriate, given the limited number of disciplinary cases brought by the CHX. The Exchange believes that this is appropriate, given the limited number of disciplinary cases brought by the CHX. The Exchange believes that flexibility in procedures is necessary because each case differs in the complexity of issues and the need for particular procedures. For example, a very complex case may require a lengthy briefing schedule to adequately address all issues raised. On the other hand, a simple case with few contested issues may be conducted much more efficiently on an expedited basis. Therefore, the Exchange does not believe that it would be appropriate to establish one set of procedures that would necessarily apply to all disciplinary procedures.

The Exchange proposed to modify current Rules 2(a) (Minor Infractions) and 2(b) (Summary Hearing and Sanction) to make those parts of these summary proceedings that were formerly the responsibility of the President the responsibility of an Initial Determination Panel. Summary proceedings for minor infractions under Rule 2(a) and for summary hearings and sanctions under Rule 2(b) will be used only if the investigation and report provided for in Rule 1(a) expressly recommend that the Initial Determination Panel proceed according to Rule 2(a) or Rule 2(b). Appeals of summary proceedings under Rule 2(a) will now be made to a Judiciary Committee, rather than the Executive Committee, in order to harmonize the minor infraction proceedings appeals process with the regular disciplinary proceedings appeals process. The Exchange believes that because the maximum fine that can be imposed pursuant to Rule 2(a) has not been changed in many years, and inflation has eroded the desired impact of the fine, the maximum fine amount should be increased. As a result, the proposed rule change will increase the fine amount that the Initial Determination Panel may impose pursuant to Rule 2(a) will be increased from $500 to $5,000.

The Exchange also proposes to amend Rule 2(b) to remove all references to Midwest Clearing Corporation and Midwest Securities Trust Company, and replace the term "penalty" with "sanction" whenever it occurs. The proposed changes to Rule 2(b) also make clear that Rule 2(b) may only be used upon the agreement by the accused to have his proceeding heard by an Initial Determination Panel, rather than the President, as the rule currently states.

The proposed rule change renumbers current Rule 2(c), relating to settlement procedure, as Rule 3. Under proposed Rule 3, the Initial Determination Panel will assume the role the President previously held under this section. Proposed Rule 3 will explicitly permit the accused to propose an offer of settlement to the Initial Determination Panel at any time before a judgment is rendered by a Hearing Panel. In addition, the Initial Determination Panel may accept an offer of settlement up until a judgment is rendered by the Hearing Panel hearing the case as long as the offer is not otherwise withdrawn. The accused cannot withdraw an offer of settlement once the Initial Determination Panel has accepted it. An offer of settlement must contain a proposed sanction and a waiver of appeal rights. If the offer of settlement is submitted within fifteen days from the date of service of the charges, the accused will receive an additional ten-day period from the time of the receipt of the Initial Determination Panel's non-acceptance of the offer of settlement to file any response required by proposed Rule 7(a).[4]

The proposed rule change renumbers current Rule 2(d), relating to actions by other self regulatory organizations, as

[4] Proposed Rule 7(a), current Rule 5, deals with the conduct of the disciplinary hearing.

Rule 4. The proposed rule change modifies proposed Rule 4 to harmonize the language in proposed Rule 4 with the definition of statutory disqualification contained in the Act by adding "person associated with a member" to the list of those entities affected by proposed Rule 4 and by replacing the phrase "exchange or association" with the phrase "self-regulatory organization." The proposed rule change to proposed Rule 4 also adjusts internal cross-references to the Rule.

The proposed rule change renumbers current Rule 2(d)(1) as Rule 4(a) and amends proposed Rule 4(a) to provide that if an entity is the subject of an action by another self-regulatory organization and as a result falls within proposed Rule 4(a), the staff may so advise an Initial Determination Panel, instead of the President. The Initial Determination Panel may then proceed under proposed Rule 4(b) (current Rule 2(d)(2)). If the staff recommends to the Initial Determination Panel that it proceed under Rule 4(b) but the Initial Determination Panel elects not to proceed, the staff will have the right to appeal the Initial Determination Panel's decision to the Board; provided, however, that the Chairman, the Vice Chairman, the President, and any other member of the Initial Determination Panel that denied the staff's request who is also on the Board shall not hear any such appeal. The Board will review de novo the decision of the Initial Determination Panel; the decision of the Board as to whether to proceed under proposed Rule 4(b) will be final.

The existing language in current Rule 2(d)(1) regarding commencement of sanctions being concurrent with and no greater than the sanctions of other sanctioning bodies upon whose action the Exchange's action is based has been moved to new Rule 4(b). The proposed rule change also modifies proposed Rule 4(a) to clarify that nothing in Rule 4(a) precludes the taking of any action against any person against whom action may be taken under any other Section of this Article or Rule of the Exchange. The current rule language states that nothing in the Rule (prior to Rule 2(d)(1), proposed Rule 4(a)) precludes the Exchange from *proceeding* against any person, as opposed to the *taking of any action* against any person. Proposed Rule 4(b) will state that the Initial Determination Panel will occupy the role previously occupied by the President. Additionally, the proposed rule change renumbers current rule 2(d)(3) as proposed Rule 4(c) and amends it to replace the word "penalty" with the word "sanction" and the word "President" with the phrase "Initial Determination Panel."

The proposed rule change renumbers current Rule 3 as Rule 5 and adjusts internal cross-reference to the Rule accordingly. The proposed rule change renumbers current Rule 4 as Rule 6 and replaces the phrase "the President" with the phrase "the Initial Determination Panel" and the word "penalty" with the word "sanction."

The proposed rule change renumbers current Rule 5, relating to the conduct of hearing, as Rule 7 and replaces the term "trial" with the word "hearing" whenever it occurs. Proposed Rule 7(a) states that hearings will be conducted by a Hearing Panel appointed in accordance with Rule 1 instead of by a Hearing Examiner appointed by the President. Under proposed Rule 7(a), the Initial Determination Panel, rather than the President, will have the authority to grant extensions of time for answering charges. In addition, the proposed rule change replaces the word "should" with the word "shall" when describing what is required in an answer to the charges.

Proposed Rule 7(b) eliminates the role of the Hearing Examiner and the President in determining guilt and sanctions. Under proposed Rule 7(b), the Hearing Panel will render its judgment, and may find that the accused has committed all or some of the violations as charged, or that the accused has committed none of the violations charged. Under proposed Rule 7(b), the Hearing Panel will have the authority to impose appropriate sanctions. The decision of the Hearing Panel will be in writing, three copies of which will be signed by the Chairman of the Hearing Panel.

Proposed Rule 7(c) provides that prosecution of charges will be the responsibility of senior Exchange staff members who will no longer necessarily be appointed by the President. Proposed Rule 7(c) also states that Exchange counsel shall be present as counsel to the Hearing Panel. Proposed Rule 7(d) provides all members of a Hearing Panel must be impartial and independent of the staff members who prepared and prosecuted the charges. Proposed rule 7(d) also provides that Exchange counsel may assist the Hearing Panel in preparing its judgment.[5]

The proposed rule change renumbers current Rule 6, the review section, as Rule 8. Under proposed Rule 8 the accused and the Exchange staff will have fifteen days from the date of service of any judgment imposed under Rules 4(b), 6(b), or Rule 7, rather than from the date of notice of a penalty imposed, to demand review of the judgment. Appeals under these sections will be made to a reconstituted Judiciary Committee.[6] The standard of review on appeal will be similar to what it currently is; the Judiciary Committee may not reverse or modify the judgment under review unless the majority of the Judiciary Committee finds that the applicable panel's decision (either the Initial Determination Panel or the Hearing Panel) is not supported by substantial evidence or that the decision is arbitrary, capricious or an abuse of discretion.[7] Proposed Rule 8 provides that the Judiciary Committee's decision will be final and deletes current Rules 6(b) and 6(c), which provide for appeal to the Executive Committee and the Board of Governors. The Exchange notes that this change will eliminate the system of double review. Proposed Rule 8 also make clear that all final determinations by the Judiciary Committee are appealable to the commission in accordance with applicable Commission Rules.

The proposed rule change renumbers current Rule 7 as Rule 9 and deletes references to appeals to the Executive Committee or the Board of Governors. The proposed rule change also renumbers current Rule 8 as Rule 10, current Rule 9 as Rule 11, and current Rule 10 as Rule 12. Proposed Rule 11, Minor Rule Violations, corrects internal cross-references to the rules amended by this rule filing and provides that reports of a Minor Rule Violation Panel recommending that disciplinary charges be brought will now be made to an Initial Determination Panel, rather than the President.

The proposed rule change amends Article IV, Rule 5 to modify the manner of appointment of a Judiciary Committee. The Chairman, rather than the President, will appoint five members of the Board of Governors, excluding the Chairman, Vice

[5] The Commission notes that the Exchange has stated that the Exchange staff prosecuting the charges are different from Exchange counsel that is counsel to the Hearing Panel. Phone conversation between David Rusoff, Foley & Lardner, Craig Long, Foley & Lardner, Katherine England, Assistant Director, Market Regulation, Commission, and Heather Seidel, Attorney, Market Regulation, Commission, on January 22, 1997.

[6] *See infra* amendments to Article IV, Rule 5, relating to the manner or appointment of the Judiciary Committee.

[7] The language of current Rule 6 states that "[t]he Judiciary Committee may not reverse, or modify, in whole or in part, the decision of the Hearing Examiner and Final Judgment of the President under paragraph (b) of Rule 4 or under Rule 5 if the factual conclusions in the decision are supported by substantial evidence and such decision is not arbitrary, capricious or an abuse of discretion."

Chairman, President, and all governors who have already served on the Initial Determination Panel or Hearing Panel convened in connection with a disciplinary matter to be reviewed. Two of the five members of the Judiciary Committee will be non-member (public) governors. The proposed rule change also amends Article VII, Rule 5(a) in order to clarify that the President's power of emergency suspension extends to persons associated with members, in addition to members and member organizations. The Exchange believes that this change codifies the Exchange's authority, as set forth in Section 6(b)(6) of the Act, in CHX rules.

The Exchange proposes that the proposed rule change become effective sixty days after approval by the Commission. This time period will give the Exchange adequate time to implement the new procedures and appoint a Hearing Pool. The Exchange proposes that, in general, if a disciplinary action has commenced and is pending as of the date of effectiveness of the proposed rule change, all of the new rules and procedures should apply. However, if a Hearing Officer has already been appointed pursuant to the old rules then the old hearing rules should apply. In any event, so long as no appeal has been filed by the date of effectiveness of the proposal, the new appellate rules and procedures shall apply except that, if a Hearing Officer presided at the hearing, references in the appeal rules to decisions of the Initial Determination panel or Hearing Panel, as the case may be, should be changed to "hearing officer and final judgment of the President."

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act[8] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating securities transactions, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change is also consistent with Section 6(b)(7) of the Act[9] in that it provides a fair procedure for the disciplining of members and persons associated with members.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(7).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–96–31 and should be submitted by April 22, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–8231 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38421; File No. SR–OCC–97–03]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Modifying The Options Clearing Corporation's Restated Certificate of Incorporation and By-Laws

March 19, 1997.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on February 18, 1997, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared primarily by OCC. The Commission is publishing this notice and order to solicit comments from interested persons on the proposed rule change and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies OCC's Restated Certificate of Incorporation and By-Laws to extend each public director's term on OCC's Board of Directors ("Board") from a maximum of four consecutive years to a maximum of six consecutive years.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC 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

The purpose of the proposed rule change is to modify OCC's Restated Certificate of Incorporation and By-Laws in order to provide greater continuity of leadership and more meaningful representation on OCC's Board by

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

extending each public director's term on the Board from a maximum of four consecutive years to a maximum of six consecutive years. Under the proposed rule change, public directors elected prior to 1999 shall serve a maximum of three consecutive two-year terms, and public directors elected in 1999 or thereafter shall serve a maximum of two consecutive three-year terms. On October 16, 1992, the Commission approved a proposed rule change extending a public director's term from one two-year term to two consecutive two-year terms.[3] OCC believes that the reasons supporting Commission approval of that proposed rule change are very similar to the reasons for the present proposed rule change. In particular, OCC's business has been and continues to be increasingly complex. A public director may find that two two-year terms are still insufficient time to prepare for meaningful administration and interpretation of OCC's rules, operations, and policies and for input of meaningful guidance once the public director has gained the necessary knowledge and expertise. Because each public director's term would be limited to a total of six consecutive years, diversity in that position will still be preserved.

OCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act[4] and the rules and regulations thereunder because the proposed rule change enhances the ability of public directors to have meaningful input on the Board and contributes to the fair representation of OCC's members in the selection of its directors and administration of its affairs.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC 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 comment were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(C) of the Act states that the rules of a clearing agency must assure a fair representation of its shareholders and participants in the selection of its directors and administration of its affairs.[5] The Commission believes that the proposed modification to OCC's Restated Certificate of Incorporation and By-Laws to extend each public director's term on the Board from a maximum of four consecutive years to a maximum of six consecutive years is consistent with OCC's obligations under Section 17A of the Act. The proposed rule change should result in OCC's Board having greater continuity of leadership and more meaningful representation. Due to the increasing complexity of OCC's business, continuity of leadership has become more important to the proper functioning of OCC. Allowing a public director's maximum tenure to extend to six consecutive years will enhance the continuity of leadership on OCC's Board and still preserve the requirement of fair representation under the Act.

OCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing because accelerated approval will allow OCC to implement the new term structure without disrupting the current composition of the OCC Board.

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 OCC. All submissions should refer to File No. SR–OCC–97–03 and should be submitted by June 22, 1997.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–97–03) 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. 97–8223 Filed 3–31–97; 8:45 am]

BILLING CODE 8010–01–M

[3] Securities Exchange Act Release No. 31329 (October 16, 1992), 57 FR 48414.

[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78q–1(b)(3)(C).

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Statement of Policy on the Rights of Small Entities in OST Enforcement Cases

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Statement of policy on the rights of small entities in OST enforcement cases.

SUMMARY: This is the Office of the Secretary's statement of policy with respect to the reduction and waiver of civil penalties for small entities in OST enforcement cases.

DATES: This policy is effective on March 29, 1997.

FOR FURTHER INFORMATION CONTACT: Mark Holmstrup, Office of the General Counsel, Department of Transportation, (202) 366–9342, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires agencies to establish a policy with respect to the reduction and waiver of civil penalties for small entities in OST enforcement cases. This policy statement closely tracks the requirements of Section 223, and will apply to the Office of the Secretary's (OST) enforcement of (a) the Department's aviation economic requirements contained in 49 U.S.C. Subtitle VII and 14 CFR Parts 200–399, as well as the orders, certificates, and permits issued thereunder; and (b) the Program Fraud Civil Remedies Act (31 U.S.C. 3801–3812) and the Department's implementing regulations (49 CFR Part 31).

The Policy

The following shall apply in assessing the need for and the amount of any civil

penalties imposed on small entities in OST enforcement cases:

1. In determining penalty assessments, the ability of the small entity to pay shall be considered.

2. The amount of each civil penalty assessed against a small entity shall be reduced, and under appropriate circumstances shall be waived, provided that the following conditions are met:

a. The small entity corrects the violation within a reasonable period of time;

b. The violation was discovered through participation by the small entity in a compliance assistance or audit program operated or supported by the Office of the Secretary (OST) or a State;

c. The small entity has not been subject to multiple enforcement actions by OST;

d. The violation did not involve willful or criminal conduct;

e. The violation posed no serious health, safety or environmental threats; and

f. The small entity shows a continuing good faith effort to comply with the law.

3. The Assistant General Counsel for Aviation Enforcement and Proceedings shall keep records of the number of enforcement actions against small entities that qualified or failed to qualify for civil penalty reductions or waivers under this policy and the total amount of penalty reductions and waivers. To the extent that civil penalty reductions or waivers are effectuated by an Administrative Law Judge within the Office of Hearings or by the Office of an Assistant Secretary, that office shall report the relevant information to the Assistant General Counsel for Aviation Enforcement and Proceedings promptly after the action is taken.

4. The term "small entity" is defined in 5 U.S.C. 601.

5. Any questions regarding this policy shall be addressed to the Assistant General Counsel for Regulations and Enforcement.

Issued in Washington, DC, on March 25, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–8172 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–62–P

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Oppenheimer Wolff & Donnelly on behalf of Gateway Western Railway Company (WB520–3/14/97), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 565–1542.

Vernon A. Williams,

Secretary.

[FR Doc. 97–8241 Filed 3–31–97; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 33371]

Oil Creek and Titusville Lines—Meadville Division—Operation Exemption

Oil Creek and Titusville Lines—Meadville Division (applicant), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.31 to operate a 41.8-mile line of railroad extending between milepost 102.3 at Meadville and milepost 60.5 at Corry, in Erie and Crawford Counties, PA. The rail line had been abandoned by Consolidated Rail Corporation and will be acquired by the Northwest Pennsylvania Rail Authority (Authority) through condemnation proceedings under state law. Applicant will operate the line under an operating agreement with the Authority. *See Consolidated Rail Corporation—Abandonment—Between Corry and Meadville in Erie and Crawford Counties, PA,* Docket No. AB–167 (Sub-No. 1139) (STB served Feb. 10, 1997). The exemption became effective on March 11, 1997.

Any comments must be filed with the Board [1] and served on applicant's representatives: Richard R. Wilson, Esq., 1126 Eighth Avenue, Suite 403, Altoona, PA 16602 and Dearald W. Shuffstall, II, Esq., 201 Arch Street, Suite 200, Meadville, PA 16335–3432.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 19, 1997.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–8240 Filed 3–31–97; 8:45 am]

BILLING CODE 4915–00–P

[1] Due to the Board's relocation on March 16, 1997, any filings made after that date must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

[STB Docket No. AB–55 (Sub–No. 535X) and STB Docket No. AB–227 (Sub-No. 6X)]

CSX Transportation, Inc.—Abandonment Exemption—In Stark County, OH and Wheeling & Lake Erie Railway Company—Discontinuance of Service Exemption—In Stark County, OH

CSX Transportation, Inc. (CSXT) and Wheeling & Lake Erie Railway Company (W&LE) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for CSXT to abandon and W&LE to discontinue service over approximately 0.7 miles of railroad owned by CSXT and leased to and operated by W&LE between milepost 16.0 and milepost 15.3 in Canton, Stark County, OH. [1]

CSXT and W&LE has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this

[1] W&LE's lease and operation of CSXT's line between Aultman and Canton, OH, including the line segment involved herein, was exempted by the Interstate Commerce Commission in *Wheeling & Lake Erie Railway Company—Lease, Purchase, and Operation Exemption—CSX Transportation, Inc.,* Finance Docket No. 32083 (ICC served Oct. 15, 1992). At the same time, W&LE purchased an adjoining CSXT line extending south from Canton to Sandyville, OH. Service on the Canton-Sandyville line is not affected by this transaction.

condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 1, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by April 11, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 21, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant representatives: Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202 and William C. Sippel, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60602.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT and W&LE have filed an environmental report which addresses the effects of the abandonment and discontinuance, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 4, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT and W&LE shall file a notice of consummation with the Board to signify that they have exercised the authority granted and discontinued service and fully abandoned the line. If consummation has not been effected by CSXT's and W&LE's filing of a notice of consummation by April 1, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon and discontinue will automatically expire.

Decided: March 25 , 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–8238 Filed 3–31–97; 8:45 am]

BILLING CODE 4915–00–P

[STB Docket No. AB–303 (Sub–No. 16X)]

Wisconsin Central LTD.—Abandonment Exemption—in Clark County, WI

Wisconsin Central LTD. (WCL) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately .64 miles of its line of railroad, known as the Abbotsford line, between milepost 303.37 and milepost 304.01, in Abbotsford, Clark County, WI.

WCL has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 1, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by April 11, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 21, 1997, with: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

WCL has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) byApril 4, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WCL's filing of a notice of

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[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $900. *See* 49 CFR 1002.2(f)(25).

[4] The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

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[3] The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

consummation by April 1, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: March 25, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–8236 Filed 3–31–97; 8:45 am]

BILLING CODE 44915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

List of Foreign Entities Violating Textile Transshipment and Country of Origin Rules

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document notifies the public of foreign entities which have been issued a penalty claim under section 592 of the Tariff Act of 1930, for certain violations of the customs laws. This list is authorized to be published by § 592A of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: For information regarding any of the operational aspects, contact Michael Compeau, Chief, Seizures and Penalties, at 202-927–0762. For information regarding any of the legal aspects, contact Ellen McClain, Office of Chief Counsel, at 202–927–6900.

SUPPLEMENTARY INFORMATION:

Background

Section 333 of the Uruguay Round Agreements Act (URAA) (Pub. L. 103–465, 108 Stat. 4809) (signed December 8, 1994), entitled Textile Transshipments, amended Part V of title IV of the Tariff Act of 1930 by creating a section 592A (19 U.S.C. 1592a), which authorizes the Secretary of the Treasury to publish in the **Federal Register**, on a biannual basis, a list of the names of any producers, manufacturers, suppliers, sellers, exporters, or other persons located outside the customs territory of the United States, when these entities have been issued a penalty claim under section 592 of the Tariff Act of 1930, for certain violations of the customs laws, provided that certain conditions are satisfied.

The violations of the customs laws referred to above are the following: (1) Using documentation, or providing documentation subsequently used by the importer of record, which indicates a false or fraudulent country of origin or source of textile or apparel products; (2) Using counterfeit visas, licenses, permits, bills of lading, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, or similar documentation that is subsequently used by the importer of record, with respect to the entry into the customs territory of the United States of textile or apparel products; (3) Manufacturing, producing, supplying, or selling textile or apparel products which are falsely or fraudulently labeled as to country of origin or source; and (4) Engaging in practices which aid or abet the transshipment, through a country other than the country of origin, of textile or apparel products in a manner which conceals the true origin of the textile or apparel products or permits the evasion of quotas on, or voluntary restraint agreements with respect to, imports of textile or apparel products.

If a penalty claim has been issued with respect to any of the above violations, and no petition in response to the claim has been filed, the name of the party to whom the penalty claim was issued will appear on the list. If a petition, supplemental petition or second supplemental petition for relief from the penalty claim is submitted under 19 U.S.C. 1618, in accord with the time periods established by §§ 171.32 and 171.33, Customs Regulations (19 CFR 171.32, 171.33) and the petition is subsequently denied or the penalty is mitigated, and no further petition, if permitted, is received within 30 days of the denial or allowance of mitigation, then the administrative action shall be deemed to be final and administrative remedies will be deemed to be exhausted. Consequently, the name of the party to whom the penalty claim was issued will appear on the list. However, provision is made for an appeal to the Secretary of the Treasury by the person named on the list, for the removal of its name from the list. If the Secretary finds that such party has not committed any of the enumerated violations for a period of not less than 3 years after the date on which the party's name was published, the name will be removed from the list as of the next publication of the list.

Reasonable Care Required

Section 592A also requires any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products that were either directly or indirectly produced, manufactured, supplied, sold, exported, or transported by such named person to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that the textile or apparel products are accompanied by documentation, packaging, and labeling that are accurate as to its origin. Under section 592A, reliance solely upon information regarding the imported product from a person named on the list does not constitute the exercise of reasonable care.

Textile and apparel importers who have some commercial relationship with one or more of the listed parties must exercise a degree of reasonable care in ensuring that the documentation covering the imported merchandise, as well as its packaging and labeling, is accurate as to the country of origin of the merchandise. This degree of reasonable care must rely on more than information supplied by the named party.

In meeting the reasonable care standard when importing textile or apparel products and when dealing with a party named on the list published pursuant to section 592A, an importer should consider the following questions in attempting to ensure that the documentation, packaging, and labeling is accurate as to the country of origin of the imported merchandise. The list of questions is not exhaustive but is illustrative.

(1) Has the importer had a prior relationship with the named party?

(2) Has the importer had any detentions and/or seizures of textile or apparel products that were directly or indirectly produced, supplied, or transported by the named party?

(3) Has the importer visited the company's premises and ascertained that the company has the capacity to produce the merchandise?

(4) Where a claim of substantial transformation is made, has the importer ascertained that the named party actually substantially transforms the merchandise?

(5) Is the named party operating from the same country as is represented by that party on the documentation, packaging or labeling?

(6) Have quotas for the imported merchandise closed or are they nearing closing from the main producer countries for this commodity?

(7) What is the history of this country regarding this commodity?

(8) Have you asked questions of your supplier regarding the origin of the product?

(9) Where the importation is accompanied by a visa, permit, or license, has the importer verified with the supplier or manufacturer that the visa, permit, and/or license is both valid and accurate as to its origin? Has the

importer scrutinized the visa, permit or license as to any irregularities that would call its authenticity into question?

On October 2, 1996, Customs published a Notice in the **Federal Register** (61 FR 51492) which identified 14 (fourteen) entities which fell within the purview of § 592A of the Tariff Act of 1930.

592A List

For the period ending March 31, 1997, Customs has identified 14 (fourteen) foreign entities that fall within the purview of section 592A of the Tariff Act of 1930. This list reflects the addition of 1 new entity to the 14 entities named on the list published on October 2, 1996, and the removal of one entity, Hangzhou Tongda Textile Group, from the list. The parties on the current list were assessed a penalty claim under 19 U.S.C. 1592, for one or more of the four above-described violations. The administrative penalty action was concluded against the parties by one of the actions noted above as having terminated the administrative process.

The names and addresses of the 14 foreign parties which have been assessed penalties by Customs for violations of section 592 are listed below pursuant to § 592A. This list supersedes any previously published list. The names and addresses of the 14 foreign parties are as follows:

Azmat Bangladesh, Plot Number 22–23, Sector 2 EPZ, Chittagong 4233, Bangladesh.
Bestraight Limited, Room 5K, World Tech Centre, 95 How Ming Street, Kwun Tong, Kowloon, Hong Kong.
Cotton Breeze International, 13/1578 Govindpuri, New Delhi, India.
Hanin Garment Factory, 31 Tai Yau Street, Kowloon, Hong Kong.
Hip Hing Thread Company, No. 10, 6/F Building A, 221 Texaco Road, Waikai Industrial Centre, Tsuen Wan, N.T. Hong Kong.
Hyattex Industrial Company, 3F, No. 207–4 Hsin Shu road, Hsin Chuang City, Taipei Hsien, Taiwan.
Jentex Industrial, 7–1 Fl., No. 246, Chang An E. Rd., Sec. 2, Taipei, Taiwan.
Li Xing Garment Company Limited, 2/F Long Guang Building, Number 2 Manufacturing District, Sanxiang Town, Zhongshan, Guandgong, China.
Meigao Jamaica Company Limited, 134 Pineapple Ave., Kingston, Jamaica.
Meiya Garment Manufacturers Limited, No. 2 Building, 3/F, Shantou Special Economic Zone, Shantou, China.
Poshak International, H–83 South Extension, Part-I (Back Side), New Delhi, India.
Topstyle Limited, 6/F, South Block, Kwai Shun Industrial Center, 51–63 Container Port Road, Kwai Chung, New Territories, Hong Kong.
United Fashions, C–7 Rajouri Garden, New Delhi, India.
Yunnan Provincial Textiles Import & Export, 576 Beijing Road Kunming, Yun Nan, China.

Any of the above parties may petition to have its name removed from the list. Such petitions, to include any documentation that the petitioner deems pertinent to the petition, should be forwarded to the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, DC 20229.

Additional Foreign Entities

In the October 1996 **Federal Register** notice, Customs also solicited information regarding the whereabouts of 38 foreign entities, which were identified by name and known address, concerning alleged violations of section 592. Persons with knowledge of the whereabouts of those 38 entities were requested to contact the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, DC 20229.

In this document, a new list is being published which contains the names and last known addresses of 40 entities. This reflects the addition of two new entities to the list.

Customs is soliciting information regarding the whereabouts of the following 40 foreign entities concerning alleged violations of section 592. Their name and last known address are listed below:

Bahadur International, 250 Naraw Industrial Area, New Delhi, India.
Madan Exports, E–106 Krishna Nagar, New Delhi, India.
Gulnar Fashion Export, 14 Hari Nagar, Ashram, New Delhi, India.
Janardhan Exports, E–106 Krishna Nagar, New Delhi, India.
Morrin International, E–106 Krishna Nagar, New Delhi, India.
Jai Arjun Mfg., Co., B 4/40 Paschim Vihar, New Delhi, India.
Eroz Fashions, 535 Tuglakabad Extension, New Delhi, India.
China Artex Corp. Beijing Arts, 132–16 Changan Avenue, Beijing, China.
Shenzhen Long Gang Ji Chuen, Shenzhen, Long Gang Zhen, China.
Traffic, D1/180 Lajpat Nagar, New Delhi, India.
Raj Connections, E–106 Krishna Nagar, Delhi, India.
Bao An Wing Shing Garment Factory, Ado Shi Qu, Bao An Shen Zhen, China.
Guidetex Garment Factory, 12 Qian Jin Dong Jie, Yao Tai Xian Yuan Li, Canton, China.
Dechang Garment Factory, Shantou S.E.Z., Cheng Hai, Cheng Shing, China.
Guangdong Provincial Improved, 60 Ren Min Road, Guangdong, China.
Kin Cheong Garment Factory, No. 13 Shantan Street, Sikou Country, Taishan, Kwangtong, China.
Gold Tube Ltd., No. 55 Hung To Road, Kwun Tong, Kowloon, Hong Kong.
Sam Hing Bags Factory, Ltd., #35 Tai Ping West Road, Jiu Jaing, Ghangdong, China.
Luen Kong Handbag Factory, 33 Nanyuan Road, Shenzhen, Guangdong, China.
Changping High Stage Knitting, Yuan Jing Yuan, Chau Li Qu Chang, Guangdong, China.
Arsian Company Ltd, XII Khorcolo, Waanbaatar, Mongolia.
Kin Fung Knitting Factory, Block A&B, 4th Flr Por Mee Bldg., 500 Casle Peak Rd., Kowloon, Hong Kong.
Cahaya Suria Sdn Bhd, Lot 5, Jalan 3, Kedah, Malaysia.
Crown Garments Factory Sdn Bhd, Lot 112, Jalan Kencana, Bagan Ajam, Malaysia.
Glee Dragon Garment Mfg. Ltd., 328 Castle Peak Rd., Room G 10Fl, Tsuen Kam Centre, Kowloon, Hong Kong.
Richman Garment Manufacturing Co., Ltd., 7th Fl, Singapore Industrial Bldg., 338 Kwun Tong Road, Kowloon, Hong Kong.
Herrel Company, 64 Rowell Road, Suva, Fiji.
Belwear Co., Ltd., Flat C, 3rd Floor, Yuk Yat Street, Kowloon, Hong Kong.
Hambridge Ltd., 9 Fl., Lladro Building 72–80, Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong.
Kingston Garment Ltd., Lot 42–44 Caracas Dr., Kingston, Jamaica.
Moderntex International Inc., 3941, Kowloon, Hong Kong.
Poltex Sdn, 8 Jalan Serdang, Kedah, Malaysia.
Sam Hing International Enterprise, 5 Guernsey St., Guilford NSW, Australia.
Societe Prospere De Vetements S.A., Lome, Togo.
Confecciones Kalinda S.A., Zona Franca, Los Alcarrizos, Santo Domingo, Dominican Republic.
Royal Mandarin Knitworks Co., Flat C 21/F, So Tau Centre, 11–15 Sau Road, Kwai Chung, N.T., Hong Kong.
Wong's International, Nairamdliyn 26, Ulaanbaatar 11, Naaun, Mongolia.
Lin Fashions S.A., Lot 111, San Pedro de Macoris, Dominican Republic.
Samsung Corporation, CPO Box 1144, Seoul, Korea.
United Textile and Weaving, P.O. Box 40355, Sharjah, United Arab Emirates.

If you have any information as to a correct mailing address for any of the above 40 firms, please send that information to the Assistant Commissioner, Office of Field Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Dated: March 27, 1997.

Audrey Adams,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 97–8218 Filed 3–31–97; 8:45 am]

BILLING CODE 4820–02–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the ten objects (See list [1]), to be exhibited in the Korean galleries of the Asian Art Museum in San Francisco, imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the Asian Art Museum of San Francisco from on or about May 2, 1997, through March 1, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register.**

Dated: March 27, 1997.

Les Jin,

General Counsel.

[FR Doc. 97–8220 Filed 3–31–97; 8:45 am]

BILLING CODE 8230–01–M

Culturally Significant Objects Imported for Exhibition Determinations

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Rodin and Michelangelo" (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at The Philadelphia Museum of Art from on or about March 30, 1997, through June 22, 1997, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register.**

Dated: March 27, 1997.

Les Jin,

General Counsel.

[FR Doc. 97–8219 Filed 3–31–97; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Ms. Neila Sheahan, Assistant General Counsel, at 202/619–5030, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC. 20547–0001.

[1] A copy of this list may be obtained by contacting Ms. Neila Sheahan, Assistant General Counsel, at 202/619–5030, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW, Washington, DC 20547–0001

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel.

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. The summary is published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

VAOPGCPREC 1–97

Question Presented

Are distributions from an individual retirement account (IRA) countable as income for purposes of the improved pension program, the section 306 pension program, the old law pension program, and parents" dependency and indemnity compensation (DIC)?

Held

Distributions from an individual retirement account are fully countable as income for purposes of the improved pension program. Ten percent of such distributions may be excluded from income for purposes of benefits under the section 306 pension program, benefits under the old law pension program, and parents" dependency and indemnity compensation payable under 38 U.S.C. 1315.

Effective Date: January 8, 1997.

VAOPGCPREC 2–97

Questions Presented

a. May service connection be established for a disability resulting from a veteran's own alcohol or drug abuse, based on the aggravation of such disability by a service-connected disability? b. Does a Board of Veterans" Appeals decision based on an erroneous interpretation of law bind the Veterans Benefits Administration?

Held

a. Section 8052 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101–508, section 8052, 104 Stat. 1388, 1388–351, prohibits, effective for claims filed after October 31, 1990, the payment of compensation for a disability that is a result of a veteran's own alcohol or drug abuse. The payment of compensation is prohibited whether the claim is based on direct service connection or, under 38 CFR 3.310(a), on secondary service connection of a disability proximately due to or a result of a service-connected condition. Further, compensation is prohibited regardless of whether compensation is claimed on the basis that a service-connected disease or injury caused the disability or on the basis that a service-connnected disease or injury aggravated the disability.

b. A Board of Veterans" Appeals decision based on an erroneous interpretation of law remains final and binding on all VA components, including the Veterans Benefits Administration, in the absence of reconsideration by the Board.

Effective Date: January 16, 1997.

VAOPGCPREC 3–97

Question Presented

Does the nature of damages awarded in a judgment, settlement, or compromise affect the amount of benefits to be offset under 38 U.S.C. 1318(d)?

Held

Section 1318(d) of title 38, United States Code, requires offset against survivors' benefits payable under section 1318 of amounts received by the beneficiary pursuant to an award, settlement, or compromise based on a claim for damages resulting from the death of a veteran, i.e., the types of damages typically recoverable under state wrongful death statutes, but does not require offset of amounts received pursuant to a survival action as compensation for injuries suffered by the veteran prior to his or her death.

Effective Date: January 16, 1997.

VAOPGCPREC 4–97

Questions Presented

a. May the action of a Department of Veterans Affairs (VA) regional office withholding a portion of a veteran's compensation and paying it to the veteran's former spouse pursuant to a state-court support order be considered an apportionment under 38 U.S.C. 5307?

b. Does the Board of Veterans" Appeals (Board) have jurisdiction to review a VA regional office decision to withhold a portion of a veteran's compensation benefits pursuant to a state-court support order and 5 C.F.R. 581.103 and 581.402?

Held

a. The action of a VA regional office withholding a portion of a veteran's compensation and paying it to the veteran's former spouse, which was based on a state-court support order which the regional office misconstrued as requiring garnishment of the veteran's benefits, may not be considered an apportionment action under 38 U.S.C. 5307.

b. The Board of Veterans" Appeals does not have jurisdiction to review VA regional office decisions made for purposes of responding to state-issued legal process for garnishment pursuant to the procedures of 42 U.S.C. 659(a) and implementing regulations and generally lacks authority over challenges to continuing garnishments, insofar as such challenges involve issues as to the validity or interpretation of state-issued legal process. In the event that a claim relating to VA garnishment does not challenge the validity or interpretation of state-issued legal process, but challenges VA action which is not subject to resolution in state garnishment proceedings, the regional office of jurisdiction and the Board may entertain the claim.

Effective Date: January 22, 1997.

VAOPGCPREC 5–97

Question Presented

Whether the term "service trauma" in 38 C.F.R. 17.123(c), the regulation which authorizes VA to provide dental care to correct service-connected noncompensable disabilities resulting from service trauma, includes tooth extraction performed during the veteran's military service?

Held

For the purposes of determining whether a veteran has Class IIa eligibility for dental care under 17 C.F.R. 17.123(c), the term "service trauma" does not include the intended effects of treatment provided during the veteran's military service.

Effective Date: January 22, 1997.

VAOPGCPREC 6–97

Question Presented

Whether VA's continued payment of the full amount of benefits to a veteran who was incarcerated following conviction for a felony, while awaiting official information of his imprisonment in accordance with Veterans Benefits Administration Adjudication Procedure Manual M21–1, constitutes an erroneous award based on administrative error or error in judgment pursuant to 38 U.S.C. 5112(b)(10), so that the effective date of the reduction of the award is the date of last payment rather than the 61st day of incarceration as provided by 38 U.S.C. 5313(a).

Held

VA's continued payment of the full amount of benefits to a veteran who was incarcerated following conviction for a felony, while awaiting official information of his imprisonment in accordance with Veterans Benefits Administration Adjudication Procedure Manual M21–1, does not constitute an erroneous award based on administrative error or error in judgment pursuant to 38 U.S.C. 5112(b)(10), so that the effective date of the reduction of the award is the 61st day of incarceration as provided by 38 U.S.C. 5313(a).

Effective Date: January 28, 1997.

VAOPGCPREC 7–97

Question Presented

Do the provisions of 38 U.S.C. 1151 authorizing monetary benefits for disability incurred as the "result of hospitalization" apply to disabilities incurred during hospitalization but which are unrelated to a program of medical treatment?

Held

Compensation under 38 U.S.C. 1151 for injuries suffered "as the result of * * * hospitalization" is not limited to injuries resulting from the provision of hospital care and treatment, but may encompass injuries resulting from risks created by any circumstances or incidents of hospitalization. In determining whether a specific injury is a result of hospitalization, guidance may be drawn in appropriate cases from judicial decisions under workers' compensation laws and similar laws requiring a finding of causation without regard to fault. An injury caused by a fall may be considered a result of hospitalizaion where the conditions or incidents of hospitalization caused or contributed to the fall or the severity of the injury. A fall due solely to the patient's inadvertence, want of care, or preexisting disability generally does not result from hospitalization. An injury incurred due to recreational activity may be considered a result of hospitalization where VA requires or encourages participation in the activity, administers or controls the activity, or facilitates the activity in furtherance of treatment objectives. In individual cases, the question whether an injury resulted from hospitalization is essentially an issue of fact to be determined by the factfinder upon consideration of all pertinent circumstances.

Effective Date: January 29, 1997.

VAOPGCPREC 8–97

Question Presented

May compensation be paid, pursuant to 38 CFR 3.310, for a disability which is proximately due to or the result of a disability for which compensation is payable under 38 U.S.C. 1151?

Held

Disability compensation may be paid, pursuant to 38 U.S.C. 1151 and 38 CFR 3.310, for disability which is proximately due to or the result of a disability for which compensation is payable under section 1151.

Effective Date: February 11, 1997.

VAOPGCPREC 9–97

Questions Presented

1. Can the issuance of a supplemental statement of the case in response to evidence received within the one-year period following the mailing date of notification of the determination being appealed extend the time allowed to perfect an appeal beyond the expiration of that one-year period?

2. If a supplemental statement of the case is not or cannot be issued before the one-year period expires, does the appeal expire and must such evidence be considered an attempt to reopen a finally adjudicated claim?

Held

1. If a claimant has not yet perfected an appeal and VA issues a supplemental statement of the case in response to evidence received within the one-year period following the mailing date of notification of the determination being appealed, 38 U.S.C. 7105(d)(3) and 38 CFR 20.302(c) require VA to afford the claimant at least 60 days from the mailing date of the supplemental statement of the case to respond and perfect an appeal, even if the 60-day period would extend beyond the expiration of the one-year period. To the extent that 38 CFR 20.304 purports to provide otherwise, it is invalid and requires amendment.

2. If VA receives additional material evidence within the time permitted to perfect an appeal, 38 U.S.C. 7105(d)(3) requires VA to issue a supplemental statement of the case even if the one-year period following the mailing date of notification of the determination being appealed will expire before VA can issue the supplemental statement of the case. Furthermore, 38 CFR 3.156(b) requires that such evidence be considered in connection with the pending claim.

Effective Date: February 11, 1997.

VAOPGCPREC 10–97

Question Presented

Does a $1,100 cash distribution from an Alaska Native Corporation and a $16,338 dividend distribution by the corporation to a settlement trust under the Alaska Native Claims Settlement Act, both of which were made in 1993, constitute income to a veteran for improved-pension purposes?

Held

Pursuant to VAOPGCPREC 12–89 and VAOPGCPREC 4–93, if the nontaxable portion of a cash distribution received by a veteran from an Alaska Native Corporation represents a distribution from the Alaska Native Fund, that portion of the distribution and an interest in a settlement trust received by the veteran from the Native Corporation may be excluded from computation of income for improved-pension purposes under 38 U.S.C. 1503(a)(6) as compensation for relinquishment of an interest in property. If the taxable portion of the cash distribution received by the veteran was derived from revenues earned by a Native Corporation, that distribution constitutes income for improved-pension purposes. Section 506 of Pub. L. No. 103–446, 108 Stat. 4645, 4664 (1994), which excludes from income computation for improved-pension purposes cash distributions not exceeding $2,000 per annum received by an individual from an Alaska Native Corporation, does not apply to computation of income for improved-pension purposes for periods prior to November 2, 1994, the date of its enactment.

Effective Date: February 21, 1997.

By Direction of the Secretary.

Mary Lou Keener,

General Counsel.

[FR Doc. 97–8137 Filed 3–31–97; 8:45 am]

BILLING CODE 8320–01–P

Enhanced-Use Lease of Property at the Department of Veterans Affairs Medical Center in Atlanta, Georgia

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Designation.

SUMMARY: The Secretary of the Department of Veterans Affairs is designating the Department of Veterans Affairs Medical Center in Atlanta, Georgia, for an Enhanced-Use lease development. The Department intends to enter into a long-term lease of real property at the Medical Center with the Development authority of DeKalb County for the purpose of collocating administrative office space for its Veteran Benefits Administration Regional Office onto such property and for other "in-kind" consideration.

FOR FURTHER INFORMATION CONTACT: Brian A. McDaniel, Office of Asset and Enterprise Development (189), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, 20420, (202) 565–4307.

SUPPLEMENTARY INFORMATION: 38 U.S.C. Sec 8161 *et seq.*, specifically provides that the Secretary may enter into an Enhanced-Use lease, if the Secretary determines that at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department; the lease will not be inconsistent with and will not adversely affect the mission of the Department; and the lease will enhance the property. This project meets these requirements.

Approved: March 21, 1997.

Jesse Brown,

Secretary.

Notice of Designation and Intent to Execute an Enhanced-Use Lease With the Development Authority of Dekalb County (Georgia) (Enhanced-Use Lease Report) for the Collocation of a VBA Regional Office at the VA Medical Center, Atlanta, Georgia

Notice

Pursuant to the provisions of 38 U.S.C. 8161, *et seq.*, "Enhanced Use Leases of Real Property," this serves as notice that the Secretary of the Department of Veterans Affairs ("the Department") intends to designate approximately six (6) acres ("the Parcel") and other property under the jurisdiction and control of the department on the campus of the Atlanta VA Medical Center for development under the terms of an Enhanced-Use lease. The Parcel is located in the northwest corner of Clairmont Road and Southern Lane, adjacent to the VA Medical Center, Atlanta, DeKalb County, Georgia.

Further, it is the Department's intent that after conclusion of successful negotiations with the Development Authority of DeKalb County ("Authority"), to enter into an Enhanced-Use lease of the Parcel with the Authority. Such lease will include a requirement for collocation of the Department's Veterans Benefits Administration Regional Office in Atlanta as well as potentially other VA and non-VA uses on the Parcel. The Authority, acting pursuant to its statutory responsibilities, may provide financing for the development and select a developer with the approval of the Department. The developer will construct and operate the development which will include both VA and non-VA uses.

This Notice and Report will be supplemented by a subsequent Report to be made not less than 30 days prior to the closing of a development agreement between the Department, the Enhanced-Use lessee (the Authority) and the developer. The Report will provide updated information with respect to the matters contained herein.

Background and Rationale

Under the provisions of 38 U.S.C. 8161, *et seq.*, the Secretary is authorized

to lease Department-controlled real property to private or other public entities over a term not to exceed 35 years, so that the property will, in part, provide space for an activity contributing to the mission of the Department. As consideration for the lease, the Secretary is authorized to accept facilities, services, money, or other "in-kind" consideration.

The Department intends to use its Enhanced-Use leasing authority as a means to obtain office space ("VARO Space") for its Regional Office activities in Atlanta, Georgia, as well as for other potential Department activities. The Regional Office is now located in a privately-owned office building leased by the General Services Administration. The currently occupied space is located approximately 7 miles from the VAMC Atlanta campus. By use of the Enhanced-Use lease, the Department would lease, on a long-term basis (35 years), all or a substantial portion of the Parcel to the Authority. The Authority, in turn, would competitively select a developer who will finance, design, constrict, manage and operate a mixed-use office complex that would include the VARO Space requirement and non-VA uses. While such uses would need to be further defined, it is intended that both VA and non-VA uses will be developed and operated pursuant to local construction and land use development requirements, to the extent practicable. Any non-VA uses would also be required to be compatible with mission and operations of the VARO and the adjoining VA Medical Center. Depending on the value of the subject parcel and market opportunity for the non-VA uses, the developer would provide office space to the VARO at favorable terms, as well as other "in-kind" consideration.

Description of Enhanced-Use Lease Provisions

The Department proposes to lease the site through an "Enhanced-Use lease" to the Authority for a term consisting of up to thirty-five (35) years under such terms and conditions as authorized in the Department's Enhanced-Use leasing authority. The terms of the arrangement will generally be as follows:

Under the Enhanced-Use leasing authority, it is the Department's intent to lease, on a long-term basis (up to 35 years), the Parcel to the Authority, an instrumentality of DeKalb County. Participation by the Authority will permit the project to obtain lower cost financing than if financed through commercial sources. Under this arrangement, the Authority will lease the Parcel from the Department for the purpose of selecting a developer and thereafter assigning its interest to such developer. The Authority may provide financing to the developer who would construct both VA and non-VA uses. Any provided financing would be through "revenue bonds" issued by the Authority. The Department shall retain approval of the selection of the developer and of the development plan. Should the Authority be subsequently unable or chooses not to participate, the Department intends to select a developer/lessee through a solicitation process.

The selected developer will be responsible for the development of the Parcel in accordance with the parameters in the Enhanced-Use lease and an approved development plan. In addition, the developer will be responsible for the financing, design, construction, operation and maintenance of the VARO Space. The VARO Space would then be provided for use by the Regional Office on a "lease-back" arrangement for a certain duration on such terms and conditions as agreed upon by the parties. Such terms will include provision of VARO Space including costs such as parking and the VARO Space tenant build-out will be reflected in the rent proposed by the developer.

In return for the development rights permitted under the Enhanced-Use lease and the lease-back of VARO Space, the developer will provide fair consideration to the Department. Such consideration may be in the form of cash, or in the form of in-kind consideration, such as a favorable lease-back rent, discounted operation and maintenance costs, or the provision of goods, services or benefits to the Department, including construction, repair, maintenance, remodeling, or other physical improvements of Department facilities, or the provision of office, storage, or other usable space. The amount and type of consideration to be provided by the developer will depend on the value of the land involved. The developer would be legally and financially responsible for the operation, maintenance, and repair of any properties and improvements placed under its control by reason of the Enhanced-Use lease.

In addition to the VARO Space, the Enhanced-Use lease will contain provisions allowing for a defined amount of non-VA development. Such development shall be constructed and operated at the developer's own risk and expense. Such additional development shall, to the extent practicable as determined by the Department, be required to comply with local laws and other requirements pertaining to construction, use and occupancy. Further, any non-VA uses would also be required to be compatible (and not inconsistent) with the mission and operations of the VARO and the adjoining VA Medical Center. At the conclusion of the Enhanced Use lease, all of the improvements on the site will become the property of the Department.

Public Hearing

On September 9, 1996, a public hearing was held at The Pete Wheeler Auditorium on the campus of the Atlanta VA Medical Center. The public hearing began at 7:00 p.m. and concluded at approximately 9:00 p.m. Department representatives at the meeting included Mr. Gary Hickman, Director, VARO Atlanta; and Dr. Bailey Francis, Acting Director, VAMC Atlanta. The Department received very strong positive response from: Mr. Pete Wheeler, Commissioner Georgia Department of Veterans Affairs; Mr. John Gwisdak, State Veterans of Foreign Wars; Mr. Robert Morris, Georgia Department of Veterans Services, and other veterans on the basis that such proposal will result in VARO Space that will correct existing space deficiencies, as well as provide better access and parking for disabled veterans, compared to the existing VARO leased space or the new Atlanta Federal Center (AFC) controlled by the U.S. General Services Administration (GSA). These speakers noted that a VBA Regional Office move to the AFC would result in an inefficient and counterproductive VARO office layout, a corresponding substantial increase in VARO's payments to GSA, and inadequate parking and access for disabled veterans who would be visiting the VARO.

Benefits cited by these speakers with respect to the proposed collocation were the potential for improving timeliness in VARO claim-processing, and the potential for financial savings as a result of the "Enhanced-Use" of the Parcel, and the prospect for obtaining VARO Space at lower costs than by other methods thus, alleviating budget problems. Mr. David Chesnut, General Counsel to the Authority, expressed support for the project. Mr. Chesnut noted that such proposed collocation would result in increased employment within DeKalb County, will further the Authority's objectives for sustained, planned growth of economic opportunities within the County, as well as promote the general welfare of the local community and the State. Mr. Chesnut expressed the Authority's position that it was prepared to participate as an Enhanced-Use lessee.

Also speaking at the public hearing were members from adjacent and nearby neighborhood organizations. While some acknowledged the potential benefits of collocating VARO services to veterans, other speakers expressed concerns as to the potential size and intensity of the Enhanced-Use development and any corresponding adverse impacts on traffic, lighting, storm water run-off, as well as on other environmental and community issues or resources. The VARO Director provided assurances that the Department will undertake appropriate environmental reviews of any proposed development and that such development will, to the extent practicable, comply with local requirements pertaining to land use, construction and occupancy. In addition, the Director, VARO Atlanta, expressed a willingness to work with the organizations so that the local community can have input into the overall planning of the development.

Summary of Cost-Benefit and Other Economic Factors in Support of the Enhanced-Use Lease

In analyzing the cost-benefit and economic aspects of obtaining the VARO Space by means of an Enhanced-Use lease, the Department examined the life-cycle costs to the Government of this approach in comparison with leasing the subject space.

The analysis revealed that an Enhanced-Use lease with the Authority appears to be the most cost-beneficial option. Input into this analysis for lease costs was derived using similar criteria from various sources. For instance, assessment of market opportunities was derived from an appraisal of the subject Parcel conducted by an independent appraiser; and private sector lease and construction costs were based on industry surveys.

Information received from the commercial sector supporting this analysis include: (1) the current upswing in the commercial leasing market in Atlanta makes commercial leasing with no residual value to VA economically unattractive; (2) demand and development costs for administrative office space and for other uses in the sub-market in which the Parcel is located; (3) non-VA use in the development will result in a broader allocation of development costs among its user/tenants, thus resulting in lower costs to the Department; and (4) access to lower cost financing through the Authority than what would be typically available through commercial sources will result in lower development expenses and corresponding charges passed to the users/tenants including the Department.

Description of How The Proposed Lease Will—

(1) *Contribute cost-effectively to be consistent with and not adversely affect the mission of the Department.*

The Department anticipates that, using an Enhanced Use lease, it would obtain its VARO Space at a lower cost and in a shorter time period than could be realized through "traditional" VA construction or commercial leasing.

The Enhanced-Use lease will be consistent with and not adversely affect the mission of the Department by providing both benefits and medical services on a single campus resulting in increased convenience to veterans receiving services from a Regional Office, as well as the VA Medical Center.

(2) *Affect services to veterans.*

The Enhanced-Use lease provides that the developer must design, construct, operate and maintain space for exclusive use by VBA on the Parcel, thus providing significantly enhanced service to veterans through the convenience of collocation with the VA Medical Center. In addition, development of the Parcel for VBA Space will provide for adequate parking and access for disabled veterans who would be visiting the VARO. Finally, any financial benefits gained as a result of lower lease-back rates for VBA Space and/or income stream from private non-VA development has the potential to fund services to veterans not currently provided and/or expanding services currently in existence.

[FR Doc. 97–8136 Filed 3–31–97; 8:45 am]
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Corrections

Federal Register
Vol. 62, No. 62
Tuesday, April 1, 1997

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 25, 91, 119, 121, 125, and 135

[Docket No. 28154; Amendment Nos. 21–74, 25–90, 91–253, 119–3, 121–262, 125–28, 135–66, and SFAR No. 80]

RIN 2120–AG26

Operating Requirements: Domestic, Flag, Supplemental, Commuter, and On-Demand Operations: Editorial and Other Changes

Correction

In rule document 97–6797, beginning on page 13248 in the issue of Wednesday, March 19, 1997, make the following corrections:

1. On page 13248, in the third column, under **Public Comment**, in the second paragraph, in the seventh line, "system" should read "systems".

2. On page 13249, in the third column, in the fifth paragraph, in the third line, "0135.39" should read "§ 135.39".

3. On page 13249, in the third column, in the 11th line from the bottom, "VFF" should read "VFR".

4. On page 13250, in the first column, in the first full paragraph, in the 13th line, "the" should read "has".

5. On page 13250, in the first column, in the first full paragraph, in the 14th line, "proposal" should read "proposals".

6. On page 13250, in the first column, in the first full paragraph, in the 15th line, "proposal" should read "proposed".

7. On page 13250, in the first column, in paragraph number 7., in the second line, "anew" should read "a new".

8. On page 13250, in the first column,, in paragraph number 7., in the seventh line, "0121.395" should read "§ 121.395".

9. On page 13250, in the first column, in the fourth full paragraph, in the sixth line, "holder" should read "holders,".

10. On page 13250, in the second column, in the first full paragraph, in the 15th line, "of" should read "or".

11. On page 13250, in the second column, in paragraph (2), in the second line, "holder" should read "holders".

12. On page 13250, in the second column, in paragraph (2), in the seventh line "operated" is added immediately following "operations".

13. On page 13250, in the second column, in paragraph (2), in the 14th line, "certificate" should read "certificated".

14. On page 13250, in the second column, in the third full paragraph, in the second line "holder" should read "holders".

15. On page 13250, in the second column, in the third full paragraph, in the tenth line, "propose" should read "proposed".

16. On page 13250, in the second column, in the third full paragraph, in the 16th line, "re" should read "are".

17. On page 13250, in the third column, in the fourth line from the bottom, "Federal" should read "Federation".

18. On page 13251, in the first column, in the first full paragraph, in the third line, "or" should read "on".

19. On page 13251, in the first column, in the third full paragraph, in the first line, "believes" should read "believe".

20. On page 13251, in the first column, in the eighth line from the bottom, "disagree" should read "disagrees".

21. On page 13251, in the first column, in the third line from the bottom, "system" should read "systems".

22. On page 13251, in the second column, in the 14th line from the bottom, ", not for the contracting out of dispatching services. The 2 companies" is added immediately following "companies".

23. On page 13251, in the second column, in the 12th line from the bottom, "to" is added immediately following "show".

24. On page 13251, in the third column, in paragraph 8., in the fifth line, "tow" should read "two".

25. On page 13252, in the first column, in the 11th line, "headrooms" should read "headroom".

26. On page 13252, in the first column, in the 14th line, "on the ceiling, but have been allowed to use two-dimensional signs" is added immediately following "signs".

27. On page 13252, in the first column, in the first full paragraph, in the 20th line, "no" is removed.

§ 119.5 [Corrected]

28. On page 13253, in the third column, in § 119.5(l), in the third line, "or" should read "of".

§ 119.35 [Corrected]

29. On page 13254, in the first column, in § 119.35(a), in the fifth line, "applicaiton" should read "application".

§ 119.36 [Corrected]

30. On page 13254, in the second column, in § 119.36(c)(1), in the fifth line, "series" should read "services".

31. On page 13254, in the second column, in § 119.36(d)(2), in the second line, "operators" should read "operations".

Part 121—[Corrected]

32. On page 13255, in the third column, the heading under amendatory instruction 18 should read as follows:

SFAR 80-Alternative Communications and Dispatching Procedures

33. On page 13255, in the third column, in SFAR 80, in paragraph 2. b., in the fifth line "communication" should read "communications".

§ 121.139 [Corrected]

34. On page 13256, in the second column, in § 121.139(a), in the eighth column, "of" should read "or".

§ 131.333 [Corrected]

35. On page 13256, in the third column, in § 131.333(c)(2)(ii), in the tenth line, "immediate" is added immediately following "prevent".

Part 135—[Corrected]

36. On page 13257, in the second column, in amendatory instruction 32, in the third column, "(e)(1))ii)" should read "(e)(1)(ii)".

37. On page 13257, in the second column, in amendatory instruction 32, in the seventh column, "(d)(1))iv)" should read "(d)(1)(iv)".

BILLING CODE 1505-01-D

federal register

Tuesday
April 1, 1997

Part II

Environmental Protection Agency

40 CFR Part 300
National Priorities List for Uncontrolled Hazardous Waste Sites; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5805–2]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "the Act"), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list.

This rule adds 5 new sites to the NPL, 3 to the General Superfund section and 2 to the Federal Facilities section. The NPL is intended primarily to guide the Environmental Protection Agency ("EPA" or "the Agency") in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be May 1, 1997.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see "Information Available to the Public" in Section I of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, State and Site Identification Center, Office of Emergency and Remedial Response (mail code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

I. Introduction

Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 "CERCLA" or "the Act"), in response to the dangers of uncontrolled hazardous waste sites. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law No. 99–499, 100 Stat. 1613 *et seq*. To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets forth the guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

Section 105(a)(8)(A) of CERCLA requires that the NCP include "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action." "Removal" actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases. 42 U.S.C. 9601(23). "Remedial action[s]" are those "consistent with permanent remedy, taken instead of or in addition to removal actions * * *." 42 U.S.C. 9601(24).

Pursuant to section 105(a)(8)(B) of CERCLA, as amended by SARA, EPA has promulgated a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. That list, which is Appendix B of 40 CFR Part 300, is the National Priorities List ("NPL").

CERCLA section 105(a)(8)(B) defines the NPL as a list of "releases" and as a list of the highest priority "facilities." CERCLA section 105(a)(8)(B) also requires that the NPL be revised at least annually. A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the "Superfund") only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). However, under 40 CFR 300.425(b)(2) placing a site on the NPL "does not imply that monies will be expended." EPA may pursue other appropriate authorities to remedy the releases, including enforcement action under CERCLA and other laws.

The purpose of the NPL is merely to identify releases that are priorities for further evaluation. Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases.

Further, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. See Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980), 48 FR 40659 (September 8, 1983). If a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

Three mechanisms for placing sites on the NPL for possible remedial action are included in the NCP at 40 CFR 300.425(c). Under 40 CFR 300.425(c)(1), a site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of 40 CFR Part 300. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

Under a second mechanism for adding sites to the NPL, each State may designate a single site as its top priority, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) and 105(a)(8)(B) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State.

The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be

listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on December 23, 1996 (61 FR 67656).

The NPL includes two sections, one of sites that are evaluated and cleaned up by EPA (the "General Superfund Section"), and one of sites being addressed generally by other Federal agencies (the "Federal Facilities Section"). Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at these sites, and its role at such sites is accordingly less extensive than at other sites. The Federal Facilities Section includes facilities at which EPA is not the lead agency.

Site Boundaries

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (as the mere identification of releases) for it to do so.

CERCLA section 105(a)(8)(B) mandates listing of national priorities among the known "releases or threatened releases." Thus, the purpose of the NPL is merely to identify releases that are priorities for further evaluation. Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data upon which the NPL placement was based will, to some extent, describe which release is at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, it is necessary to define the release (or releases) encompassed by the listing. The approach generally used is to delineate a geographical area (usually the area within the installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the "boundaries" of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, and any other location to which contamination from that area has come to be located or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the "Jones Co. plant site") in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the "site"). The "site" is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the "Jones Co. plant site" does not imply that the Jones Company is responsible for the contamination located on the plant site.

EPA regulations provide that the "nature and extent of the threat presented by a release" will be determined by a Remedial Investigation/Feasibility Study (RI/FS) as more information is developed on site contamination (40 CFR 300.430(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination "has come to be located" before all necessary studies and remedial work are completed at a site. Indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

Deletions/Cleanups

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). To date, the Agency has deleted 141 sites from the NPL.

On November 1, 1995, EPA announced a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465). Total site cleanup may take many years, while portions of the site may have been cleaned up and be available for productive use. As of April 1997, EPA has partially deleted 4 sites from the NPL.

EPA also has developed an NPL construction completion list ("CCL") to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Sites qualify for the CCL when:

(1) any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved;

(2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or

(3) the site qualifies for deletion from the NPL. Inclusion of a site on the CCL has no legal significance.

In addition to the 132 sites that have been deleted from the NPL because they have been cleaned up (7 sites have been deleted based on deferral to other authorities and are not considered cleaned up), an additional 291 sites are also in the NPL CCL. Thus, as of April 1997, the CCL consists of 423 sites.

Action in This Document

This final rule adds 5 sites to the NPL, 3 to the General Superfund section and 2 to the Federal Facilities section. All of these sites are added to the NPL based on an HRS score of 28.5 or greater. This action results in an NPL of 1,206 sites, 1,055 in the General Superfund section and 151 in the Federal Facilities section. With the action of a proposed rule published elsewhere in today's **Federal Register**, a total of 49 sites are proposed and are awaiting final agency action, 43 in the General Superfund Section and 6 in the Federal Facilities Section. Final and proposed sites now total 1,255.

Information Available to the Public

The Headquarters and Regional public dockets for the NPL contain documents relating to the evaluation and scoring of the sites in this final rule. The dockets are available for viewing, by appointment only, after the appearance of this notice. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Please contact the Regional Docket for hours.

Addresses and phone numbers for the Headquarters and Regional dockets follow.

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA, 703/603–8917 (Please note this is a viewing address only. Do not mail documents to this address.)

Jim Kyed, Region 1, U.S. EPA Waste Management Records Center, HRC–CAN–7, J.F. Kennedy Federal Building, Boston, MA 02203–2211, 617/573–9656

Ben Conetta, Region 2, U.S. EPA, 290 Broadway, New York, NY 10007–1866, 212/637–4435

Diane McCreary, Region 3, U.S. EPA Library, 3rd Floor, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, 215/566–5250

Kathy Piselli, Region 4, U.S. EPA, 100 Alabama Street, SW., Atlanta, GA 30303, 404/562–8190

Cathy Freeman, Region 5, U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, 312/886–6214

Bart Canellas, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6H–MA, Dallas, TX 75202–2733, 214/655–6740

Carole Long, Region 7, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101, 913/551–7224

Pat Smith, Region 8, U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, 303/312–6082

Carolyn Douglas, Region 9, U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343

David Bennett, Region 10, U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop HW–114, Seattle, WA 98101, 206/553–2103

The Headquarters docket for this rule contains HRS score sheets for the final sites, Documentation Records for the sites describing the information used to compute the scores, pertinent information regarding statutory requirements or EPA listing policies that affect the sites, and a list of documents referenced in each of the Documentation Records. The Headquarters docket also contains comments received, and the Agency's responses to those comments. The Agency's responses are contained in the "Support Document for the Revised National Priorities List Final Rule—April 1997."

A general discussion of the statutory requirements affecting NPL listing, the purpose and implementation of the NPL, the economic impacts of NPL listing, and the analysis required under the Regulatory Flexibility Act is included as part of the Headquarters rulemaking docket in the "Additional Information" document.

The Regional docket contains all the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS score for the sites. These reference documents are available only in the Regional dockets.

Interested parties may view documents, by appointment only, in the Headquarters or Regional Dockets, or copies may be requested from the Headquarters or Regional Dockets. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents. If you wish to obtain documents from EPA Headquarters Docket, the address and phone number are as follows:

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office (Mail Code 5201G), 401 M Street, SW., Washington, DC 20460, 703/603–8917,
SUPERFUND.DOCKET@EPAMAIL.EPA.GOV

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) added by the Small Business Regulatory Enforcement 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).

II. Contents of This Final Rule

This document promulgates final rules to add 5 sites to the NPL, 3 to the General Superfund section (Table 1) and 2 to the Federal Facilities section (Table 2). The following table presents the sites in this rule arranged alphabetically by State and identifies their rank by group number. Group numbers are determined by arranging the NPL by rank and dividing it into groups of 50 sites. For example, a site in Group 4 has a score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

NATIONAL PRIORITIES LIST FINAL RULE—GENERAL SUPERFUND SECTION

State	Site name	City/County	Group
GA	Brunswick Wood Preserving	Brunswick	3
TN	Ross Metals Inc.	Rossville	15
WA	Palermo Well Field Ground Water Contamination.	Tumwater	5/6

AAANumber of Sites Listed: 3.

NATIONAL PRIORITIES LIST FINAL RULE—FEDERAL SECTION

State	Site name	City/County	Group
FL	Tyndall Air Force Base	Panama City	5/6
VA	Norfolk Naval Base (Sewells Point Naval Complex).	Norfolk	5/6

ANumber of Sites Listed: 2.

Tennessee Products Site

The Tennessee Products site located in Chattanooga, Tennessee was placed on the NPL on September 29, 1995 (60 FR 50435). On November 12, 1996, the U.S. Court of Appeals for the District of Columbia Circuit vacated the inclusion of the Coke Plant Site within the Tennessee Products NPL listing.

Horseshoe Road Site

EPA has removed the Atlantic Resources Corporation (ARC) area from the Horseshoe Road site. The Horseshoe Road site in Sayreville, New Jersey was placed on the NPL on September 29, 1995 (60 FR 50435). EPA believes this change more accurately reflects the site. EPA has addressed all comments received regarding the ARC area. Therefore, additional notice and comment procedures are unnecessary. Removal of the ARC area does not preclude EPA from taking future action in that area if further evaluation reveals the presence of contamination.

Public Comments

EPA reviewed all comments received on sites included in this notice. Based on comments received on the proposed sites, as well as investigation by EPA and the States (generally in response to comment), EPA recalculated the HRS scores for individual sites where appropriate. EPA's response to site-specific public comments and explanations of any score changes made as a result of such comments are addressed in the "Support Document for the Revised National Priorities List Final Rule—April 1997."

III. Executive Order 12866

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

IV. Unfunded Mandates

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, 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. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires 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 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 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, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (within the meaning of Title II of the UMRA) for State, local, or tribal governments or the private sector. Nor does it contain any regulatory requirements that might significantly or uniquely affect small governments. This is because today's listing decision does not impose any enforceable duties upon any of these governmental entities or the private sector. Inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA necessarily will undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Therefore, today's rulemaking is not subject to the requirements of sections 202, 203 or 205 of the Unfunded Mandates Act.

V. Effects on Small Businesses

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While this rule revises the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

VI. Possible Changes to the Effective Date of the Rule

Provisions of the Administrative Procedure Act (APA) or section 305 of CERCLA may alter the effective date of this regulation.

Under the APA, 5 U.S.C. 801(a), before a rule can take effect the federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded federal requirements imposed on state and local governments and the private sector), and any other relevant information or requirements under any other Act and any relevant Executive Orders.

Section 5 U.S.C. 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted. Section 5 U.S.C. 801(a)(4) provides that all other rules shall take effect after submission to Congress, as otherwise provided by law.

EPA has submitted a report under the APA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this document, since it is not a major rule. Section 5 U.S.C. 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself.

However, under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 5 U.S.C. 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha*, 462 U.S. 919,103 S. Ct. 2764 (1983) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the APA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a clarification in the **Federal Register**.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental protection, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: March 25, 1997.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Appendix B to Part 300 is revised to read as set forth below:

Appendix B to Part 300

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
AK	Arctic Surplus	Fairbanks.	
AL	Ciba-Geigy Corp. (McIntosh Plant)	McIntosh.	
AL	Interstate Lead Co. (ILCO)	Leeds.	
AL	Olin Corp. (McIntosh Plant)	McIntosh.	
AL	Perdido Ground Water Contamination	Perdido	C
AL	Redwing Carriers, Inc. (Saraland)	Saraland.	
AL	Stauffer Chemical Co. (Cold Creek Plant)	Bucks.	
AL	Stauffer Chemical Co. (LeMoyne Plant)	Axis.	
AL	T.H. Agriculture & Nutrition (Montgomery)	Montgomery.	
AL	Triana/Tennessee River	Limestone/Morgan	C
AR	Arkwood, Inc	Omaha	C
AR	Frit Industries	Walnut Ridge.	
AR	Gurley Pit	Edmondson	C
AR	Industrial Waste Control	Fort Smith	C
AR	Jacksonville Municipal Landfill	Jacksonville	C
AR	Mid-South Wood Products	Mena	C
AR	Midland Products	Ola/Birta	C
AR	Monroe Auto Equipment (Paragould Pit)	Paragould.	
AR	Popile, Inc	El Dorado.	
AR	Rogers Road Municipal Landfill	Jacksonville	C
AR	South 8th Street Landfill	West Memphis.	
AR	Vertac, Inc.	Jacksonville.	
AZ	Apache Powder Co.	St. David.	
AZ	Hassayampa Landfill	Hassayampa.	
AZ	Indian Bend Wash Area	Scottsdale/Tempe/Phoenix.	
AZ	Litchfield Airport Area	Goodyear/Avondale.	
AZ	Motorola, Inc. (52nd Street Plant)	Phoenix.	
AZ	Nineteenth Avenue Landfill	Phoenix.	
AZ	Tucson International Airport Area	Tucson.	
CA	Advanced Micro Devices, Inc	Sunnyvale	C
CA	Advanced Micro Devices, Inc. (Bldg. 915)	Sunnyvale	C
CA	Aerojet General Corp	Rancho Cordova.	
CA	Applied Materials	Santa Clara	C
CA	Atlas Asbestos Mine	Fresno County.	
CA	Beckman Instruments (Porterville Plant)	Porterville	C

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
CA	Brown & Bryant, Inc (Arvin Plant)	Arvin.	
CA	CTS Printex, Inc.	Mountain View	C
CA	Celtor Chemical Works	Hoopa	C
CA	Coalinga Asbestos Mine	Coalinga	C
CA	Coast Wood Preserving	Ukiah.	
CA	Crazy Horse Sanitary Landfill	Salinas.	
CA	Del Norte Pesticide Storage	Crescent City	C
CA	Fairchild Semiconductor Corp. (Mt View)	Mountain View.	
CA	Fairchild Semiconductor Corp. (S San Jose)	South San Jose	C
CA	Firestone Tire & Rubber Co. (Salinas Plant)	Salinas	C
CA	Fresno Municipal Sanitary Landfill	Fresno.	
CA	Frontier Fertilizer	Davis.	
CA	Hewlett-Packard (620–640 Page Mill Road)	Palo Alto.	
CA	Industrial Waste Processing	Fresno.	
CA	Intel Corp. (Mountain View Plant)	Mountain View.	
CA	Intel Corp. (Santa Clara III)	Santa Clara	C
CA	Intel Magnetics	Santa Clara	C
CA	Intersil Inc./Siemens Components	Cupertino	C
CA	Iron Mountain Mine	Redding.	
CA	J.H. Baxter & Co	Weed.	
CA	Jasco Chemical Corp	Mountain View.	
CA	Koppers Co., Inc. (Oroville Plant)	Oroville.	
CA	Lorentz Barrel & Drum Co	San Jose.	
CA	MGM Brakes	Cloverdale	C
CA	McColl	Fullerton.	
CA	McCormick & Baxter Creosoting Co	Stockton.	
CA	Modesto Ground Water Contamination	Modesto.	
CA	Monolithic Memories	Sunnyvale	C
CA	Montrose Chemical Corp	Torrance.	
CA	National Semiconductor Corp	Santa Clara.	
CA	Newmark Ground Water Contamination	San Bernardino.	
CA	Operating Industries, Inc., Landfill	Monterey Park.	
CA	Pacific Coast Pipe Lines	Fillmore	C
CA	Purity Oil Sales, Inc	Malaga.	
CA	Ralph Gray Trucking Co	Westminster.	
CA	Raytheon Corp	Mountain View.	
CA	San Fernando Valley (Area 1)	Los Angeles.	
CA	San Fernando Valley (Area 2)	Los Angeles/Glendale.	
CA	San Fernando Valley (Area 3)	Glendale.	
CA	San Fernando Valley (Area 4)	Los Angeles.	
CA	San Gabriel Valley (Area 1)	El Monte.	
CA	San Gabriel Valley (Area 2)	Baldwin Park Area.	
CA	San Gabriel Valley (Area 3)	Alhambra.	
CA	San Gabriel Valley (Area 4)	La Puente.	
CA	Selma Treating Co	Selma.	
CA	Sola Optical USA, Inc	Petaluma	C
CA	South Bay Asbestos Area	Alviso.	
CA	Southern California Edison Co. (Visalia)	Visalia.	
CA	Spectra-Physics, Inc	Mountain View	C
CA	Stringfellow	Glen Avon Heights	S
CA	Sulphur Bank Mercury Mine	Clear Lake.	
CA	Synertek, Inc. (Building 1)	Santa Clara	C
CA	T.H. Agriculture & Nutrition Co	Fresno.	
CA	TRW Microwave, Inc (Building 825)	Sunnyvale	C
CA	Teledyne Semiconductor	Mountain View	C
CA	United Heckathorn Co	Richmond.	
CA	Valley Wood Preserving, Inc	Turlock.	
CA	Waste Disposal, Inc	Santa Fe Springs.	
CA	Watkins-Johnson Co. (Stewart Division)	Scotts Valley	C
CA	Western Pacific Railroad Co	Oroville.	
CA	Westinghouse Elecetric Corp. (Sunnyvale)	Sunnyvale.	
CO	Broderick Wood Products	Denver	C
CO	California Gulch	Leadville.	
CO	Central City-Clear Creek	Idaho Springs.	
CO	Chemical Sales Co	Denver.	
CO	Denver Radium Site	Denver.	
CO	Eagle Mine	Minturn/Redcliff.	
CO	Lincoln Park	Canon City.	
CO	Lowry Landfill	Arapahoe County.	
CO	Marshall Landfill	Boulder County	C,S
CO	Smuggler Mountain	Pitkin County	C
CO	Summitville Mine	Rio Grande County.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
CO	Uravan Uranium Project (Union Carbide)	Uravan.	
CT	Barkhamsted-New Hartford Landfill	Barkhamsted.	
CT	Beacon Heights Landfill	Beacon Falls.	
CT	Cheshire Ground Water Contamination	Cheshire	C
CT	Durham Meadows	Durham.	
CT	Gallup's Quarry	Plainfield.	
CT	Kellogg-Deering Well Field	Norwalk	C
CT	Laurel Park, Inc	Naugatuck Borough	S
CT	Linemaster Switch Corp	Woodstock.	
CT	Nutmeg Valley Road	Wolcott.	
CT	Old Southington Landfill	Southington.	
CT	Precision Plating Corp	Vernon.	
CT	Raymark Industries, Inc	Stratford	A
CT	Solvents Recovery Service New England	Southington.	
CT	Yaworski Waste Lagoon	Canterbury.	
DE	Army Creek Landfill	New Castle County	C
DE	Chem-Solv, Inc	Cheswold.	
DE	Coker's Sanitation Service Landfills	Kent County	C
DE	Delaware City PVC Plant	Delaware City.	
DE	Delaware Sand & Gravel Landfill	New Castle County.	
DE	Dover Gas Light Co	Dover.	
DE	E.I.Du Pont de Nemours (Newport Landfill)	Newport.	
DE	Halby Chemical Co	New Castle.	
DE	Harvey & Knott Drum, Inc	Kirkwood	C
DE	Koppers Co., Inc. (Newport Plant)	Newport.	
DE	NCR Corp. (Millsboro Plant)	Millsboro	C
DE	Sealand Limited	Mount Pleasant	C
DE	Standard Chlorine of Delaware, Inc	Delaware City.	
DE	Sussex County Landfill No. 5	Laurel	C
DE	Tybouts Corner Landfill	New Castle County	C,S
DE	Tyler Refrigeration Pit	Smyrna	C
DE	Wildcat Landfill	Dover	C
FL	Agrico Chemical Co	Pensacola.	
FL	Airco Plating Co	Miami.	
FL	American Creosote Works (Pensacola Plt)	Pensacola.	
FL	Anaconda Aluminum Co./Milgo Electronics	Miami	C
FL	Anodyne, Inc	North Miami Beach.	
FL	B&B Chemical Co., Inc	Hialeah	C
FL	BMI–Textron	Lake Park	C
FL	Beulah Landfill	Pensacola	C
FL	Cabot/Koppers	Gainesville.	
FL	Chemform, Inc	Pompano Beach	C
FL	Chevron Chemical Co. (Ortho Division)	Orlando.	
FL	City Industries, Inc	Orlando	C
FL	Coleman-Evans Wood Preserving Co	Whitehouse.	
FL	Davie Landfill	Davie	C
FL	Dubose Oil Products Co	Cantonment	C
FL	Escambia Wood—Pensacola	Pensacola.	
FL	Florida Steel Corp	Indiantown.	
FL	Harris Corp. (Palm Bay Plant)	Palm Bay.	
FL	Helena Chemical Co. (Tampa Plant)	Tampa.	
FL	Hipps Road Landfill	Duval County	C
FL	Hollingsworth Solderless Terminal	Fort Lauderdale	C
FL	Kassauf-Kimerling Battery Disposal	Tampa.	
FL	MRI Corp (Tampa)	Tampa.	
FL	Madison County Sanitary Landfill	Madison	C
FL	Miami Drum Services	Miami	C
FL	Munisport Landfill	North Miami.	
FL	Peak Oil Co./Bay Drum Co	Tampa.	
FL	Pepper Steel & Alloys, Inc	Medley	C
FL	Petroleum Products Corp	Pembroke Park.	
FL	Pickettville Road Landfill	Jacksonville.	
FL	Piper Aircraft/Vero Beach Water & Sewer	Vero Beach.	
FL	Reeves Southeast Galvanizing Corp	Tampa.	
FL	Sapp Battery Salvage	Cottondale.	
FL	Schuylkill Metals Corp	Plant City.	
FL	Sherwood Medical Industries	Deland.	
FL	Sixty-Second Street Dump	Tampa	C
FL	Standard Auto Bumper Corp	Hialeah	C
FL	Stauffer Chemical Co. (Tampa)	Tampa.	
FL	Stauffer Chemical Co. (Tarpon Springs)	Tarpon Springs.	
FL	Sydney Mine Sludge Ponds	Brandon.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
FL	Taylor Road Landfill	Seffner.	
FL	Tower Chemical Co	Clermont.	
FL	Whitehouse Oil Pits	Whitehouse.	
FL	Wingate Road Municipal Incinerator Dump	Fort Lauderdale.	
FL	Yellow Water Road Dump	Baldwin	C
FL	Zellwood Ground Water Contamination	Zellwood.	
GA	Brunswick Wood Preserving	Brunswick.	
GA	Cedartown Industries, Inc	Cedartown.	
GA	Cedartown Municipal Landfill	Cedartown	C
GA	Diamond Shamrock Corp. Landfill	Cedartown	C
GA	Firestone Tire & Rubber Co. (Albany Plant)	Albany.	
GA	Hercules 009 Landfill	Brunswick.	
GA	LCP Chemicals Georgia	Brunswick	S
GA	Marzone Inc./Chevron Chemical Co	Tifton.	
GA	Mathis Brothers Landfill	Kensington.	
GA	Monsanto Corp. (Augusta Plant)	Augusta	C
GA	Powersville Site	Peach County	C
GA	T.H. Agriculture & Nutrition (Albany)	Albany.	
GA	Woolfolk Chemical Works, Inc	Fort Valley.	
GU	Ordot Landfill	Guam	C,S
HI	Del Monte Corp. (Oahu Plantation)	Honolulu County.	
IA	Des Moines TCE	Des Moines.	
IA	Electro-Coatings, Inc	Cedar Rapids.	
IA	Fairfield Coal Gasification Plant	Fairfield	C
IA	Farmers' Mutual Cooperative	Hospers.	
IA	John Deere (Ottumwa Works Landfills)	Ottumwa	C
IA	Lawrence Todtz Farm	Camanche	C
IA	Mason City Coal Gasification Plant	Mason City.	
IA	Mid-America Tanning Co	Sergeant Bluff.	
IA	Midwest Manufacturing/North Farm	Kellogg	C
IA	Peoples Natural Gas Co	Dubuque.	
IA	Red Oak City Landfill	Red Oak.	
IA	Shaw Avenue Dump	Charles City.	
IA	Sheller-Globe Corp. Disposal	Keokuk.	
IA	Vogel Paint & Wax Co	Orange City	C
IA	White Farm Equipment Co. Dump	Charles City	C
ID	Bunker Hill Mining & Metallurgical	Smelterville.	
ID	Eastern Michaud Flats Contamination	Pocatello.	
ID	Kerr-McGee Chemical Corp. (Soda Springs)	Soda Springs.	
ID	Monsanto Chemical Co. (Soda Springs)	Soda Springs.	
ID	Pacific Hide & Fur Recycling Co	Pocatello.	
ID	Union Pacific Railroad Co	Pocatello	C
IL	A & F Material Reclaiming, Inc	Greenup	C
IL	Acme Solvent Reclaiming (Morristown Plant)	Morristown.	
IL	Adams County Quincy Landfills 2&3	Quincy.	
IL	Amoco Chemicals (Joliet Landfill)	Joliet.	
IL	Beloit Corp	Rockton.	
IL	Belvidere Municipal Landfill	Belvidere	C
IL	Byron Salvage Yard	Byron.	
IL	Central Illinois Public Service Co	Taylorville	C
IL	Cross Brothers Pail Recycling (Pembroke)	Pembroke Township	C
IL	DuPage County Landfill/Blackwell Forest	Warrenville.	
IL	Galesburg/Koppers Co	Galesburg.	
IL	H.O.D. Landfill	Antioch.	
IL	Ilada Energy Co	East Cape Girardeau.	
IL	Interstate Pollution Control, Inc	Rockford.	
IL	Jennison-Wright Corporation	Granite City.	
IL	Johns-Manville Corp	Waukegan	C
IL	Kerr-McGee (Kress Creek/W Branch DuPage)	DuPage County.	
IL	Kerr-McGee (Reed-Keppler Park)	West Chicago.	
IL	Kerr-McGee (Residential Areas)	West Chicago/DuPage County.	
IL	Kerr-McGee (Sewage Treatment Plant)	West Chicago.	
IL	LaSalle Electric Utilities	LaSalle	C
IL	Lenz Oil Service, Inc	Lemont.	
IL	MIG/Dewane Landfill	Belvidere.	
IL	NL Industries/Taracorp Lead Smelter	Granite City.	
IL	Ottawa Radiation Areas	Ottawa.	
IL	Outboard Marine Corp	Waukegan	S
IL	Pagel's Pit	Rockford.	
IL	Parsons Casket Hardware Co	Belvidere.	
IL	Southeast Rockford Gd Wtr Contamination	Rockford.	
IL	Tri-County Landfill/Waste Mgmt Illinois	South Elgin.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
IL	Velsicol Chemical Corp. (Illinois)	Marshall	C
IL	Wauconda Sand & Gravel	Wauconda	C
IL	Woodstock Municipal Landfill	Woodstock.	
IL	Yeoman Creek Landfill	Waukegan.	
IN	American Chemical Service, Inc	Griffith.	
IN	Bennett Stone Quarry	Bloomington.	
IN	Columbus Old Municipal Landfill #1	Columbus	C
IN	Conrail Rail Yard (Elkhart)	Elkhart.	
IN	Continental Steel Corp	Kokomo.	
IN	Douglass Road/Uniroyal, Inc., Landfill	Mishawaka.	
IN	Envirochem Corp	Zionsville.	
IN	Fisher-Calo	LaPorte.	
IN	Fort Wayne Reduction Dump	Fort Wayne	C
IN	Galen Myers Dump/Drum Salvage	Osceola.	
IN	Himco Dump	Elkhart.	
IN	Lake Sandy Jo (M&M Landfill)	Gary	C
IN	Lakeland Disposal Service, Inc	Claypool.	
IN	Lemon Lane Landfill	Bloomington.	
IN	MIDCO I	Gary.	
IN	MIDCO II	Gary.	
IN	Main Street Well Field	Elkhart	C
IN	Marion (Bragg) Dump	Marion.	
IN	Neal's Dump (Spencer)	Spencer.	
IN	Neal's Landfill (Bloomington)	Bloomington.	
IN	Ninth Avenue Dump	Gary	C
IN	Northside Sanitary Landfill, Inc	Zionsville	C
IN	Prestolite Battery Division	Vincennes.	
IN	Reilly Tar & Chemical (Indianapolis Plant)	Indianapolis.	
IN	Seymour Recycling Corp	Seymour	C,S
IN	Southside Sanitary Landfill	Indianapolis	C
IN	Tippecanoe Sanitary Landfill, Inc	Lafayette.	
IN	Tri-State Plating	Columbus	C
IN	Waste, Inc., Landfill	Michigan City.	
IN	Wayne Waste Oil	Columbia City	C
KS	57th and North Broadway Streets Site	Wichita Heights.	
KS	Ace Services	Colby.	
KS	Chemical Commodities, Inc	Olathe.	
KS	Cherokee County	Cherokee County.	
KS	Doepke Disposal (Holliday)	Johnson County.	
KS	Obee Road	Hutchinson.	
KS	Pester Refinery Co	El Dorado.	
KS	Strother Field Industrial Park	Cowley County.	
KS	Wright Ground Water Contamination	Wright.	
KY	Airco	Calvert City.	
KY	B.F. Goodrich	Calvert City.	
KY	Brantley Landfill	Island.	
KY	Caldwell Lace Leather Co., Inc	Auburn	C
KY	Distler Brickyard	West Point	C
KY	Distler Farm	Jefferson County	C
KY	Fort Hartford Coal Co. Stone Quarry	Olaton.	
KY	General Tire & Rubber (Mayfield Landfill)	Mayfield	C
KY	Green River Disposal, Inc	Maceo.	
KY	Maxey Flats Nuclear Disposal	Hillsboro.	
KY	National Electric Coil/Cooper Industries	Dayhoit.	
KY	National Southwire Aluminum Co	Hawesville.	
KY	Red Penn Sanitation Co. Landfill	PeeWee Valley.	
KY	Smith's Farm	Brooks.	
KY	Tri-City Disposal Co	Shepherdsville	C
LA	Agriculture Street Landfill	New Orleans.	
LA	American Creosote Works, Inc (Winnfield)	Winnfield.	
LA	Bayou Bonfouca	Slidell.	
LA	Bayou Sorrel Site	Bayou Sorrel	C
LA	Cleve Reber	Sorrento	C
LA	Combustion, Inc	Denham Springs.	
LA	D.L. Mud, Inc	Abbeville.	
LA	Dutchtown Treatment Plant	Ascension Parish.	
LA	Gulf Coast Vacuum Services	Abbeville.	
LA	Madisonville Creosote Works	Madisonville.	
LA	Old Inger Oil Refinery	Darrow	S
LA	PAB Oil & Chemical Service, Inc	Abbeville.	
LA	Petro-Processors of Louisiana Inc	Scotlandville.	
LA	Southern Shipbuilding	Slidell.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
MA	Atlas Tack Corp	Fairhaven.	
MA	Baird & McGuire	Holbrook.	
MA	Blackburn & Union Privileges	Walpole.	
MA	Cannon Engineering Corp. (CEC)	Bridgewater	C
MA	Charles-George Reclamation Landfill	Tyngsborough.	
MA	Groveland Wells	Groveland.	
MA	Haverhill Municipal Landfill	Haverhill.	
MA	Hocomonco Pond	Westborough.	
MA	Industri-Plex	Woburn.	
MA	Iron Horse Park	Billerica.	
MA	New Bedford Site	New Bedford	S
MA	Norwood PCBs	Norwood.	
MA	Nyanza Chemical Waste Dump	Ashland.	
MA	PSC Resources	Palmer.	
MA	Re-Solve, Inc	Dartmouth.	
MA	Rose Disposal Pit	Lanesboro	C
MA	Salem Acres	Salem.	
MA	Shpack Landfill	Norton/Attleboro.	
MA	Silresim Chemical Corp	Lowell.	
MA	Sullivan's Ledge	New Bedford.	
MA	W.R. Grace & Co Inc (Acton Plant)	Acton.	
MA	Wells G&H	Woburn.	
MD	Bush Valley Landfill	Abingdon.	
MD	Kane & Lombard Street Drums	Baltimore.	
MD	Limestone Road	Cumberland.	
MD	Mid-Atlantic Wood Preservers, Inc	Harmans	C
MD	Sand, Gravel & Stone	Elkton.	
MD	Southern Maryland Wood Treating	Hollywood.	
MD	Spectron, Inc	Elkton.	
MD	Woodlawn County Landfill	Woodlawn.	
ME	Eastern Surplus	Meddybemps.	
ME	McKin Co	Gray	C
ME	O'Connor Co	Augusta.	
ME	Pinette's Salvage Yard	Washburn.	
ME	Saco Municipal Landfill	Saco.	
ME	Saco Tannery Waste Pits	Saco	C
ME	Union Chemical Co., Inc	South Hope.	
ME	West Site/Hows Corners	Plymouth.	
ME	Winthrop Landfill	Winthrop.	
MI	Adam's Plating	Lansing	C
MI	Aircraft Components (D & L Sales)	Benton Harbor	A
MI	Albion-Sheridan Township Landfill	Albion.	
MI	Allied Paper/Portage Ck/Kalamazoo River	Kalamazoo.	
MI	American Anodco, Inc	Ionia	C
MI	Auto Ion Chemicals, Inc	Kalamazoo	C
MI	Avenue "E" Ground Water Contamination	Traverse City.	
MI	Barrels, Inc	Lansing.	
MI	Bendix Corp./Allied Automotive	St. Joseph.	
MI	Berlin & Farro	Swartz Creek	C
MI	Bofors Nobel, Inc	Muskegon.	
MI	Burrows Sanitation	Hartford	C
MI	Butterworth #2 Landfill	Grand Rapids.	
MI	Cannelton Industries, Inc	Saulte Saint Marie.	
MI	Chem Central	Wyoming Township	C
MI	Clare Water Supply	Clare.	
MI	Cliff/Dow Dump	Marquette	C
MI	Duell & Gardner Landfill	Dalton Township.	
MI	Electrovoice	Buchanan.	
MI	Forest Waste Products	Otisville.	
MI	G&H Landfill	Utica.	
MI	Grand Traverse Overall Supply Co	Greilickville	C
MI	Gratiot County Landfill	St. Louis	C,S
MI	H & K Sales	Belding	A
MI	H. Brown Co., Inc	Grand Rapids.	
MI	Hedblum Industries	Oscoda	C
MI	Hi-Mill Manufacturing Co	Highland	C
MI	Ionia City Landfill	Ionia.	
MI	J & L Landfill	Rochester Hills.	
MI	K&L Avenue Landfill	Oshtemo Township.	
MI	Kaydon Corp	Muskegon.	
MI	Kentwood Landfill	Kentwood	C
MI	Kysor Industrial Corp	Cadillac	C

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
MI	Liquid Disposal, Inc	Utica.	
MI	Lower Ecorse Creek Dump	Wyandotte	A
MI	Mason County Landfill	Pere Marquette Twp	C
MI	McGraw Edison Corp	Albion.	
MI	Metamora Landfill	Metamora.	
MI	Michigan Disposal (Cork Street Landfill)	Kalamazoo.	
MI	Motor Wheel, Inc	Lansing.	
MI	Muskegon Chemical Co	Whitehall.	
MI	North Bronson Industrial Area	Bronson.	
MI	Northernaire Plating	Cadillac	C
MI	Novaco Industries	Temperance	C
MI	Organic Chemicals, Inc	Grandville.	
MI	Ott/Story/Cordova Chemical Co	Dalton Township.	
MI	Packaging Corp. of America	Filer City.	
MI	Parsons Chemical Works, Inc	Grand Ledge.	
MI	Peerless Plating Co	Muskegon.	
MI	Petoskey Municipal Well Field	Petoskey.	
MI	Rasmussen's Dump	Green Oak Township	C
MI	Rockwell International Corp. (Allegan)	Allegan.	
MI	Rose Township Dump	Rose Township	C
MI	Roto-Finish Co., Inc	Kalamazoo.	
MI	SCA Independent Landfill	Muskegon Heights.	
MI	Shiawassee River	Howell.	
MI	South Macomb Disposal (Landfills 9 & 9A)	Macomb Township.	
MI	Southwest Ottawa County Landfill	Park Township	C
MI	Sparta Landfill	Sparta Township.	
MI	Spartan Chemical Co	Wyoming.	
MI	Spiegelberg Landfill	Green Oak Township	C
MI	Springfield Township Dump	Davisburg.	
MI	State Disposal Landfill, Inc	Grand Rapids.	
MI	Sturgis Municipal Wells	Sturgis.	
MI	Tar Lake	Mancelona Township.	
MI	Thermo-Chem, Inc	Muskegon.	
MI	Torch Lake	Houghton County.	
MI	U.S. Aviex	Howard Township	C
MI	Velsicol Chemical Corp. (Michigan)	St. Louis	C
MI	Verona Well Field	Battle Creek.	
MI	Wash King Laundry	Pleasant Plains Twp.	
MI	Waste Management of Michigan (Holland)	Holland.	
MN	Agate Lake Scrapyard	Fairview Township	C
MN	Arrowhead Refinery Co	Hermantown	C
MN	Baytown Township Ground Water Plume	Baytown Township.	
MN	Burlington Northern (Brainerd/Baxter)	Brainerd/Baxter	C
MN	FMC Corp. (Fridley Plant)	Fridley	C
MN	Freeway Sanitary Landfill	Burnsville.	
MN	General Mills/Henkel Corp	Minneapolis	C
MN	Joslyn Manufacturing & Supply Co	Brooklyn Center	C
MN	Koppers Coke	St. Paul.	
MN	Kurt Manufacturing Co	Fridley	C
MN	LaGrand Sanitary Landfill	LaGrand Township	C
MN	Lehillier/Mankato Site	Lehillier/Mankato	C
MN	Long Prairie Ground Water Contamination	Long Prairie.	
MN	MacGillis & Gibbs/Bell Lumber & Pole C	New Brighton.	
MN	Nl Industries/Taracorp/Golden Auto	St. Louis Park	C
MN	Nutting Truck & Caster Co	Faribault	C
MN	Oakdale Dump	Oakdale	C
MN	Perham Arsenic Site	Perham.	
MN	Pine Bend Sanitary Landfill	Dakota County	C
MN	Reilly Tar&Chem (St. Louis Park Plant)	St. Louis Park	S
MN	Ritari Post & Pole	Sebeka.	
MN	South Andover Site	Andover	C
MN	St. Louis River Site	St. Louis County.	
MN	St. Regis Paper Co	Cass Lake.	
MN	University Minnesota (Rosemount Res Cen)	Rosemount	C
MN	Waite Park Wells	Waite Park.	
MN	Whittaker Corp	Minneapolis	C
MN	Windom Dump	Windom	C
MO	Bee Cee Manufacturing Co	Malden.	
MO	Big River Mine Tailings/St. Joe Minerals	Desloge.	
MO	Conservation Chemical Co	Kansas City	C
MO	Ellisville Site	Ellisville	S
MO	Fulbright Landfill	Springfield	C

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
MO	Kem-Pest Laboratories	Cape Girardeau	C
MO	Lee Chemical	Liberty	C
MO	Minker/Stout/Romaine Creek	Imperial.	
MO	Missouri Electric Works	Cape Girardeau.	
MO	Oronogo-Duenweg Mining Belt	Jasper County.	
MO	Quality Plating	Sikeston.	
MO	Shenandoah Stables	Moscow Mills.	
MO	Solid State Circuits, Inc	Republic	C
MC	St. Louis Airport/HIS/Futura Coatings Co	St. Louis County.	
MO	Syntex Facility	Verona.	
MO	Times Beach Site	Times Beach.	
MO	Valley Park TCE	Valley Park.	
MO	Westlake Landfill	Bridgeton.	
MO	Wheeling Disposal Service Co. Landfill	Amazonia	C
MS	Newsom Brothers/Old Reichhold Chemicals	Columbia.	
MT	Anaconda Co. Smelter	Anaconda.	
MT	East Helena Site	East Helena.	
MT	Idaho Pole Co	Bozeman.	
MT	Libby Ground Water Contamination	Libby	C
MT	Milltown Reservoir Sediments	Milltown.	
MT	Montana Pole and Treating	Butte.	
MT	Mouat Industries	Columbus	C
MT	Silver Bow Creek/Butte Area	Sil Bow/Deer Lodge.	
NC	ABC One Hour Cleaners	Jacksonville.	
NC	Aberdeen Pesticide Dumps	Aberdeen.	
NC	Benfield Industries, Inc.	Hazelwood.	
NC	Bypass 601 Ground Water Contamination	Concord.	
NC	Cape Fear Wood Preserving	Fayetteville.	
NC	Carolina Transformer Co	Fayetteville.	
NC	Celanese Corp. (Shelby Fiber Operations)	Shelby	C
NC	Charles Macon Lagoon & Drum Storage	Cordova	C
NC	Chemtronics, Inc	Swannanoa	C
NC	FCX, Inc. (Statesville Plant)	Statesville.	
NC	FCX, Inc. (Washington Plant)	Washington.	
NC	Geigy Chemical Corp. (Aberdeen Plant)	Aberdeen.	
NC	General Electric Co/Shepherd Farm	East Flat Rock	P
NC	JFD Electronics/Channel Master	Oxford.	
NC	Jadco-Hughes Facility	Belmont	C
NC	Koppers Co. Inc. (Morrisville Plant)	Morrisville.	
NC	Martin-Marietta, Sodyeco, Inc	Charlotte.	
NC	NC State University (Lot 86,Farm Unit #1)	Raleigh.	
NC	National Starch & Chemical Corp	Salisbury.	
NC	New Hanover Cnty Airport Burn Pit	Wilmington.	
NC	Potter's Septic Tank Service Pits	Maco.	
NF	10th Street Site	Columbus.	
NE	Bruno Co-op Association/Associated Prop	Bruno.	
NE	Cleburn Street Well	Grand Island.	
NE	Hastings Ground Water Contamination	Hastings.	
NE	Lindsay Manufacturing Co	Lindsay	C
NE	Nebraska Ordnance Plant (Former)	Mead.	
NE	Ogallala Ground Water Contamination	Ogallala.	
NE	Sherwood Medical Co	Norfolk.	
NE	Waverly Ground Water Contamination	Waverly	C
NH	Auburn Road Landfill	Londonderry.	
NH	Beede Waste Oil	Plaistow.	
NH	Coakley Landfill	North Hampton.	
NH	Dover Municipal Landfill	Dover.	
NH	Fletcher's Paint Works & Storage	Milford.	
NH	Kearsarge Metallurgical Corp	Conway	C
NH	Keefe Environmental Services	Epping	C
NH	Mottolo Pig Farm	Raymond	C
NH	New Hampshire Plating Co	Merrimack.	
NH	Ottati & Goss/Kingston Steel Drum	Kingston.	
NH	Savage Municipal Water Supply	Milford.	
NH	Somersworth Sanitary Landfill	Somersworth.	
NH	South Municipal Water Supply Well	Peterborough	C
NH	Sylvester	Nashua	C,S
NH	Tibbetts Road	Barrington.	
NH	Tinkham Garage	Londonderry	C
NH	Town Garage/Radio Beacon	Londonderry	C
NJ	A. O. Polymer	Sparta Township.	
NJ	American Cyanamid Co	Bound Brook.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
NJ	Asbestos Dump	Millington.	
NJ	Bog Creek Farm	Howell Township	C
NJ	Brick Township Landfill	Brick Township.	
NJ	Bridgeport Rental & Oil Services	Bridgeport.	
NJ	Brook Industrial Park	Bound Brook.	
NJ	Burnt Fly Bog	Marlboro Township.	
NJ	CPS/Madison Industries	Old Bridge Township.	
NJ	Caldwell Trucking Co	Fairfield.	
NJ	Chemical Control	Elizabeth	C
NJ	Chemical Insecticide Corp	Edison Township.	
NJ	Chemical Leaman Tank Lines, Inc	Bridgeport.	
NJ	Chemsol, Inc	Piscataway.	
NJ	Ciba-Geigy Corp	Toms River.	
NJ	Cinnaminson Ground Water Contamination	Cinnaminson Township.	
NJ	Combe Fill North Landfill	Mount Olive Township	C
NJ	Combe Fill South Landfill	Chester Township.	
NJ	Cosden Chemical Coatings Corp	Beverly.	
NJ	Curcio Scrap Metal, Inc	Saddle Brook Township.	
NJ	D'Imperio Property	Hamilton Township.	
NJ	Dayco Corp./L.E Carpenter Co	Wharton Borough.	
NJ	De Rewal Chemical Co	Kingwood Township.	
NJ	Delilah Road	Egg Harbor Township.	
NJ	Denzer & Schafer X-Ray Co	Bayville	C
NJ	Diamond Alkali Co	Newark.	
NJ	Dover Municipal Well 4	Dover Township.	
NJ	Ellis Property	Evesham Township.	
NJ	Evor Phillips Leasing	Old Bridge Township.	
NJ	Ewan Property	Shamong Township.	
NJ	Fair Lawn Well Field	Fair Lawn.	
NJ	Florence Land Recontouring Landfill	Florence Township.	
NJ	Franklin Burn	Franklin Township.	
NJ	Fried Industries	East Brunswick Township.	
NJ	GEMS Landfill	Gloucester Township.	
NJ	Garden State Cleaners Co	Minotola.	
NJ	Glen Ridge Radium Site	Glen Ridge.	
NJ	Global Sanitary Landfill	Old Bridge Township.	
NJ	Goose Farm	Plumstead Township	C
NJ	Helen Kramer Landfill	Mantua Township	C
NJ	Hercules, Inc. (Gibbstown Plant)	Gibbstown.	
NJ	Higgins Disposal	Kingston.	
NJ	Higgins Farm	Franklin Township.	
NJ	Hopkins Farm	Plumstead Township	C
NJ	Horseshoe Road	Sayreville.	
NJ	Imperial Oil Co., Inc./Champion Chemicals	Morganville.	
NJ	Industrial Latex Corp	Wallington Borough.	
NJ	JIS Landfill	Jamesburg/S. Brnswck.	
NJ	Kauffman & Minteer, Inc	Jobstown.	
NJ	Kin-Buc Landfill	Edison Township.	
NJ	King of Prussia	Winslow Township	C
NJ	Landfill & Development Co	Mount Holly.	
NJ	Lang Property	Pemberton Township	C
NJ	Lipari Landfill	Pitman.	
NJ	Lodi Municipal Well	Lodi	C
NJ	Lone Pine Landfill	Freehold Township	C
NJ	Mannheim Avenue Dump	Galloway Township	C
NJ	Maywood Chemical Co	Maywood/Rochelle Park.	
NJ	Metaltec/Aerosystems	Franklin Borough.	
NJ	Monitor Devices/Intercircuits Inc	Wall Township.	
NJ	Montclair/West Orange Radium Site	Montclair/W Orange.	
NJ	Montgomery Township Housing Development	Montgomery Township.	
NJ	Myers Property	Franklin Township.	
NJ	NL Industries	Pedricktown.	
NJ	Nascolite Corp	Millville.	
NJ	PJP Landfill	Jersey City.	
NJ	Pepe Field	Boonton.	
NJ	Pohatcong Valley Ground Water Contaminat	Warren County.	
NJ	Pomona Oaks Residential Wells	Galloway Township	C
NJ	Price Landfill	Pleasantville	S
NJ	Radiation Technology, Inc	Rockaway Township.	
NJ	Reich Farms	Pleasant Plains.	
NJ	Renora, Inc	Edison Township	C
NJ	Rockaway Borough Well Field	Rockaway Township.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
NJ	Rockaway Township Wells	Rockaway.	
NJ	Rocky Hill Municipal Well	Rocky Hill Borough.	
NJ	Roebling Steel Co	Florence.	
NJ	Sayreville Landfill	Sayreville.	
NJ	Scientific Chemical Processing	Carlstadt.	
NJ	Sharkey Landfill	Parsippany/Troy Hls.	
NJ	Shieldalloy Corp	Newfield Borough.	
NJ	South Brunswick Landfill	South Brunswick	C
NJ	South Jersey Clothing Co	Minotola.	
NJ	Swope Oil & Chemical Co	Pennsauken.	
NJ	Syncon Resins	South Kearny.	
NJ	Tabernacle Drum Dump	Tabernacle Township	C
NJ	U.S. Radium Corp	Orange.	
NJ	Universal Oil Products (Chemical Division	East Rutherford.	
NJ	Upper Deerfield Township Sanit. Landfill	Upper Deerfield Township	C
NJ	Ventron/Velsicol	Wood Ridge Borough.	
NJ	Vineland Chemical Co., Inc	Vineland.	
NJ	Vineland State School	Vineland	C
NJ	Waldick Aerospace Devices, Inc	Wall Township.	
NJ	Welsbach & General Gas Mantle (Camden)	Camden and Gloucester City.	
NJ	White Chemical Corp	Newark	A
NJ	Williams Property	Swainton	C
NJ	Wilson Farm	Plumstead Township	C
NJ	Woodland Route 532 Dump	Woodland Township.	
NJ	Woodland Route 72 Dump	Woodland Township.	
NM	AT & SF (Clovis)	Clovis.	
NM	AT&SF (Albuquerque)	Albuquerque.	
NM	Cimarron Mining Corp	Carrizozo	C
NM	Cleveland Mill	Silver City.	
NM	Homestake Mining Co	Milan	C
NM	Prewitt Abandoned Refinery	Prewitt	C
NM	South Valley	Albuquerque	C, S
NM	United Nuclear Corp	Church Rock.	
NV	Carson River Mercury Site	Lyon/Churchill Cnty.	
NY	American Thermostat Co	South Cairo.	
NY	Anchor Chemicals	Hicksville.	
NY	Applied Environmental Services	Glenwood Landing	C
NY	Batavia Landfill	Batavia.	
NY	Brewster Well Field	Putnam County.	
NY	Byron Barrel & Drum	Byron.	
NY	Carroll & Dubies Sewage Disposal	Port Jervis.	
NY	Circuitron Corp	East Farmingdale.	
NY	Claremont Polychemical	Old Bethpage.	
NY	Colesville Municipal Landfill	Town of Colesville.	
NY	Conklin Dumps	Conklin	C
NY	Cortese Landfill	Village of Narrowsburg.	
NY	Endicott Village Well Field	Village of Endicott.	
NY	FMC Corp. (Dublin Road Landfill)	Town of Shelby.	
NY	Facet Enterprises, Inc	Elmira.	
NY	Forest Glen Mobile Home Subdivision	Niagara Falls	A
NY	Fulton Terminals	Fulton.	
NY	GCL Tie & Treating Inc	Village of Sidney.	
NY	GE Moreau	South Glen Falls.	
NY	General Motors (Central Foundry Division)	Massena.	
NY	Genzale Plating Co	Franklin Square.	
NY	Goldisc Recordings, Inc	Holbrook.	
NY	Haviland Complex	Town of Hyde Park.	
NY	Hertel Landfill	Plattekill.	
NY	Hooker (102nd Street)	Niagara Falls.	
NY	Hooker (Hyde Park)	Niagara Falls.	
NY	Hooker (S Area)	Niagara Falls.	
NY	Hooker Chemical/Ruco Polymer Corp	Hicksville.	
NY	Hudson River PCBs	Hudson River.	
NY	Islip Municipal Sanitary Landfill	Islip.	
NY	Johnstown City Landfill	Town of Johnstown.	
NY	Jones Chemicals, Inc	Caledonia.	
NY	Jones Sanitation	Hyde Park.	
NY	Katonah Municipal Well	Town of Bedford	C
NY	Kentucky Avenue Well Field	Horseheads.	
NY	Li Tungsten Corp	Glen Cove.	
NY	Liberty Industrial Finishing	Farmingdale.	
NY	Little Valley	Little Valley	A

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
NY	Love Canal	Niagara Falls.	
NY	Ludlow Sand & Gravel	Clayville.	
NY	Malta Rocket Fuel Area	Malta.	
NY	Mattiace Petrochemical Co., Inc	Glen Cove.	
NY	Mercury Refining, Inc	Colonie.	
NY	Nepera Chemical Co., Inc	Maybrook.	
NY	Niagara County Refuse	Wheatfield.	
NY	Niagara Mohawk Power Co (Saratoga Spings)	Saratoga Springs.	
NY	North Sea Municipal Landfill	North Sea	C
NY	Old Bethpage Landfill	Oyster Bay	C
NY	Olean Well Field	Olean.	
NY	Onondaga Lake	Syracuse.	
NY	Pasley Solvents & Chemicals, Inc	Hempstead.	
NY	Pfohl Brothers Landfill	Cheektowaga.	
NY	Pollution Abatement Services	Oswego	S
NY	Port Washington Landfill	Port Washington.	
NY	Preferred Plating Corp	Farmingdale.	
NY	Ramapo Landfill	Ramapo.	
NY	Richardson Hill Road Landfill/Pond	Sidney Center.	
NY	Robintech, Inc./National Pipe Co	Town of Vestal.	
NY	Rosen Brothers Scrap Yard/Dump	Cortland.	
NY	Rowe Industries Gnd Water Contamination	Noyack/Sag Harbor.	
NY	SMS Instruments, Inc	Deer Park	C
NY	Sarney Farm	Amenia.	
NY	Sealand Restoration, Inc	Lisbon.	
NY	Sidney Landfill	Sidney.	
NY	Sinclair Refinery	Wellsville.	
NY	Solvent Savers	Lincklaen.	
NY	Syosset Landfill	Oyster Bay.	
NY	Tri-Cities Barrel Co., Inc	Port Crane.	
NY	Tronic Plating Co., Inc	Farmingdale	C
NY	Vestal Water Supply Well 1–1	Vestal.	
NY	Vestal Water Supply Well 4–2	Vestal.	
NY	Volney Municipal Landfill	Town of Volney.	
NY	Warwick Landfill	Warwick.	
NY	York Oil Co	Moira.	
OH	Allied Chemical & Ironton Coke	Ironton.	
OH	Alsco Anaconda	Gnadenhutten	C
OH	Arcanum Iron & Metal	Darke County.	
OH	Big D Campground	Kingsville	C
OH	Bowers Landfill	Circleville	C
OH	Buckeye Reclamation	St. Clairsville.	
OH	Chem-Dyne	Hamilton	C,S
OH	Coshocton Landfill	Franklin Township	C
OH	E.H. Schilling Landfill	Hamilton Township	C
OH	Fields Brook	Ashtabula.	
OH	Fultz Landfill	Jackson Township.	
OH	Industrial Excess Landfill	Uniontown.	
OH	Laskin/Poplar Oil Co	Jefferson Township	C
OH	Miami County Incinerator	Troy	C
OH	Nease Chemical	Salem.	
OH	New Lyme Landfill	New Lyme	C
OH	North Sanitary Landfill	Dayton.	
OH	Old Mill	Rock Creek	C
OH	Ormet Corp	Hannibal.	
OH	Powell Road Landfill	Dayton.	
OH	Pristine, Inc	Reading.	
OH	Reilly Tar & Chemical (Dover Plant)	Dover.	
OH	Republic Steel Corp. Quarry	Elyria	C
OH	Sanitary Landfill Co. (Industrial Waste)	Dayton.	
OH	Skinner Landfill	West Chester.	
OH	South Point Plant	South Point.	
OH	Summit National	Deerfield Township	C
OH	TRW, Inc. (Minerva Plant)	Minerva	C
OH	United Scrap Lead Co., Inc	Troy.	
OH	Van Dale Junkyard	Marietta.	
OH	Zanesville Well Field	Zanesville	C
OK	Compass Industries (Avery Drive)	Tulsa	C
OK	Double Eagle Refinery Co	Oklahoma City.	
OK	Fourth Street Abandoned Refinery	Oklahoma City	C
OK	Hardage/Criner	Criner.	
OK	Mosley Road Sanitary Landfill	Oklahoma City.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
OK	Oklahoma Refining Co	Cyril.	
OK	Sand Springs Petrochemical Complex	Sand Springs.	
OK	Tar Creek (Ottawa County)	Ottawa County.	
OK	Tenth Street Dump/Junkyard	Oklahoma City	C
OR	Gould, Inc	Portland.	
OR	Joseph Forest Products	Joseph	C
OR	McCormick & Baxter Creos. Co (Portland)	Portland.	
OR	Northwest Pipe & Casing Co	Clackamas.	
OR	Reynolds Metals Company	Troutdale.	
OR	Teledyne Wah Chang	Albany.	
OR	Union Pacific Railroad Tie Treatment	The Dalles.	
OR	United Chrome Products, Inc	Corvallis	C
PA	A.I.W. Frank/Mid-County Mustang	Exton.	
PA	Aladdin Plating	Scott Township	C
PA	Austin Avenue Radiation Site	Delaware County	A
PA	Avco Lycoming (Williamsport Division)	Williamsport.	
PA	Bally Ground Water Contamination	Bally Borough.	
PA	Bell Landfill	Terry Township.	
PA	Bendix Flight Systems Division	Bridgewater Township	C
PA	Berkley Products Co. Dump	Denver.	
PA	Berks Landfill	Spring Township.	
PA	Berks Sand Pit	Longswamp Township	C
PA	Blosenski Landfill	West Caln Township.	
PA	Boarhead Farms	Bridgeton Township.	
PA	Breslube-Penn, Inc	Coraopolis.	
PA	Brodhead Creek	Stroudsburg.	
PA	Brown's Battery Breaking	Shoemakersville.	
PA	Bruin Lagoon	Bruin Borough	C
PA	Butler Mine Tunnel	Pittston.	
PA	Butz Landfill	Stroudsburg.	
PA	C & D Recycling	Foster Township.	
PA	Centre County Kepone	State College Borough.	
PA	Commodore Semiconductor Group	Lower Providence Township.	
PA	Craig Farm Drum	Parker	C
PA	Crater Resources/Keystone Coke/Alan Wood	Upper Merion Township.	
PA	Crossley Farm	Hereford Township.	
PA	Croydon TCE	Croydon.	
PA	CryoChem, Inc	Worman.	
PA	Delta Quarries & Disp./Stotler Landfill	Antis/Logan Twps	C
PA	Dorney Road Landfill	Upper Macungie Township.	
PA	Douglassville Disposal	Douglassville.	
PA	Drake Chemical	Lock Haven.	
PA	Dublin TCE Site	Dublin Borough.	
PA	East Mount Zion	Springettsbury Township.	
PA	Eastern Diversified Metals	Hometown.	
PA	Elizabethtown Landfill	Elizabethtown.	
PA	Fischer & Porter Co	Warminster.	
PA	Foote Mineral Co	East Whiteland Township.	
PA	Havertown PCP	Haverford.	
PA	Hebelka Auto Salvage Yard	Weisenberg Township	C
PA	Heleva Landfill	North Whitehall Township.	
PA	Hellertown Manufacturing Co	Hellertown	C
PA	Henderson Road	Upper Merion Township	C
PA	Hranica Landfill	Buffalo Township	C
PA	Hunterstown Road	Straban Township.	
PA	Industrial Lane	Williams Township.	
PA	Jacks Creek/Sitkin Smelting and Refinery	Maitland.	
PA	Keystone Sanitation Landfill	Union Township.	
PA	Kimberton Site	Kimberton Borough	C
PA	Lackawanna Refuse	Old Forge Borough	C
PA	Lindane Dump	Harrison Township.	
PA	Lord-Shope Landfill	Girard Township	C
PA	MW Manufacturing	Valley Township.	
PA	Malvern TCE	Malvern.	
PA	McAdoo Associates	McAdoo Borough	C,S
PA	Metal Banks	Philadelphia.	
PA	Metropolitan Mirror and Glass	Frackville.	
PA	Middletown Air Field	Middletown	C
PA	Mill Creek Dump	Erie.	
PA	Modern Sanitation Landfill	Lower Windsor Township.	
PA	Moyers Landfill	Eagleville.	
PA	North Penn—Area 1	Souderton.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
PA	North Penn—Area 12	Worcester.	
PA	North Penn—Area 2	Hatfield.	
PA	North Penn—Area 5	Montgomery Township.	
PA	North Penn—Area 6	Lansdale.	
PA	North Penn—Area 7	North Wales.	
PA	Novak Sanitary Landfill	South Whitehall Township.	
PA	Occidental Chemical Corp./Firestone Tire	Lower Pottsgrove Township.	
PA	Ohio River Park	Neville Island.	
PA	Old City of York Landfill	Seven Valleys	C
PA	Osborne Landfill	Grove City.	
PA	Palmerton Zinc Pile	Palmerton.	
PA	Paoli Rail Yard	Paoli.	
PA	Publicker Industries Inc	Philadephia.	
PA	Raymark	Hatboro	C
PA	Recticon/Allied Steel Corp	East Coventry Twp.	
PA	Resin Disposal	Jefferson Borough	C
PA	Revere Chemical Co	Nockamixon Township.	
PA	River Road Landfill/Waste Mngmnt, Inc	Hermitage	C
PA	Rodale Manufacturing Co., Inc	Emmaus Borough.	
PA	Route 940 Drum Dump	Pocono Summit	C
PA	Saegertown Industrial Area	Saegertown.	
PA	Shriver's Corner	Straban Township.	
PA	Stanley Kessler	King of Prussia.	
PA	Strasburg Landfill	Newlin Township.	
PA	Taylor Borough Dump	Taylor Borough	C
PA	Tonolli Corp	Nesquehoning.	
PA	Tysons Dump	Upper Merion Twp.	
PA	UGI Columbia Gas Plant	Columbia.	
PA	Walsh Landfill	Honeybrook Township.	
PA	Westinghouse Electronic (Sharon Plant)	Sharon.	
PA	Westinghouse Elevator Co. Plant	Gettysburg.	
PA	Whitmoyer Laboratories	Jackson Township.	
PA	William Dick Lagoons	West Caln Township.	
PA	York County Solid Waste/Refuse Landfill	Hopewell Township	C
PR	Barceloneta Landfill	Florida Afuera.	
PR	Fibers Public Supply Wells	Jobos.	
PR	Frontera Creek	Rio Abajo.	
PR	GE Wiring Devices	Juana Diaz.	
PR	Juncos Landfill	Juncos.	
PR	RCA Del Caribe	Barceloneta.	
PR	Upjohn Facility	Barceloneta.	
PR	V&M/Albaladejo	Almirante Norte Ward.	
PR	Vega Alta Public Supply Wells	Vega Alta.	
RI	Central Landfill	Johnston.	
RI	Davis (GSR) Landfill	Glocester.	
RI	Davis Liquid Waste	Smithfield.	
RI	Landfill & Resource Recovery, Inc. (L&RR)	North Smithfield.	
RI	Peterson/Puritan, Inc	Lincoln/Cumberland.	
RI	Picillo Farm	Coventry	S
RI	Rose Hill Regional Landfill	South Kingston.	
RI	Stamina Mills, Inc	North Smithfield.	
RI	West Kingston Town Dump/URI Disposal	South Kingston.	
RI	Western Sand & Gravel	Burrillville	C
SC	Aqua-Tech Environmental Inc (Groce Labs)	Greer.	
SC	Beaunit Corp. (Circular Knit & Dye)	Fountain Inn.	
SC	Carolawn, Inc	Fort Lawn.	
SC	Elmore Waste Disposal	Greer.	
SC	Geiger (C & M Oil)	Rantoules.	
SC	Golden Strip Septic Tank Service	Simpsonville	C
SC	Helena Chemical Co Landfill	Fairfax.	
SC	Kalama Specialty Chemicals	Beaufort.	
SC	Koppers Co., Inc. (Charleston Plant)	Charleston.	
SC	Koppers Co., Inc. (Florence Plant)	Florence.	
SC	Leonard Chemical Co., Inc	Rock Hill.	
SC	Lexington County Landfill Area	Cayce.	
SC	Medley Farm Drum Dump	Gaffney	C
SC	Palmetto Recycling, Inc	Columbia.	
SC	Palmetto Wood Preserving	Dixiana.	
SC	Para-Chem Southern, Inc	Simpsonville.	
SC	Rochester Property	Travelers Rest	C
SC	Rock Hill Chemical Co	Rock Hill	C
SC	SCRDI Bluff Road	Columbia	S

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
SC	SCRDI Dixiana	Cayce	C
SC	Sangamo Weston/Twelve-Mile/Hartwell PCB	Pickens.	
SC	Shuron Inc	Barnwell.	
SC	Townsend Saw Chain Co	Pontiac.	
SC	Wamchem, Inc	Burton.	
SD	Williams Pipe Line Co. Disposal Pit	Sioux Falls	C
TN	American Creosote Works, (Jackson Plant)	Jackson.	
TN	Arlington Blending & Packaging	Arlington.	
TN	Carrier Air Conditioning Co	Collierville	C
TN	ICG Iselin Railroad Yard	Jackson.	
TN	Mallory Capacitor Co	Waynesboro	C
TN	Murray-Ohio Dump	Lawrenceburg.	
TN	North Hollywood Dump	Memphis	S
TN	Ross Metals Inc	Rossville.	
TN	Tennessee Products	Chattanooga	A
TN	Velsicol Chemical Corp (Hardeman County)	Toone.	
TN	Wrigley Charcoal Plant	Wrigley.	
TX	ALCOA (Point Comfort)/Lavaca Bay	Point Comfort.	
TX	Bailey Waste Disposal	Bridge City.	
TX	Brio Refining, Inc	Friendswood.	
TX	Crystal Chemical Co	Houston.	
TX	Dixie Oil Processors, Inc	Friendswood	C
TX	French, Ltd	Crosby	C
TX	Geneva Industries/Fuhrmann Energy	Houston	C
TX	Highlands Acid Pit	Highlands	C
TX	Koppers Co Inc (Texarkana Plant)	Texarkana.	
TX	Motco, Inc	La Marque	S
TX	North Cavalcade Street	Houston.	
TX	Odessa Chromium #1	Odessa	C
TX	Odessa Chromium #2 (Andrews Highway)	Odessa	C
TX	Petro-Chemical Systems, (Turtle Bayou)	Liberty County.	
TX	RSR Corp	Dallas.	
TX	Sheridan Disposal Services	Hempstead.	
TX	Sikes Disposal Pits	Crosby	C
TX	Sol Lynn/Industrial Transformers	Houston	C
TX	South Cavalcade Street	Houston.	
TX	Texarkana Wood Preserving Co	Texarkana.	
TX	Triangle Chemical Co	Bridge City	C
TX	United Creosoting Co	Conroe.	
UT	Midvale Slag	Midvale.	
UT	Monticello Radioactive Contaminated Prop	Monticello.	
UT	Petrochem Recycling Corp./Ekotek Plant	Salt Lake City.	
UT	Portland Cement (Kiln Dust 2 & 3)	Salt Lake City.	
UT	Rose Park Sludge Pit	Salt Lake City	C,S
UT	Sharon Steel Corp. (Midvale Tailings)	Midvale.	
UT	Utah Power & Light/American Barrel Co	Salt Lake City	C
UT	Wasatch Chemical Co. (Lot 6)	Salt Lake City.	
VA	Abex Corp	Portsmouth.	
VA	Arrowhead Associates/Scovill Corp	Montross.	
VA	Atlantic Wood Industries, Inc	Portsmouth.	
VA	Avtex Fibers, Inc	Front Royal.	
VA	Buckingham County Landfill	Buckingham.	
VA	C & R Battery Co., Inc	Chesterfield County	C
VA	Chisman Creek	York County	C
VA	Culpeper Wood Preservers, Inc	Culpeper.	
VA	Dixie Caverns County Landfill	Salem.	
VA	First Piedmont Rock Quarry (Route 719)	Pittsylvania County	C
VA	Greenwood Chemical Co	Newtown.	
VA	H & H Inc., Burn Pit	Farrington.	
VA	L.A. Clarke & Son	Spotsylvania County.	
VA	Rentokil, Inc. (VA Wood Preserving Div)	Richmond.	
VA	Rhinehart Tire Fire Dump	Frederick County.	
VA	Saltville Waste Disposal Ponds	Saltville.	
VA	Saunders Supply Co	Chuckatuck.	
VA	U.S. Titanium	Piney River.	
VI	Island Chemical Corp/V.I. Chemical Corp	Christiansted.	
VI	Tutu Wellfield	Tutu.	
VT	BFI Sanitary Landfill (Rockingham)	Rockingham	C
VT	Bennington Municipal Sanitary Landfill	Bennington.	
VT	Burgess Brothers Landfill	Woodford.	
VT	Darling Hill Dump	Lyndon	C
VT	Old Springfield Landfill	Springfield	C

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
VT	Parker Sanitary Landfill	Lyndon.	
VT	Pine Street Canal	Burlington	S
VT	Tansitor Electronics, Inc	Bennington.	
WA	American Crossarm & Conduit Co	Chehalis	C
WA	Boomsnub/Airco	Vancouver	S
WA	Centralia Municipal Landfill	Centralia.	
WA	Colbert Landfill	Colbert.	
WA	Commencement Bay, Near Shore/Tide Flats	Pierce County	P
WA	Commencement Bay, South Tacoma Channel	Tacoma.	
WA	FMC Corp. (Yakima Pit)	Yakima	C
WA	Frontier Hard Chrome, Inc	Vancouver.	
WA	General Electric Co. (Spokane Shop)	Spokane.	
WA	Greenacres Landfill	Spokane County.	
WA	Harbor Island (Lead)	Seattle	P
WA	Hidden Valley Landfill (Thun Field)	Pierce County.	
WA	Kaiser Aluminum Mead Works	Mead.	
WA	Lakewood Site	Lakewood	C,P
WA	Mica Landfill	Mica.	
WA	Midway Landfill	Kent.	
WA	Moses Lake Wellfield Contamination	Moses Lake.	
WA	North Market Street	Spokane.	
WA	Northside Landfill	Spokane	C
WA	Northwest Transformer	Everson	C
WA	Northwest Transformer(South Harkness St)	Everson	C
WA	Old Inland Pit	Spokane.	
WA	Pacific Car & Foundry Co	Renton	C
WA	Pacific Sound Resources	Seattle.	
WA	Palermo Well Field Ground Water Contam	Tumwater.	
WA	Pasco Sanitary Landfill	Pasco.	
WA	Queen City Farms	Maple Valley.	
WA	Seattle Municipal Landfill (Kent Hghlnds)	Kent	C
WA	Silver Mountain Mine	Loomis	C
WA	Spokane Junkyard/Associated Properties	Spokane.	
WA	Tulalip Landfill	Marysville.	
WA	Vancouver Water Station #1 Contamination	Vancouver.	
WA	Vancouver Water Station #4 Contamination	Vancouver.	
WA	Western Processing Co., Inc	Kent	C
WA	Wyckoff Co./Eagle Harbor	Bainbridge Island.	
WI	Algoma Municipal Landfill	Algoma	C
WI	Better Brite Plating Chrome & Zinc Shops	DePere.	
WI	City Disposal Corp. Landfill	Dunn.	
WI	Delavan Municipal Well #4	Delavan.	
WI	Eau Claire Municipal Well Field	Eau Claire	C
WI	Fadrowski Drum Disposal	Franklin	C
WI	Hagen Farm	Stoughton	C
WI	Hechimovich Sanitary Landfill	Williamstown.	
WI	Hunts Disposal Landfill	Caledonia.	
WI	Janesville Ash Beds	Janesville.	
WI	Janesville Old Landfill	Janesville.	
WI	Kohler Co. Landfill	Kohler.	
WI	Lauer I Sanitary Landfill	Menomonee Falls.	
WI	Lemberger Landfill, Inc	Whitelaw	C
WI	Lemberger Transport & Recycling	Franklin Township	C
WI	Madison Metropolitan Sewerage District	Blooming Grove.	
WI	Master Disposal Service Landfill	Brookfield.	
WI	Mid-State Disposal, Inc. Landfill	Cleveland Township	C
WI	Moss-American(Kerr-McGee Oil Co.)	Milwaukee.	
WI	Muskego Sanitary Landfill	Muskego.	
WI	N.W. Mauthe Co., Inc	Appleton	S
WI	National Presto Industries, Inc	Eau Claire.	
WI	Northern Engraving Co	Sparta	C
WI	Oconomowoc Electroplating Co. Inc	Ashippin	C
WI	Onalaska Municipal Landfill	Onalaska	C
WI	Penta Wood Products	Daniels.	
WI	Refuse Hideaway Landfill	Middleton.	
WI	Ripon City Landfill	Ripon	C
WI	Sauk County Landfill	Excelsior	C
WI	Schmalz Dump	Harrison	C
WI	Scrap Processing Co., Inc	Medford.	
WI	Sheboygan Harbor & River	Sheboygan.	
WI	Spickler Landfill	Spencer.	
WI	Stoughton City Landfill	Stoughton.	

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/County	Notes(a)
WI	Tomah Armory	Tomah.	
WI	Tomah Fairgrounds	Tomah	C
WI	Tomah Municipal Sanitary Landfill	Tomah.	
WI	Waste Mgmt of WI (Brookfield Sanit LF)	Brookfield.	
WI	Wausau Ground Water Contamination	Wausau	C
WI	Wheeler Pit	La Prairie Township	C
WV	Fike Chemical, Inc	Nitro.	
WV	Follansbee Site	Follansbee.	
WV	Ordnance Works Disposal Areas	Morgantown.	
WV	Sharon Steel Corp (Fairmont Coke Works)	Fairmont.	
WY	Baxter/Union Pacific Tie Treating	Laramie.	
WY	Mystery Bridge Rd/U.S. Highway 20	Evansville	C

(a) A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be ≤ 28.50).
C = Sites on construction completion list.
S = State top priority (included among the 100 top priority sites regardless of score).
P = Sites with partial deletion(s).

TABLE 2.—FEDERAL FACILITIES SECTION

St	Site name	City/County	Notes(a)
AK	Adak Naval Air Station	Adak.	
AK	Eielson Air Force Base	Fairbanks N Star Borough.	
AK	Elmendorf Air Force Base	Greater Anchorage Borough.	
AK	Fort Richardson (USARMY)	Anchorage.	
AK	Fort Wainwright	Fairbanks N Star Borough.	
AK	Standard Steel & Metals Salvage Yard (USDOT)	Anchorage.	
AL	Alabama Army Ammunition Plant	Childersburg.	
AL	Anniston Army Depot (SE Industrial Area)	Anniston.	
AL	Redstone Arsenal (USARMY/NASA)	Huntsville.	
AZ	Luke Air Force Base	Glendale.	
AZ	Williams Air Force Base	Chandler.	
AZ	Yuma Marine Corps Air Station	Yuma.	
CA	Barstow Marine Corps Logistics Base	Barstow.	
CA	Camp Pendleton Marine Corps Base	San Diego County.	
CA	Castle Air Force Base	Merced.	
CA	Concord Naval Weapons Station	Concord.	
CA	Edwards Air Force Base	Kern County.	
CA	El Toro Marine Corps Air Station	El Toro.	
CA	Fort Ord	Marina.	
CA	George Air Force Base	Victorville.	
CA	Jet Propulsion Laboratory (NASA)	Pasadena.	
CA	LEHR/Old Campus Landfill (USDOE)	Davis.	
CA	Lawrence Livermore Lab Site 300 (USDOE)	Livermore.	
CA	Lawrence Livermore Laboratory (USDOE)	Livermore.	
CA	March Air Force Base	Riverside.	
CA	Mather Air Force Base	Sacramento.	
CA	McClellan Air Force Base (GW Contam)	Sacramento.	
CA	Moffett Naval Air Station	Sunnyvale.	
CA	Norton Air Force Base	San Bernardino.	
CA	Riverbank Army Ammunition Plant	Riverbank.	
CA	Sacramento Army Depot	Sacramento.	
CA	Sharpe Army Depot	Lathrop.	
CA	Tracy Defense Depot (USARMY)	Tracy.	
CA	Travis Air Force Base	Solano County.	
CA	Treasure Island Naval Station-Hun Pt An	San Francisco.	
CO	Air Force Plant PJKS	Waterton.	
CO	Rocky Flats Plant (USDOE)	Golden.	
CO	Rocky Mountain Arsenal (USARMY)	Adams County.	
CT	New London Submarine Base	New London.	
DE	Dover Air Force Base	Dover.	
FL	Cecil Field Naval Air Station	Jacksonville.	
FL	Homestead Air Force Base	Homestead.	
FL	Jacksonville Naval Air Station	Jacksonville.	
FL	Pensacola Naval Air Station	Pensacola.	
FL	Tyndall Air Force Base	Panama City.	
FL	Whiting Field Naval Air Station	Milton.	
GA	Marine Corps Logistics Base	Albany.	
GA	Robins Air Force Base(Lf#4/Sludge Lagoon	Houston County.	
GU	Andersen Air Force Base	Yigo.	

TABLE 2.—FEDERAL FACILITIES SECTION—Continued

St	Site name	City/County	Notes(a)
HI	Naval Computer & Telecommunications Area	Oahu.	
HI	Pearl Harbor Naval Complex	Pearl Harbor.	
HI	Schofield Barracks (USARMY)	Oahu.	
IA	Iowa Army Ammunition Plant	Middletown.	
ID	Idaho National Engineering Lab (USDOE)	Idaho Falls.	
ID	Mountain Home Air Force Base	Mountain Home.	
IL	Joliet Army Ammunition Plant (LAP Area)	Joliet.	
IL	Joliet Army Ammunition Plant (Mfg Area)	Joliet.	
IL	Sangamo Electric/Crab Orchard NWR (USDOI)	Carterville.	
IL	Savanna Army Depot Activity	Savanna.	
KS	Fort Riley	Junction City.	
KY	Paducah Gaseous Diffusion Plant (USDOE)	Paducah.	
LA	Louisiana Army Ammunition Plant	Doyline.	
MA	Fort Devens	Fort Devens.	
MA	Fort Devens-Sudbury Training Annex	Middlesex County	
MA	Hanscom Field/Hanscom Air Force Base	Bedford.	
MA	Materials Technology Laboratory (USARMY)	Watertown.	
MA	Natick Laboratory Army Research, D&E Cntr	Natick.	
MA	Naval Weapons Industrial Reserve Plant	Bedford.	
MA	Otis Air National Guard (USAF)	Falmouth.	
MA	South Weymouth Naval Air Station	Weymouth.	
MD	Aberdeen Proving Ground (Edgewood Area)	Edgewood.	
MD	Aberdeen Proving Ground (Michaelsville LF)	Aberdeen.	
MD	Beltsville Agricultural Research (USDA)	Beltsville.	
MD	Indian Head Naval Surface Warfare Center	Indian Head.	
MD	Patuxent River Naval Air Station	St. Mary's County.	
ME	Brunswick Naval Air Station	Brunswick.	
ME	Loring Air Force Base	Limestone.	
ME	Portsmouth Naval Shipyard	Kittery.	
MN	Naval Industrial Reserve Ordnance Plant	Fridley.	
MN	New Brighton/Arden Hills/TCAAP (USARMY)	New Brighton.	
MO	Lake City Army Ammu. Plant (NW Lagoon)	Independence.	
MO	Weldon Spring Former Army Ordnance Works	St. Charles County.	
MO	Weldon Spring Quarry/Plant/Pitts (USDOE)	St. Charles County.	
NC	Camp Lejeune Military Res. (USNAVY)	Onslow County.	
NC	Cherry Point Marine Corps Air Station	Havelock.	
NE	Cornhusker Army Ammunition Plant	Hall County.	
NH	Pease Air Force Base	Portsmouth/Newington.	
NJ	Federal Aviation Admin. Tech. Center	Atlantic County.	
NJ	Fort Dix (Landfill Site)	Pemberton Township.	
NJ	Naval Air Engineering Center	Lakehurst.	
NJ	Naval Weapons Station Earle (Site A)	Colts Neck.	
NJ	Picatinny Arsenal (USARMY)	Rockaway Township.	
NJ	W.R. Grace/Wayne Interim Storage (USDOE)	Wayne Township.	
NM	Lee Acres Landfill (USDOI)	Farmington.	
NY	Brookhaven National Laboratory (USDOE)	Upton.	
NY	Griffiss Air Force Base	Rome.	
NY	Plattsburgh Air Force Base	Plattsburgh.	
NY	Seneca Army Depot	Romulus.	
OH	Feed Materials Production Center (USDOE)	Fernald.	
OH	Mound Plant (USDOE)	Miamisburg.	
OH	Wright-Patterson Air Force Base	Dayton.	
OK	Tinker Air Force (Soldier Cr/Bldg 300)	Oklahoma City.	
OR	Fremont Nat. Forest Uranium Mines (USDA)	Lakeview.	
OR	Umatilla Army Depot (Lagoons)	Hermiston.	
PA	Letterkenny Army Depot (PDO Area)	Franklin County.	
PA	Letterkenny Army Depot (SE Area)	Chambersburg.	
PA	Naval Air Development Center (8 Areas)	Warminster Township.	
PA	Navy Ships Parts Control Center	Mechanicsburg.	
PA	Tobyhanna Army Depot	Tobyhanna.	
PA	Willow Grove Naval Air & Air Res. Stn.	Willow Grove.	
PR	Naval Security Group Activity	Sabana Seca.	
RI	Davisville Naval Construction Batt Cent	North Kingston.	
RI	Newport Naval Education/Training Center	Newport.	
SC	Parris Island Marine Corps Recruit Depot	Parris Island.	
SC	Savannah River Site (USDOE)	Aiken.	
SD	Ellsworth Air Force Base	Rapid City.	
TN	Memphis Defense Depot (DLA)	Memphis.	
TN	Milan Army Ammunition Plant	Milan.	
TN	Oak Ridge Reservation (USDOE)	Oak Ridge.	
TX	Air Force Plant #4 (General Dynamics)	Fort Worth.	
TX	Lone Star Army Ammunition Plant	Texarkana.	

TABLE 2.—FEDERAL FACILITIES SECTION—Continued

St	Site name	City/County	Notes(a)
TX	Longhorn Army Ammunition Plant	Karnack.	
TX	Pantex Plant (USDOE)	Pantex Village.	
UT	Hill Air Force Base	Ogden.	
UT	Monticello Mill Tailings (USDOE)	Monticello.	
UT	Ogden Defense Depot (DLA)	Ogden.	
UT	Tooele Army Depot (North Area)	Tooele.	
VA	Defense General Supply Center (DLA)	Chesterfield County.	
VA	Fort Eustis (US Army)	Newport News.	
VA	Langley Air Force Base/NASA Langley Cntr	Hampton.	
VA	Marine Corps Combat Development Command	Quantico.	
VA	Naval Surface Warfare—Dahlgren	Dahlgren.	
VA	Naval Weapons Station—Yorktown	Yorktown.	
VA	Norfolk Naval Base (Sewells Pt Nvl Cmpx)	Norfolk.	
WA	American Lake Gardens/McChord AFB	Tacoma.	
WA	Bangor Naval Submarine Base	Silverdale.	
WA	Bangor Ordnance Disposal (USNAVY)	Bremerton.	
WA	Fairchild Air Force Base (4 Waste Areas)	Spokane County.	
WA	Fort Lewis Logistics Center	Tillicum.	
WA	Hanford 100-Area (USDOE)	Benton County.	
WA	Hanford 200-Area (USDOE)	Benton County.	
WA	Hanford 300-Area (USDOE)	Benton County.	
WA	Jackson Park Housing Complex (USNAVY)	Kitsap County.	
WA	Naval Air Station, Whidbey Island (Ault)	Whidbey Island.	
WA	Naval Undersea Warfare Station (4 Areas)	Keyport.	
WA	Old Navy Dump/Manchester Lab (USEPA/NOAA)	Manchester.	
WA	Port Hadlock Detachment (USNAVY)	Indian Island.	
WA	Puget Sound Naval Shipyard Complex	Bremerton.	
WV	Allegany Ballistics Laboratory (USNAVY)	Mineral.	
WV	West Virginia Ordnance (USARMY)	Point Pleasant.	
WY	F.E. Warren Air Force Base	Cheyenne.	

(a) A=Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be >28.50).
C=Sites on construction completion list.
S=State top priority (included among the 100 top priority sites regardless of score).
P=Sites with partial deletion(s).

[FR Doc. 97–8086 Filed 3–31–97; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5805–3]

National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 22

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "the Act"), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list.

This rule proposes to add 6 new sites to the NPL, 5 to the General Superfund Section and 1 to the Federal Facilities section. This rule also withdraws one site from proposal to the NPL. The NPL is intended primarily to guide the Environmental Protection Agency ("EPA" or "the Agency") in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

DATES: Comments must be submitted (postmarked) on or before June 2, 1997.

ADDRESSES: *By Mail:* Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; (Mail Code 5201G); 401 M Street, SW., Washington, DC 20460; 703/603–8917.

By Federal Express: Send original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; 1235 Jefferson Davis Highway; Crystal Gateway #1, First Floor; Arlington, VA 22202.

By E-Mail: Comments in ASCII format only may be mailed directly to SUPERFUND.DOCKET@EPAMAIL.EPA.GOV. E-mailed comments must be followed up by an original and three copies sent by mail or Federal Express.

For additional Docket addresses and further details on their contents, see Section I of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, State and Site Identification Center, Office of Emergency and Remedial Response (Mail Code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, or the Superfund Hotline, Phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

I. Introduction

Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 ("CERCLA" or "the Act"), in response to the dangers of uncontrolled hazardous waste sites. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law No. 99–499, 100, Stat. 1613 *et seq.* To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets forth the guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

Section 105(a)(8)(A) of CERCLA requires that the NCP include "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action." "Removal" actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases. 42 U.S.C. 9601(23). "Remedial actions" are those "consistent with permanent remedy, taken instead of or in addition to removal actions * * *." 42 U.S.C. 9601(24).

Pursuant to section 105(a)(8)(B) of CERCLA, as amended by SARA, EPA has promulgated a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. That list, which is Appendix B of 40 CFR Part 300, is the National Priorities List ("NPL").

CERCLA section 105(a)(8)(B) defines the NPL as a list of "releases" and as a list of the highest priority "facilities." CERCLA section 105(a)(8)(B) also requires that the NPL be revised at least annually. A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the "Superfund") only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). However, under 40 CFR 300.425(b)(2) placing a site on the NPL "does not imply that monies will be expended." EPA may pursue other appropriate authorities to remedy the releases, including enforcement action under CERCLA and other laws. Further, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. See Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980), 48 FR 40659 (September 8, 1983).

Three mechanisms for placing sites on the NPL for possible remedial action are included in the NCP at 40 CFR 300.425(c). Under 40 CFR 300.425(c)(1), a site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of 40 CFR Part 300. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure, and air. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

Under a second mechanism for adding sites to the NPL, each State may designate a single site as its top priority, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)).

The third mechanism for listing, included in the NCP at 40 CFR

300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on December 23, 1996 (61 FR 67656).

The NPL includes two sections, one of sites that are evaluated and cleaned up by EPA (the "General Superfund Section"), and one of sites being addressed generally by other Federal agencies (the "Federal Facilities Section"). Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

Site Boundaries

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (as the mere identification of releases), for it to do so.

CERCLA section 105(a)(8)(B) mandates listing of national priorities among the known "releases or threatened releases." The purpose of the NPL is merely to identify releases that are priorities for further evaluation. Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data upon which the NPL placement was based will, to some extent, describe which release is at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, it is necessary to define the release (or releases) encompassed by the listing. The approach generally used is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the "boundaries" of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which contamination from that area has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the "Jones Co. plant site") in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the "site"). The "site" is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the "Jones Co. plant site," does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the "nature and extent of the threat presented by a release" will be determined by a Remedial Investigation/Feasibility Study (RI/FS) as more information is developed on site contamination (40 CFR 300.430(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination "has come to be located" before all necessary studies and remedial work are completed at a site. Indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

Deletions/Cleanups

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

To date, the Agency has deleted 139 sites from the NPL.

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of March 1997, EPA has partially deleted 4 sites.

EPA also has developed an NPL construction completion list ("CCL") to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Sites qualify for the CCL when:

(1) any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved;

(2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or

(3) the site qualifies for deletion from the NPL.

Inclusion of a site on the CCL Has No Legal Significance

In addition to the 132 sites that have been deleted from the NPL because they have been cleaned up (7 sites have been deleted based on deferral to other authorities and are not considered cleaned up), an additional 291 sites are also on the NPL CCL. Thus, as of March 1997, the CCL consists of 423 sites.

Public Comment Period

The documents that form the basis for EPA's evaluation and scoring of sites in this rule are contained in dockets located both at EPA Headquarters and in the appropriate Regional offices. The dockets are available for viewing, by appointment only, after the appearance of this rule. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202, 703/603–8917

(Please note this is a visiting address only. Mail comments to address listed in **ADDRESSES** section above.)

Jim Kyed, Region 1, U.S. EPA Waste Management Records Center, HRC–CAN–7, J.F. Kennedy Federal Building, Boston, MA 02203–2211, 617/573–9656

Ben Conetta, Region 2, U.S. EPA, 290 Broadway, New York, NY 10007–1866, 212/637–4435

Diane McCreary, Region 3, U.S. EPA Library, 3rd Floor, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, 215/566–5250

Kathy Piselli, Region 4, U.S. EPA, 100 Alabama Street, SW, Atlanta, GA 30303, 404/562–8190

Cathy Freeman, Region 5, U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, 312/886–6214

Bart Canellas, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6H1MA, Dallas, TX 75202–2733, 214/655–6740

Carole Long, Region 7, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101, 913/551–7224

Pat Smith, Region 18, U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, 303/312–6082

Carolyn Douglas, Region 9, U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343

David Bennett, Region 10, U.S. EPA, 11th Floor 1200 6th Avenue, Mail Stop HW–114, Seattle, WA 98101, 206/553–2103

The Headquarters docket for this rule contains: HRS score sheets for each proposed site; a Documentation Record for each site describing the information used to compute the score; information for any site affected by particular statutory requirements or EPA listing policies; and a list of documents referenced in the Documentation Record.

The Headquarters docket also contains an "Additional Information" document which provides a general discussion of the statutory requirements affecting NPL listing, the purpose and implementation of the NPL, and the economic impacts of NPL listing.

Each Regional docket for this rule contains all of the information in the Headquarters docket for sites in that Region, plus, the actual reference documents containing the data principally relied upon and cited by EPA in calculating or evaluating the HRS scores for sites in that Region. These reference documents are available only in the Regional dockets. Interested parties may view documents, by appointment only, in the Headquarters or the appropriate Regional docket or copies may be requested from the Headquarters or appropriate Regional docket. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

EPA considers all comments received during the comment period. During the comment period, comments are placed in the Headquarters docket and are available to the public on an "as received" basis. A complete set of comments will be available for viewing in the Regional docket approximately one week after the formal comment period closes. Comments received after the comment period closes will be available in the Headquarters docket and in the Regional docket on an "as received" basis. Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that EPA should consider and how it affects individual HRS factor values. See *Northside Sanitary Landfill* v. *Thomas*, 849 F.2d 1516 (D.C. Cir. 1988). EPA will make final listing decisions after considering the relevant comments received during the comment period.

In past rules, EPA has attempted to respond to late comments, or when that was not practicable, to read all late comments and address those that brought to the Agency's attention a fundamental error in the scoring of a site. Although EPA intends to pursue the same policy with sites in this rule, EPA can guarantee that it will consider only those comments postmarked by the close of the formal comment period. EPA has a policy of not delaying a final listing decision solely to accommodate consideration of late comments.

In certain instances, interested parties have written to EPA concerning sites which were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

II. Contents of This Proposed Rule

Table 1 identifies the 5 sites in the General Superfund section being proposed to the NPL in this rule. Table 2 identifies the 1 site in the Federal Facility section being proposed to the NPL in this rule. These tables follow this preamble. All sites are proposed based on HRS scores of 28.50 or above. The sites in Table 1 and Table 2 are listed alphabetically by State, for ease of identification, with group number identified to provide an indication of relative ranking. To determine group number, sites on the NPL are placed in groups of 50; for example, a site in Group 4 of this proposal has a score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

Withdrawal of Annie Creek Mine Tailings

EPA is hereby withdrawing the proposal of Annie Creek Mine Tailings, located in Lead, South Dakota. This withdrawal was proposed on December 23, 1996 (61 FR 67656). EPA received no comments regarding the proposal to withdraw this site.

These actions along with a final rule published elsewhere in today's **Federal Register**, results in an NPL of 1,206 sites, 1,055 in the General Superfund Section and 151 in the Federal Facilities Section. With this proposal of 6 new sites, there are now 49 sites proposed and awaiting final agency action, 43 in the General Superfund Section and 6 in the Federal Facilities Section. Final and proposed sites now total 1,255.

III. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory

action from Executive Order 12866 review.

IV. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, 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. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires 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 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 of why that alternative was not adopted. Before 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, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (within the meaning of Title II of the UMRA) for State, local, or tribal governments or the private sector. Nor does it contain any regulatory requirements that might significantly or uniquely affect small governments. This is because today's listing decision does not impose any enforceable duties upon any of these governmental entities or the private sector. Inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA necessarily will undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Therefore, today's rulemaking is not subject to the requirements of section 202, 203 or 205 of the Unfunded Mandates Reform Act.

V. Effect on Small Businesses

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While this rule proposes to revise the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this proposed rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, this proposed regulation does not require a regulatory flexibility analysis.

NATIONAL PRIORITIES LIST PROPOSED RULE #22, GENERAL SUPERFUND SECTION

State	Site name	City/county	Group
FL	Florida Petroleum Reprooessors	Fort Lauderdale	5/6
GA	Terry Creek Dredge Spoil Areas/Hercules Outfall	Brunswick	5
IL	DePue/New Jersey Zinc/Mobil Chemical Corp	Village of DePue	1
PA	Salford Quarry	Lower Salford Township	5/6
TX	Sprague Road Ground Water Plume	Odessa	10

Number of Sites Proposed to General Superfund Section: 5.

NATIONAL PRIORITIES LIST PROPOSED RULE #22, FEDERAL FACILITIES SECTION

State	Site name	City/county	Group
MD	Fort George G. Meade	Odenton	4

Number of Sites Proposed to Federal Facilities Section: 1.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: March 25, 1997.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 97–8087 Filed 3–31–97; 8:45 am]

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FEDERAL REGISTER PAGES AND DATES, APRIL

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CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT APRIL 1, 1997

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Pennsylvania; comments due by 4-10-97; published 3-11-97
Virginia; comments due by 4-11-97; published 3-12-97
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Virginia; comments due by 4-11-97; published 3-12-97
Washington et al.; comments due by 4-7-97; published 3-7-97
Hazardous waste program authorizations:
Nevada; comments due by 4-7-97; published 3-7-97

FEDERAL COMMUNICATIONS COMMISSION
Radio stations; table of assignments:
Arkansas; comments due by 4-7-97; published 2-21-97
Idaho; comments due by 4-7-97; published 2-21-97
Illinois; comments due by 4-7-97; published 2-21-97
Kentucky; comments due by 4-7-97; published 2-21-97
Louisiana; comments due by 4-7-97; published 2-21-97
Montana; comments due by 4-7-97; published 2-21-97
North Dakota; comments due by 4-7-97; published 2-21-97
Tennessee; comments due by 4-7-97; published 2-21-97
Utah; comments due by 4-7-97; published 2-21-97
Washington; comments due by 4-7-97; published 2-21-97

FEDERAL EMERGENCY MANAGEMENT AGENCY
Disaster assistance:

LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/nara/fedreg/fedreg.html.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

H.J. Res. 25/P.L. 105–1

Making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208), and for other purposes. (Feb. 3, 1997; 111 Stat. 3)

H.R. 668/P.L. 105–2

Airport and Airway Trust Fund Tax Reinstatement Act of 1997 (Feb. 28, 1997; 111 Stat. 4)

H.J. Res. 36/P.L. 105–3

Approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program. (Feb. 28, 1997; 111 Stat. 9)

H.R. 499/P.L. 105–4

To designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building". (Mar. 3, 1997; 111 Stat. 10)

S.J. Res. 5/P.L. 105–5

Waving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative. (Mar. 17, 1997; 111 Stat. 11)

H.R. 924/P.L. 105–6

Victim Rights Clarification Act of 1997 (Mar. 19, 1997; 111 Stat. 12)

H.R. 514/P.L. 105–7

District of Columbia Inspector General Improvement Act of 1997 (Mar. 25, 1997; 111 Stat. 14)

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1997

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 1	April 16	May 1	May 16	June 2	June 30
April 2	April 17	May 2	May 19	June 2	July 1
April 3	April 18	May 5	May 19	June 2	July 2
April 4	April 21	May 5	May 19	June 3	July 3
April 7	April 22	May 7	May 22	June 6	July 7
April 8	April 23	May 8	May 23	June 9	July 7
April 9	April 24	May 9	May 27	June 9	July 8
April 10	April 25	May 12	May 27	June 9	July 9
April 11	April 28	May 12	May 27	June 10	July 10
April 14	April 29	May 14	May 29	June 13	July 14
April 15	April 30	May 15	May 30	June 16	July 14
April 16	May 1	May 16	June 2	June 16	July 15
April 17	May 2	May 19	June 2	June 16	July 16
April 18	May 5	May 19	June 2	June 17	July 17
April 21	May 6	May 21	June 5	June 20	July 21
April 22	May 7	May 22	June 6	June 23	July 21
April 23	May 8	May 23	June 9	June 23	July 22
April 24	May 9	May 27	June 9	June 23	July 23
April 25	May 12	May 27	June 9	June 24	July 24
April 28	May 13	May 28	June 12	June 27	July 28
April 29	May 14	May 29	June 13	June 30	July 28
April 30	May 15	May 30	June 16	June 30	July 29

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