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Thursday
August 21, 1997

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1439

RIN 0560–AF11

Disaster Reserve Assistance Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) published an interim rule in the **Federal Register** (62 FR 3195) on January 22, 1997, to announce the availability of assistance under the Disaster Reserve Assistance Program (DRAP). The assistance was for livestock producers whose production of livestock feed was adversely affected by severe winter disaster conditions. Authority for the program is set forth in section 813 of the Agricultural Act of 1970, as amended. This final rule adopts the interim rule with modifications that became necessary during the administration of the program due to circumstances unforeseen at the time the interim rule was written, but which became necessary because of the severity of the disaster.

EFFECTIVE DATE: August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Chris Niedermayer, Acting Director, Emergency and Noninsured Assistance Program Division, Farm Service Agency (FSA), United States Department of Agriculture, STOP 0526, 1400 Independence Avenue, SW, Washington, D.C. 20250–0526, telephone (202) 720–6635.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because neither FSA nor the CCC is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12988

The final rule has been reviewed in accordance with Executive Order 12988. The provisions of this final rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are retroactive to January 10, 1997. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates

The provisions of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because neither FSA nor CCC is required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR 1439 set forth in this final rule have been approved by OMB under an emergency submission of 0560–0029. An information collection notice was published in the **Federal Register** (62 FR 3195) on January 22, 1997. No comments were received regarding information collections. A regular submission of information collection will be provided to OMB before July 31, 1997.

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of Government.

Federal Assistance Programs

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.452.

Background

Pursuant to the authority set forth in section 813 of the Agricultural Act of 1970, as amended, it has been determined that:

1. Severe and prolonged natural disasters adversely affecting livestock producers across the country warrant implementing additional provisions of DRAP to alleviate the distress caused by the natural disaster conditions and unforeseen consequences brought on by the severity of the natural disasters.

2. An interim rule published on January 22, 1997, (62 FR 3195) amended part 1439 to provide assistance for feed losses in crop year 1996, occurring because of snow and freezing conditions. Consequently, in implementing these regulations CCC made several changes in the program due to the severity of the natural disaster conditions. Presidential Disaster Declarations M1156 and M1157 were issued for all counties in North Dakota and South Dakota; therefore, all livestock producers in these States who met all eligibility requirements, as determined by the Deputy Administrator for Farm Programs (DAFP), and timely filed requests, were eligible for assistance under the herein contained Emergency Feed Grain Donation Program (EFGDP). Subsequently, DAFP determined that livestock producers in North Dakota, South Dakota, and in the Minnesota counties designated as primary counties in Presidential Disaster Declaration M1158 who met all eligibility requirements, as determined by DAFP, and timely filed requests, were eligible for assistance under the herein

contained Foundation Livestock Relief Program (FLRP). The interim rule did not specify that producers in counties contiguous to primary counties where an emergency declaration was made by the President would be eligible for assistance under EFGDP and FLRP. Inadvertently, the following counties contiguous to the States of North Dakota and South Dakota were erroneously included as being eligible for FLRP: Lyon, Plymouth, Sioux, and Woodbury Counties in Iowa; Carter, Fallon, Richland, Roosevelt, Sheridan, and Wibaux Counties in Montana; Boyd, Cedar, Cherry, Dakota, Dawes, Dixon, Keya Paha, Sheridan, and Sioux Counties in Nebraska; and Crook, Niobrara, and Weston Counties in Wyoming. Applications for FLRP assistance were accepted in the aforementioned contiguous counties through February 25, 1997. FSA determined that withdrawal of its offer to provide cost share assistance after the final date for submitting an application would not be in the best interest of the public because producers in the erroneously approved counties would have already made previous commitments. Accordingly, FSA elected to grant relief in accordance with 7 U.S.C. 1339a on the basis of ''misaction'' by the Agency.

This final rule adopts the interim rule, with some modifications and additions. The comments received and CCC responses are as follows:

Comment: § 402(a) One comment received from a national livestock association recommended that:

(1) The Secretary of Agriculture should have the authority to delineate the areas of the U.S. that are eligible for the DRAP.

(2) Producers who qualify for the DRAP should be allowed to use the funds for snow removal, clearing of flood related debris, removal of mud, repair and maintenance of farm roads, rebuilding of fences due to high water or snow, purchase of hay and high protein feed supplements and minerals, and maintenance and continued usage of water supplies of adequate quality and quantities.

(3) Producers be reimbursed whether they remove the disaster related snow, mud and/or debris themselves, or they use an outside contractor.

Response: (1) Authorization for the program was limited to the 1996 crop year, allowing USDA to provide assistance for feed loss or inaccessibility as a result of snow or freezing conditions where an emergency declaration has been made by the President. DAFP believes it is not prudent to seek legislative change to allow the Secretary authority to delineate the areas of the U.S. eligible for DRAP as the terms of the program have already expired. (2) Under § 1439.602(b), assistance is provided as reimbursement for expenses relating to transportation assistance on or after January 10, 1997, specifically related to providing access to existing feed supplies or to the livestock and reimbursement for expenses relating to eligible livestock feed purchased on or after January 10, 1997, and donation of CCC-owned feed grains. There is no restriction on how the livestock owner uses the reimbursed funds. However, according to § 1439.8, CCC-owned feed grains obtained under this part shall not be exchanged for any ingredients, services, cash, credit, or any other thing of value. (3) Under § 1439.602(f), maximum assistance for snow removal is limited to the lesser of the actual cost to move snow to gain access to the available feed or stranded livestock, or the monetary value of multiplying the number of livestock, by type and weight range, by the allowance per day in pounds of corn, as determined by CCC, by $0.05 per pound, by a feeding period of 15 days. There is no restriction on whether the livestock owner or a contractor removes the snow.

3. This rule will modify part 1439 to add sections 1439.601 and 1439.602 and 1439.701 and 1439.702. These sections set out program regulations for EFGDP and FLRP.

4. Based on the above determinations, the EFGDP and the FLRP are authorized for the 1996 livestock feed crop year for livestock owners who are determined eligible. Program payments will be contingent on the availability of CCC funds.

List of Subjects in 7 CFR part 1439

Animal feeds, Disaster assistance, Livestock.

Accordingly, for the reasons set forth in the Preamble, the interim rule published on January 22, 1997, (62 FR 3195) is adopted as final with changes, as set forth below.

PART 1439—EMERGENCY ASSISTANCE PROGRAMS

1. The authority citation for part 1439 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c and 7 U.S.C. 1427a.

2. In section 1439.402, paragraph (a) is revised to read as follows:

§ 1439.402 Assistance

(a) Assistance is for eligible livestock which are commingled, stranded, and unidentified as to the livestock owner.

* * * * *

3. Sections 1439.601 and 602 are added as follows:

Subpart—Emergency Feed Grain Donation Program (EFGDP)

§ 1439.601 General statement.

(a)(1) This subpart sets forth the terms and conditions of the EFGDP. This program may be authorized only for livestock owners in a State or county, by the Deputy Administrator for Farm Programs (DAFP), Farm Service Agency (FSA), upon a determination that a sudden livestock feed emergency exists and a Presidential disaster declaration has been issued for such a State or county as a result of snow and freezing and related conditions. Under the program, CCC will provide to the livestock owner whose access to livestock and normal livestock feed supplies was adversely affected by natural disasters either or both of the following:

(i) Reimbursement for expenses relating to eligible livestock feed purchases and transportation assistance;

(ii) CCC-owned feed grains on a donation basis.

(2) Assistance may be given to other persons or entities (public and private), who certify that the eligible livestock were, or are, in danger of perishing without their immediate assistance. This program shall terminate at the conclusion of the 1996 livestock feed crop year.

(b) The EFGDP is authorized for the 1996 livestock feed crop year when both of the following apply:

(1) The FSA State committee determines and documents a livestock feed emergency on a county by county basis, when the danger of eligible livestock perishing as a result of snow and freezing and related conditions exists in the county, and

(2) The livestock owner, or other person or entities (public or private) certify that the eligible livestock were, or are, in danger of perishing without immediate assistance and that normal livestock feed supplies were, or are, inaccessible.

§ 1439.602 Assistance.

(a) Assistance is for eligible livestock which are in danger of perishing without immediate assistance. Eligible livestock includes beef and dairy cattle; buffalo and beefalo; equine animals, including horses, mules, donkeys; sheep; goats; and swine.

(b) Assistance may be provided as any of the following:

(1) Reimbursement for expenses relating to transportation assistance on or after January 10, 1997, specifically related to providing access to existing feed supplies or to the livestock;

(2) Reimbursement for expenses relating to eligible livestock feed purchased on or after January 10, 1997; or

(3) Donation of CCC-owned feed grains.

(c) Requests for reimbursement for transportation assistance and eligible livestock feed purchases shall include verifiable sales receipts, service agreements, or any other documentation as determined by the FSA county committee.

(d) Individuals who provide assistance to livestock which is in danger of perishing without immediate assistance or where the owner of the livestock is not known, shall only receive CCC-owned feed grain on a donation basis, not to exceed the amount of feed grain actually used.

(e) Assistance shall not exceed the monetary value of multiplying the number of livestock, by type and weight range, by the allowance per day in pounds of corn as determined in accordance with § 1439.3, by $0.05 per pound, by a feeding period of 15 days.

(f) For snow removal, the maximum assistance shall be the lesser of:

(1) Actual cost to move snow to gain access to the available feed or stranded livestock; or

(2) The maximum assistance calculated in accordance with paragraph (e) of this section.

(g) For feed purchases, the maximum assistance shall be the lesser of:

(1) The monetary value of purchased eligible feed; or

(2) The maximum assistance calculated in accordance with paragraph (e) of this section.

(h) The maximum assistance for donated grain is a 15 day feed allowance calculated in accordance with paragraph (e) of this section.

4. Sections 1439.701 and 1439.702 are added as follows:

Subpart—Foundation Livestock Relief Program (FLRP)

§ 1439.701 General statement.

(a) This subpart sets forth the terms and conditions of the FLRP. This program may be authorized by DAFP, upon a determination that foundation livestock owners have been forced to feed excessive quantities of livestock feed and a Presidential disaster declaration has been issued for the State or county as a result of snow and freezing and related conditions. Under the program, CCC will provide cash reimbursement for eligible livestock feed purchases to the livestock owner and other persons or entities (public and private), whose usage of normal livestock feed supplies was adversely affected by natural disasters. Cost-share assistance is provided at 30 percent of the lesser of actual eligible livestock feed costs shown on acceptable feed purchase documents or the calculated feed allowance for eligible livestock for a period not to exceed 30 days. This program shall terminate at the conclusion of the 1996 livestock feed crop year.

(b) As determined by DAFP, FLRP may be authorized for any length of time not to exceed a 30-day feeding period. Subsequent feeding periods of the same or different duration may be designated by DAFP for the same or related disaster conditions.

§ 1439.702 Assistance.

(a) Assistance is limited to livestock owners who have eligible foundation or replacement livestock, as determined by DAFP. Eligible livestock includes beef and dairy cattle, buffalo and beefalo, sheep, goats, swine, and equine animals used to raise livestock that will be used for human consumption or in the production of food or fiber on the owner's farm.

(b) Assistance shall be provided as a 30 percent cost-share payment based on the lesser of:

(1) Eligible livestock feed purchased and received during the period designated by DAFP, or

(2) The calculated feed allowance for the eligible livestock for up to 30 days, as determined by DAFP.

(c) Requests for reimbursement of eligible livestock feed purchases shall include verifiable sales receipts and any other documentation the FSA county committee requires.

(d) Assistance shall not exceed the monetary value of multiplying the number of livestock, by type and weight range, by the allowance per day in pounds of corn as determined in accordance with § 1439.3, by $0.05 per pound, by the number of days in the feeding period designated by DAFP.

Signed at Washington, DC, on August 14, 1997.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 97–22128 Filed 8–20–97; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1955

RIN 0560–AE88

Implementation of the Inventory Property Management Provisions of the Federal Agriculture Improvement and Reform Act of 1996

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This implements provisions of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) that affect the farm credit programs of the Farm Service Agency (FSA), formerly administered by the Farmers Home Administration (FmHA). The provisions of this rule affect the acquisition, management and disposal of inventory farm property by FSA.

DATES: Effective August 21, 1997. Comments must be submitted by October 20, 1997.

ADDRESSES: Submit written comments to the Farm Credit Programs Loan Servicing and Property Management Division, Farm Service Agency, United Sates Department of Agriculture, Room 5449–S, Stop 0523, 1400 Independence Avenue, SW, Washington, DC 20013–0523.

FOR FURTHER INFORMATION CONTACT: James P. Fortner, Senior Realty Specialist, Farm Service Agency; Telephone: 202–720–1976; Facsimile: 202–690–0949. E-mail: jfortner@wdc.fsa.usda.gov

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Farm Service Agency (FSA) certifies that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–534, as amended (5 U.S.C. 601).

In addition, the Regulatory Flexibility Act is not applicable to this rule since

the Farm Service Agency (FSA) is not required by 5 U.S.C. 553, or any other provisions of law, to publish a notice of proposed rulemaking to effect these administrative changes.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, Environmental Program. The issuing agencies have determined that this action does not significantly affect the quality of human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

The Unfunded Mandate Reform Act of 1995

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, established 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, FSA generally must prepare a written statement, including a cost-benefit assessment, for proposed and final rules with Federal mandates that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector of $100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12988

This interim final rule has been reviewed under Executive Order 12998, Civil Justice Reform. In accordance with this rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule: and (3) administrative proceedings in accordance with 7 CFR part 11 must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Executive Order 12372

For reasons set forth in the Notice regarding 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs within this rule are not affected by Executive Order 12372.

Programs Affected

This rule does not affect any programs listed in the Catalog of Federal Domestic Assistance.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by OMB under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control numbers 0575–0109 and 0575–0110 in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). This interim rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

Discussion of the Interim Rule

On April 4, 1996, the 1996 Act was signed into law and required certain provisions to be implemented either immediately or no later than 90 days from the date of enactment. The specific changes to the acquisition, management, and disposal of real and chattel property which served as security for FSA farm credit programs loans are discussed below:

Liquidation and Acquisition

The 1996 Act eliminated the Leaseback/Buyback program which provided the former borrower and owner, the borrower's spouse or children, stockholder in the corporation if the borrower and owner was a corporation held exclusively by members of the same family, or the previous operator with rights to lease back an acquired property for up to 5 years with an option to purchase. Several changes were made by the 1996 Act in relationship to the voluntary conveyance of property by Native American borrowers when new property is located within the boundaries of an Indian reservation. Leaseback/buyback rights as well as the regular leasing authority were eliminated for Native American borrowers. See § 638(1) of the 1996 Act which eliminated the leaseback/buyback program, as well as most of the Agency's authority to lease inventory property (previously contained in § 335(e)(3) of the Consolidated Farm and Rural Development Act) (CONACT) and to resolve disputes over lease terms (previously contained in § 335(e)(9) of the CONACT).

Under the program provided by the 1996 Act, if the Native American borrower and owner does not voluntarily convey the real property to FSA, FSA will, not less than 30 days prior to the foreclosure sale of the property, provide the Native American borrower and owner with the option of (1) requiring FSA to assign the loan and security instruments to the Secretary of the Interior, or (2) requiring FSA to assign the loan and security instruments to the tribe having jurisdiction over the reservation where the property is located pursuant to § 335(e)(1)(D)(v)(I)(bb) of the CONACT. If the Native American borrower and owner require FSA to assign the loan and security instruments to the Secretary of the Interior and the Secretary of the Interior agrees to the assignment, pursuant to § 335(e)(1)(D)(v)(aa) the Secretary of Agriculture is released from all further responsibility for collection of the loan.

If the Native American borrower and owner elect to require FSA to assign the loan to the tribe, the tribe must assume the loan and the loan terms will be restructured to be consistent with Indian Land Acquisition Loans made pursuant to 25 U.S.C. § 488 and the principal amount will be the lesser of the fair market value of the property or the outstanding principal and interest on the date of the assignment. While the narrow language of § 335(e)(1)(D)(v)(I)(bb) only provides for the assignment of the loan to the tribe and could be interpreted as releasing the Government's interest in the repayment of the loan, in the context of the amendment made to § 335(e)(1)(D) by the 1996 Act, there is no indication that Congress intended for the Government to release the Government's right to be repaid and in effect make a grant to the tribe. Had Congress intended for the loan to be transferred to the tribe with no repayment responsibility, language similar to the language for assignment to the Secretary of the Interior could have been used. We interpret § 335(e)(1)(D)(v)(III) as requiring that, if the loan is assigned to the tribe, it must be assumed by the tribe as well.

Management

The 1996 Act eliminated FSA's ability to lease inventory farm property except to those beginning farmers or ranchers who are selected to purchase an inventory property but are unable to do so due to a lack of Agency credit funds. Leases with beginning farmers or ranchers who were selected to purchase an inventory property on a credit sale may not exceed 18 months or the date that FSA credit assistance becomes available, whichever is earlier.

We have added a paragraph asserting FSA's limited authority to lease

property pursuant to § 335(b) of the CONACT. While the statute is not free from doubt because § 638(2) of the 1996 Act limits leasing to beginning farmers and ranchers, § 335(b) was not repealed by the 1996 Act. It states as follows:

Except as provided in subsections (c) and (e), real property administered under the provisions of this title may be operated or leased by the Secretary for such period or periods as the Secretary may deem necessary to protect the Government's investment therein.

Based on this authority as modified by the limitation that inventory property should be sold within 105 days of acquisition, we have provided limited authority to lease property upon the approval of the Administrator when it is impossible to sell it.

Disposal

The 1996 Act placed new requirements on FSA to dispose of inventory property. The definition of a beginning farmer contained in § 640(1) of the 1996 Act was amended to raise the maximum amount of farm or ranch property that may be owned from 15 percent to 25 percent of the median farm size in the county in which the property is located. However, the Agency will use 25 percent of the mean rather than the median farm size in this definition since median farm sizes are unavailable in the Census of Agriculture. Inventory must be advertised for sale no later than 15 days after acquisition by the Agency. Not later than 75 days from the date of acquisition, the Agency will offer to sell inventory property to qualified beginning farmers or ranchers at the current market value based on a current appraisal. Based on the statutory language contained in § 638(2) of the 1996 Act which provides a priority in the sale of inventory property only to beginning farmers and ranchers, the Agency has removed the regulatory priorities previously contained in § 1955.107(f)(1). The previous priorities were as follows: first priority to beginning farmers and ranchers who were also socially disadvantaged applicants (SDA); second priority to beginning farmers and ranchers; third priority to operators of not larger than family-size farms who were also SDAs; fourth priority to operators of not larger than family size farms who meet the Agency's eligibility requirements and fifth priority to operators of not larger than family size farms who are not eligible for Agency credit. Under this interim rule, the only remaining priority is to beginning farmers and ranchers who can purchase the property at the current market value based on a current appraisal. If more than one qualified beginning farmer or rancher submits an application to purchase an inventory property, FSA will select a purchaser through a random selection process. Appeal rights for participation in the random selection as a qualified beginning farmer or rancher were eliminated by § 638(2) of the 1996 Act and replaced by an expedited review by the State Executive Director that is administratively final. If inventory property is not sold to a beginning farmer or rancher within 75 days from acquisition, § 638(2) of the 1996 Act requires FSA, not later than 30 days after the 75-day period, to sell the property by means of a public sale, such as a public auction or sealed bids, at the best price obtainable.

A transitional rule provides that properties under a lease upon passage of the 1996 Act would be advertised for sale no later than 60 days after the lease expires and properties in inventory upon passage of the 1996 Act, but not under a lease, would be advertised no later than 60 days from April 4, 1996. The transitional rule was implemented in Notice FC–37 which informed FSA county and State offices that property in inventory and not leased before April 5, 1996, will be offered for sale within 60 days of the enactment of the 1996 Act. The Notice also stated that property then under the lease will be offered for sale no later than 60 days after the lease expires. The transitional rule for leased properties is also contained in § 1955.107(a) of this rule.

While section 638 of the 1996 Act by its terms applies to all property acquired under the CONACT, and thus applies to non-FSA programs, these programs rarely acquire or lease inventory property. Therefore, compliance with the 1996 Act will be achieved by guidance given on a case-by-case basis, rather than through published procedures, by requiring program officials to immediately contact the National Office whenever they acquire inventory property. See § 1955.108.

The 1996 Act modified how conservation easements are placed on wetlands located on inventory property. Wetland conservation easements will only be placed on those wetlands or converted wetlands located on inventory property that were not considered as cropland on the date of acquisition and were not used for farming at any time during the 5-year period prior to acquisition. The 1996 Act also amended the process whereby inventory property can be transferred to Federal or State agencies for conservation purposes. The 1996 Act requires that, upon receipt of a request for transfer, FSA must provide at least two public notices, hold at least one public meeting if requested, and consult with the Governor and at least one elected county official of the State and county where the property requested for transfer is located.

List of Subjects in 7 CFR Part 1955

Foreclosure, Government property.

Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1955—PROPERTY MANAGEMENT

1. The authority citation for part 1955 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; and 42 U.S.C. 1480.

Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

2. Section 1955.3 is amended by removing the definition of ''Leaseback/Buyback Property.''

3. Section 1955.4(a) is amended by removing the word ''Assistant'' in the first sentence and adding in its place the word ''Deputy.''

4. Section 1955.9 is revised to read as follows:

§ 1955.9 Requirements for voluntary conveyance of real property located within a federally recognized Indian reservation owned by a Native American borrower-owner.

(a) The borrower-owner is a member of the tribe that has jurisdiction over the reservation in which the real property is located. An Indian tribe may also meet the borrower-owner criterion if it is indebted for Farm Credit Programs loans.

(b) A voluntary conveyance will be accepted only after all preacquisition primary and preservation servicing actions have been considered in accordance with subpart S of part 1951 of this chapter.

(c) When all servicing actions have been considered under subpart S of part 1951 of this chapter and a positive outcome cannot be achieved, the following additional actions are to be taken:

(1) The county official will notify the Native American borrower-owner and the tribe by certified mail, return receipt requested, and by regular mail if the certified mail is not received, that:

(i) The borrower-owner may convey the real estate security to FSA and FSA will consider acceptance of the property into inventory in accordance with paragraph (d) of this section.

(ii) The borrower-owner must inform FSA within 60 days from receipt of this notice of the borrower and owner's decision to deed the property to FSA;

(iii) The borrower-owner has the opportunity to consult with the Indian tribe that has jurisdiction over the reservation in which the real property is located, or counsel, to determine if State or tribal law provides rights and protections that are more beneficial than those provided the borrower-owner under Agency regulations;

(2) If the borrower-owner does not voluntarily deed the property to FSA, not later than 30 days before the foreclosure sale, FSA will provide the Native American borrower-owner with the following options:

(i) The Native American borrower-owner may require FSA to assign the loan and security instruments to the Secretary of the Interior. If the Secretary of the Interior agrees to such an assignment, FSA will be released from all further responsibility for collection of any amounts with regard to the loans secured by the real property.

(ii) The Native American borrower-owner may require FSA to complete a transfer and assumption of the loan to the tribe having jurisdiction over the reservation in which the real property is located if the tribe agrees to the assumption. If the tribe assumes the loans, the following actions shall occur:

(A) FSA shall not foreclose the loan because of any default that occurred before the date of the assumption.

(B) The assumed loan shall be for the lesser of the outstanding principal and interest of the loan or the fair market value of the property as determined by an appraisal.

(C) The assumed loan shall be treated as though it is a regular Indian Land Acquisition Loan made in accordance with subpart N of part 1823 of this chapter.

(3) If a Native American borrower-owner does not voluntarily convey the real property to FSA, not less than 30 days before a foreclosure sale of the property, FSA will provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of the following:

(i) The sale;

(ii) The fair market value of the property; and

(iii) The ability of the Native American borrower-owner to require the assignment of the loan and security instruments either to the Secretary of the Interior or the tribe (and the consequences of either action) as provided in § 1955.9(c)(2).

(4) FSA will accept the offer of voluntary conveyance of the property unless a hazardous substance, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, is located on the property which will require FSA to take remedial action to protect human health or the environment if the property is taken into inventory. In this case, a voluntary conveyance will be accepted only if FSA determines that it is in the best interests of the Government to acquire title to the property.

(d) When determining whether to accept a voluntary conveyance of a Native American borrower-owner's real property, the county official must consider:

(1) The cost of cleaning or mitigating the effects if a hazardous substance is found on the property. A deduction equal to the amount of the cost of a hazardous waste clean-up will be made to the fair market value of the property to determine if it is in the best interest of the Government to accept title to the property. FSA will accept the property if clear title can be obtained and if the value of the property after removal of hazardous substances exceeds the cost of hazardous waste clean-up.

(2) If the property is located within the boundaries of a federally recognized Indian reservation, and is owned by a member of the tribe with jurisdiction over the reservation, FSA will credit the Native American borrower-owner's account based on the fair market value of the property or the FSA debt against the property, whichever is greater.

5. Section 1955.15(b)(3) is amended by revising the reference to ''§ 1955.137(e)'' in the first sentence to read ''§ 1955.137(c)'' and the reference to ''§ 1955.137(b)'' in the first sentence to read ''§ 1955.137(c).''

6. Exhibit G of subpart A is amended by removing the words ''County Supervisor'' and ''State Director'' and adding in their place, the words ''County Official'' and ''State Executive Director,'' respectively and by revising the heading of the exhibit and the first paragraph to read as follows:

Exhibit G of Subpart A—Worksheet for Accepting a Voluntary Conveyance of Farm Credit Program Security Property into Inventory

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(present owner/borrower)

Refer to Exhibit I in FmHA Instruction 1951–S for guidance in estimating the incomes and expenses to be used in this exhibit. The holding period to be used is 105 days (3.5 months).

* * * * *

7. Exhibit G–1 of subpart A is amended by removing the words ''County Supervisor'' and ''State Director'' and adding in their place the words ''County Official'' and ''State Executive Director,'' respectively, and by revising the heading of the exhibit and the first paragraph to read as follows:

Exhibit G–1 of Subpart A—Worksheet for Determining Farm Credit Programs, Maximum Bid on Real Estate Property

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(present owner/borrower)

Refer to Exhibit I in FmHA Instruction 1951–S for guidance in estimating the incomes and expenses to be used in this exhibit. The holding period to be used is 105 days (3.5 months).

* * * * *

Subpart B—Management of Property

8. Section 1955.53 is amended by removing the definitions of ''Leaseback/Buyback Property'' and ''Socially disadvantaged applicant'' and by revising the definitions of ''Suitable property'' and ''Surplus property'' to read as follows:

§ 1955.53 Definitions:

* * * * *

Suitable property. For FSA inventory property, real property that can be used for agricultural purposes, including those farm properties that may be used as a start up or add-on parcel of farmland. It also includes a residence or other off-farm site that could be used as a basis for a farming operation. For agencies other than FSA, real property that could be used to carry out the objectives of the Agency's loan program with financing provided through that program.

Surplus property. For FSA inventory property, real property that cannot be used for agricultural purposes including nonfarm properties. For other agencies, property that cannot be used to carry out the objectives of financing available through the applicable loan program.

9. Section 1955.63 is amended by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 1955.63 Suitability determination.

As soon as real property is acquired, a determination must be made as to whether or not the property can be used for program purposes. The suitability determination will be recorded in the running record of the case file.

(a) *Determination.* Property which secured loans or was acquired under the CONACT will be classified as suitable or surplus in accordance with the definitions for''suitable'' and ''surplus''

found in § 1955.53 of this subpart. For FSA property, the county committee will make this determination. For other agencies, this determination will be made by the State Director, or designee.

(b) *Grouping and subdividing farm properties larger than family-size.* The county official will subdivide farm properties larger than family-size whenever possible into parcels for the purpose of creating one or more suitable farm properties. Properties may also be subdivided to facilitate the granting or selling of a conservation easement or the fee title transfer of portions of a property for conservation purposes. Such land shall be subdivided into parcels of land the shape and size of which are suitable for farming, the value of which shall not exceed the direct farm ownership loan limit of $200,000 or the guaranteed farm ownership loan limit of $300,000. The county official may also group two or more individual properties into one or more suitable farm properties. The environmental effects will also be considered pursuant to subpart G of part 1940 of this chapter. Also refer to § 1955.140 of subpart C of this part.

* * * * *

10. Section 1955.66 is revised to read as follows:

§ 1955.66 Lease of real property.

When inventory real property, except for FSA and MFH properties, cannot be sold promptly, or when custodial property is subject to lengthy liquidation proceedings, leasing may be used as a management tool when it is clearly in the best interest of the Government. Leasing will not be used as a means of deferring other actions which should be taken, such as liquidation of loans in abandonment cases or repair and sale of inventory property. Leases will provide for cancellation by the lessee or the Agency on 30-day written notice unless Special Stipulations in an individual lease for good reason provide otherwise. If extensive repairs are needed to render a custodial property suitable for occupancy, this will preclude its being leased since repairs must be limited to those essential to prevent further deterioration of the security in accordance with § 1955.55(c) of this subpart. The requirements of subpart G of part 1940 of this chapter will be met for all leases.

(a) *Authority to approve lease of property.* (1) *Custodial property.* Custodial property may be leased pending foreclosure with the servicing official approving the lease on behalf of the Agency.

(2) *Inventory property.* Inventory property may be leased under the following conditions. Except for farm property proposed for a lease under the Homestead Protection Program, any property that is listed or eligible for listing on the National Register of Historic Places may be leased only after the servicing official and the State Historic Preservation Officer determine that the lease will adequately ensure the property's condition and historic character.

(i) *SFH.* SFH inventory will generally not be leased; however, if unusual circumstances indicate leasing may be prudent, the county official is authorized to approve the lease.

(ii) *MFH.* MFH projects will generally not be leased, although individual living units may be leased under a management agreement. After the property is placed under a management contract, the contractor will be responsible for leasing the individual units in accordance with subpart C of part 1930 of this chapter. In cases where an acceptable management contract cannot be obtained, the District Director may execute individual leases.

(iii) *Farm property.* (A) Any property which secures an insured loan made under the CONACT and which contains a dwelling (whether located on or off the farm) that is possessed and occupied as a principal residence by a prior owner who was personally liable for a Farm Credit Programs loan must first be considered for Homestead Protection in accordance with subpart S of part 1951 of this chapter.

(B) Other than for Homestead Protection and except as provided in paragraph (c), the county official may only approve the lease of farm property to a beginning farmer or rancher who was selected through the random selection process to purchase the property but is not able to complete the purchase due to the lack of Agency funding.

(C) When the servicing official determines it is impossible to sell farm property after advertising the property for sale and negotiating with interested parties in accordance with §1955.107 of subpart C of this part, farm property may be leased, upon the approval of the Administrator, on a case-by-case basis. This authority cannot be delegated. Any lease under this paragraph shall be for 1 year only, and not subject to renewal or extension. If the servicing official determines that the prospective lessee may be interested in purchasing the property, the lease may contain an option to purchase.

(D) When a lease with an option to purchase is signed, the lessee should be advised that FSA cannot make a commitment to finance the purchase of the property.

(E) Chattel property will not normally be leased unless it is attached to the real estate as a fixture or would normally pass with the land.

(F) The property may not be used for any purpose that will contribute to excessive erosion of highly erodible land or to conversion of wetlands to produce an agricultural commodity. See Exhibit M of subpart G of part 1940 of this chapter. All prospective lessees of inventory property will be notified in writing of the presence of highly erodible land, converted wetlands and wetland and other important resources such as threatened or endangered species. This notification will include a copy of the completed and signed Form SCS–CPA–26, ''Highly Erodible Land and Wetland Conservation Determination,'' which identifies whether the property contains wetland or converted wetlands or highly erodible land. The notification will also state that the lease will contain a restriction on the use of such property and that the Agency's compliance requirements for wetlands, converted wetlands, and highly erodible lands are contained in Exhibit M of subpart G of part 1940 of this chapter. Additionally, a copy of the completed and signed Form SCS–CPA–26 will be attached to the lease and the lease will contain a special stipulation as provided on the FMI to Form RD 1955–20, ''Lease of Real Property,'' prohibiting the use of the property as specified above.

(iv) *Organization property other than MFH.* Only the State Director, with the advice of appropriate National Office staff, may approve the lease of organization property other than MFH, such as community facilities, recreation projects, and businesses. A lease of utilities may require approval by State regulatory agencies.

(b) *Selection of lessees for other than farm property.* When the property to be leased is residential, a special effort will be made to reach prospective lessees who might not otherwise apply because of existing community patterns. A lessee will be selected considering the potential as a program applicant for purchase of the property (if property is suited for program purposes) and ability to preserve the property. The leasing official may require verification of income or a credit report (to be paid for by the prospective lessee) as he or she deems necessary to assure payment ability and creditworthiness of the prospective lessee.

(c) *Selection of lessees for FSA property.* FSA inventory property may only be leased to an eligible beginning

farmer or rancher who was selected to purchase the property through the random selection process in accordance with §1955.107(a)(2)(ii) of subpart C of this part. The applicant must have been able to demonstrate a feasible farm plan and Agency funds must have been unavailable at the time of the sale. Any applicant determined not to be a beginning farmer or rancher may request that the State Executive Director conduct an expedited review in accordance with §1955.107(a)(2)(ii) of subpart C of this part.

(d) *Property securing Farm Credit Programs loans located within an Indian Reservation.* (1) State Executive Directors will contact the Bureau of Indian Affairs Agency supervisor to determine the boundaries of Indian Reservations and Indian allotments.

(2) Not later than 90 days after acquiring a property, FSA will afford the Indian tribe having jurisdiction over the Indian reservation within which the inventory property is located an opportunity to purchase the property. The purchase shall be in accordance with the priority rights as follows:

(i) To a member of the Indian tribe that has jurisdiction over the reservation within which the real property is located;

(ii) To an Indian corporate entity;

(iii) To the Indian tribe.

(3) The Indian tribe having jurisdiction over the Indian reservation may revise the order of priority and may restrict the eligibility for purchase to:

(i) Persons who are members of such Indian tribe;

(ii) Indian corporate entities that are authorized by such Indian tribe to purchase lands within the boundaries of the reservation; or

(iii) The Indian tribe itself.

(4) If any individual, Indian corporate entity, or Indian tribe covered in paragraphs (d)(1) and (d)(2) of this section wishes to purchase the property, the county official must determine the prospective purchaser has the financial resources and management skills and experience that is sufficient to assure a reasonable prospect that the terms of the purchase agreement can be fulfilled.

(5) If the real property is not purchased by any individual, Indian corporate entity or Indian tribe pursuant to paragraphs (d)(1) and (d)(2) of this section and all appeals have concluded, the State Executive Director shall transfer the property to the Secretary of the Interior if they are agreeable. If present on the property being transferred, important resources will be protected as outlined in §§1955.137 and 1955.139 of subpart C of this part.

(6) Properties within a reservation formerly owned by entities and non-tribal members will be treated as regular inventory that is not located on an Indian Reservation and disposed of pursuant to this part.

(e) *Lease amount.* Inventory property will be leased for an amount equal to that for which similar properties in the area are being leased or rented (market rent). Inventory property will not be leased for a token amount.

(1) *Farm property.* To arrive at a market rent amount, the county official will make a survey of lease amounts of farms in the immediate area with similar soils, capabilities, and income potential. The income-producing capability of the property during the term of the lease must also be considered. This rental data will be maintained in an operational file as well as in the running records of case files for leased inventory properties. While cash rent is preferred, the lease of a farm on a crop-share basis may be approved if this is the customary method in the area. The lessee will market the crops, provide FSA with documented evidence of crop income, and pay the pro rata share of the income to FSA.

(2) *SFH property.* The lease amount will be the market rent unless the lessee is a potential program applicant, in which case the lease amount may be set at an amount approximating the monthly payment if a loan were made (reflecting payment assistance, if any) calculated on the basis of the price of the house and income of the lessee, plus 1/12 of the estimated real estate taxes, property insurance, and maintenance which would be payable by a homeowner.

(3) *Property other than farm or SFH.* Any inventory property other than a farm or single-family dwelling will generally be leased for market rent for that type property in the area. However, such property may be leased for less than market rent with prior approval of the Administrator.

(f) *Property containing wetlands or located in a floodplain or mudslide hazard area.* Inventory property located in areas identified by the Federal Insurance Administration as special flood or mudslide hazard areas will not be leased or operated under a management contract without prior written notice of the hazard to the prospective lessee or tenant. If property is leased by FSA, the servicing official will provide the notice, and if property is leased under a management contract, the contractor must provide the notice in compliance with a provision to that effect included in the contract. The notice must be in writing, signed by the servicing official or the contractor, and delivered to the prospective lessee or tenant at least one day before the lease is signed. A copy of the notice will be attached to the original and each copy of the lease. Property containing floodplains and wetlands will be leased subject to the same use restrictions as contained in § 1955.137(a)(1) of subpart C of this part.

(g) *Highly erodible land.* If farm inventory property contains ''highly erodible land,'' as determined by the NRCS, the lease must include conservation practices specified by the NRCS and approved by FSA as a condition for leasing.

(h) *Lease of FSA property with option to purchase.* A beginning farmer or rancher lessee will be given an option to purchase farm property. Terms of the option will be set forth as part of the lease as a special stipulation.

(1) The lease payments will not be applied toward the purchase price.

(2) The purchase price (option price) will be the advertised sales price as determined by an appraisal prepared in accordance with subpart E of part 1922 of this chapter.

(3) For inventory properties leased to a beginning farmer or rancher applicant, the term of the lease shall be the earlier of:

(i) A period not to exceed 18 months from the date that the applicant was selected to purchase the inventory farm, or

(ii) The date that direct, guaranteed, credit sale or other Agency funds become available for the beginning farmer or rancher to close the sale.

(4) Indian tribes or tribal corporations which utilize the Indian Land Acquisition program will be allowed to purchase the property for its market value less the contributory value of the buildings, in accordance with subpart N of part 1823 of this chapter.

(i) *Costs.* The costs of repairs to leased property will be paid by the Government. However, the Government will not pay costs of utilities or any other costs of operation of the property by the lessee. Repairs will be obtained pursuant to subpart B of part 1924 of this chapter. Expenditures on custodial property as limited in § 1955.55 (c) (2) of this subpart will be charged to the borrower's account as recoverable costs.

(j) *Security deposit.* A security deposit in at least the amount of one month's rent will be required from all lessees of SFH properties. The security deposit for farm property should be determined by considering only the improvements or facilities which might be subject to misuse or abuse during the term of the lease. For all other types of property, the

leasing official may determine whether or not a security deposit will be required and the amount of the deposit.

(k) *Lease form.* Form RD 1955–20 approved by OGC will be used by the agency to lease property.

(l) *Lease income.* Lease proceeds will be remitted according to subpart B of part 1951 of this chapter.

(1) *Custodial property.* The proceeds from a lease of custodial property will be applied to the borrower's account as an extra payment unless foreclosure proceedings require that such payments be held in suspense.

(2) *Inventory property.* The proceeds from a lease of inventory property will be applied to the lease account.

11. Exhibit B of subpart B is revised to read as follows.

Exhibit B—Notification of Tribe of Availability of Farm Property for Purchase

(To Be Used By Farm Service Agency to Notify Tribe)
From: County official
To: (Name of Tribe and address)
Subject: Availability of Farm Property for Purchase
[To be Used within 90 days of acquisition]

Recently the Farm Service Agency (FSA) acquired title to _____ acres of farm real property located within the boundaries of your Reservation. The previous owner of this property was _____. The property is available for purchase by persons who are members of your tribe, an Indian Corporate entity, or the tribe itself. Our regulations provide for those three distinct priority categories which may be eligible; however, you may revise the order of the priority categories and may restrict the eligibility to one or any combination of categories. Following is a more detailed description of these categories:

1. Persons who are members of your Tribe. Individuals so selected must be able to meet the eligibility criteria for the purchase of Government inventory property and be able to carry on a family farming operation. Those persons not eligible for FSA's regular programs may also purchase this property as a Non-Program loan on ineligible rates and terms.

2. Indian corporate entities. You may restrict eligible Indian corporate entities to those authorized by your Tribe to purchase lands within the boundaries of your Reservation. These entities also must meet the basic eligibility criteria established for the type of assistance granted.

3. The Tribe itself is also considered eligible to exercise their right to purchase the property. If available, Indian Land Acquisition funds may be used or the property financed as a Non-Program loan on ineligible rates and terms.

We are requesting that you notify the local FSA county office of your selection or intentions within 45 days of receipt of this letter, regarding the purchase of this real estate. If you have questions regarding eligibility for any of the groups mentioned above, please contact our office. If the Tribe wishes to purchase the property, but is unable to do so at this time, contact with the FSA county office should be made.

Sincerely,

County official

Subpart C—Disposal of Inventory Property

12. Section 1955.102 is amended by revising the fifth sentence to read as follows:

§ 1955.102 Policy.

* * * Examples are: (RH) property; detached Labor Housing or Rural Rental Housing units may be sold as SFH units; or SFH units may be sold as a Rural Rental Housing project. * * *

13. Section 1955.103 is amended by removing the number ''15'' and replacing it with the number ''25'' in the first sentence of paragraph (5) of the definition of ''Beginning farmer or rancher,'' by removing the definitions for ''Agricultural production unit,'' ''Cropland,'' ''Forage production area,'' ''Leaseback/Buyback,'' ''Leaseback/Buyback Property,'' ''Marketable agricultural production unit comparable to that acquired,'' and ''Previous operator,'' and by revising the definitions of ''Suitable property'' and ''Surplus property'' to read as follows:

§ 1955.103 Definitions.

* * * * *

Suitable property. For FSA inventory property, real property that can be used for agricultural purposes, including those farm properties that may be used as a start-up or add-on parcel of farmland. It would also include a residence or other off-farm site that could be used as a basis for a farming operation. For Agencies other than FSA, real property that could be used to carry out the objectives of the Agency's loan programs with financing provided through that program.

Surplus property. For FSA inventory property, real property that cannot be used for agricultural purposes including nonfarm properties. For other agencies, property that cannot be used to carry out the objectives of financing available through the applicable loan program.

§ 1955.105 [Amended]

14. Section 1955.105 is amended by removing the words ''Leaseback/Buyback and,'' removing the word ''are'' and replacing it with the word ''is'' in the last sentence of paragraph (a) and revising the reference ''§1955.137(f)'' to read ''§1955.137(d)'' in paragraph (d).

15. Section 1955.106 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1955.106 Disposition of farm property.

(a) *Rights of previous owner and notification.* Before property which secured a Farm Credit Programs loan is taken into inventory, the FSA county official will advise the borrower-owner of Homestead Protection rights (see subpart S of part 1951 of this chapter.)

* * * * *

(c) *Nonprogram (NP) borrowers.* Nonprogram (NP) borrowers are not eligible for Homestead Protection provisions as set forth in subpart S of part 1951 of this chapter. When it is determined that all conditions of § 1951.558(b) of subpart L of part 1951 of this chapter have been met, loans for unauthorized assistance will be treated as authorized loans and will be eligible for homestead protection.

16. Section 1955.107 is revised to read as follows:

§ 1955.107 Sale of FSA property (CONACT).

FSA inventory property will be advertised for sale in accordance with the provisions of this subpart. If a request is received from a Federal or State agency for transfer of a property for conservation purposes, the advertisement should be conditional on that possibility. Real property will be managed in accordance with the provisions of subpart B of this part until sold.

(a) *Suitable Property.* Not later than 15 days from the date of acquisition, the Agency will advertise suitable property for sale. For properties currently under a lease, except leases to beginning farmers and ranchers under § 1955.66(a)(2)(iii) of subpart B of this part, the property will be advertised for sale not later than 60 days after the lease expires or is terminated. There will be a preference for beginning farmers or ranchers. The advertisement will contain a provision to lease the property to a beginning farmer or rancher for up to 18 months should FSA credit assistance not be available at the time of sale. The first advertisement will not be required to contain the sales price but it should inform potential beginning farmer or rancher applicants that applications will be accepted pending completion of the advertisement process. When possible, the sale of suitable FSA property should be handled by county officials. Farm property will be advertised for sale by publishing, as a minimum, two weekly advertisements in at least two newspapers that are widely circulated in the area in which the farm is located. Consideration will be given to advertising inventory properties in major farm publications. Either Form

RD 1955–40 or Form RD 1955–41, ''Notice of Sale,'' will be posted in a prominent place in the county. Maximum publicity should be given to the sale under guidance provided by § 1955.146 of this subpart and care should be taken to spell out eligibility criteria. Tribal Councils or other recognized Indian governing bodies having jurisdiction over Indian reservations (see § 1955.103 of this subpart) shall be responsible for notifying those parties in § 1955.66(d)(2) of subpart B of this part.

(1) *Price.* Property will be advertised for sale for its appraised market value based on the condition of the property at the time it is made available for sale. The market value will be determined by an appraisal made in accordance with subpart E of part 1922 of this chapter. Property contaminated with hazardous waste will be appraised ''as improved'' which will be used as the sale price for advertisement to beginning farmers or ranchers.

(2) *Selection of purchaser.* After homestead protection rights have expired, suitable farmland must be sold in the priority outlined in this paragraph. When farm inventory property is larger than family size, the property will be subdivided into suitable family size farms pursuant to § 1955.140 of this subpart.

(i) *Sale to Beginning Farmers/ Ranchers.* Not later than 75 days from the date of acquisition, FSA will sell suitable farm property, with a priority given to applicants who are classified as beginning farmers or ranchers, as defined in § 1955.103 of this subpart, as of the time of sale.

(ii) *Random selection.* The county official will first determine whether applicants meet the eligibility requirements of a beginning farmer or rancher. For applicants who are not determined to be beginning farmers or ranchers, they may request that the State Executive Director provide an expedited review and determination of whether the applicant is a beginning farmer or rancher for the purpose of acquiring inventory property. This review shall take place not later than 30 days after denial of the application. The State Executive Director's review decision shall be final and is not administratively appealable. When there is more than one beginning farmer or rancher applicant, the Agency will select by lot by placing the names in a receptacle and drawing names sequentially. Drawn offers will be numbered and those drawn after the first drawn name will be held in suspense pending sale to the successful applicant. The random selection drawing will be open to the public, and applicants will be advised of the time and place.

(iii) *Notification of applicants not selected to purchase suitable farmland.* When the Agency selects an applicant to purchase suitable farmland, in accordance with this paragraph, all applicants not selected will be notified in writing that they were not selected. The outcome of the random selection by lot is not appealable if such selection is conducted in accordance with this subpart.

(3) *Credit sale procedure.* Subject to the availability of funds, credit sale to program applicants will be processed as follows:

(i) The interest rate charged by the Agency will be the lower of the interest rates in effect at the time of loan approval or closing.

(ii) The loan limits for the requested type of assistance are applicable to a credit sale to an eligible applicant.

(iii) Title clearance and loan closing for a credit sale and any subsequent loan to be closed simultaneously must be the same as for an initial loan except that:

(A) Form RD 1955–49, ''Quitclaim Deed,'' or other form of nonwarranty deed approved by the Office of the General Counsel (OGC) will be used.

(B) The buyer will pay attorney's fees and title insurance costs, recording fees, and other customary fees unless they are included in a subsequent loan. A subsequent loan may not be made for the primary purpose of paying closing costs and fees.

(iv) Property sold on credit sale may not be used for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, see Exhibit M of subpart G of part 1940 of this chapter. All prospective buyers will be notified in writing as a part of the property advertisement of the presence of highly erodible land and wetlands on inventory property.

(b) *Surplus Property and Suitable Property not sold to a Beginning Farmer or Rancher.* Except where a lessee is exercising the option to purchase under the Homestead Protection provision of subpart S of part 1951 of this chapter, surplus property will be offered for public sale by sealed bid or auction within 15 days from the date of acquisition in accordance with §1955.147 or §1955.148 of this subpart. Suitable farm property which has been advertised for sale to a beginning farmer or rancher in accordance with §1955.107 (a) of this subpart but has not sold within 75 days from the date of acquisition will be offered for public sale by sealed bid or auction to the highest bidder as provided in paragraph (b)(1) of this section. All prospective buyers will be notified in writing as a part of the property advertisement of the presence of highly erodible land, converted wetlands, floodplains, wetlands, or other special characteristics of the property that may limit its use or cause an easement to be placed on the property.

(1) *Advertising surplus property.* FSA will advertise surplus property for sale by sealed bid or auction within 15 days from the date of acquisition or, for those suitable properties not sold to beginning farmers or ranchers in accordance with the provisions or paragraph (a) of this section, within 75 days of the date of acquisition.

(2) *Sale by sealed bid or auction.* Surplus real estate must be offered for public sale by sealed bid or auction and must be sold no later than 105 days from the date of acquisition to the highest bidder. Preference will be given to a cash offer which is at least *percent of the highest offer requiring credit. (*Refer to Exhibit B of RD Instruction 440.1 (available in any Agency office) for the current percentage.) Equally acceptable sealed bid offers will be decided by lot.

(3) *Negotiated sale.* If no acceptable bid is received through the sealed bid or auction process, the State Executive Director will sell surplus property at the maximum price obtainable without further public notice by negotiation with interested parties, including all previous bidders. The rates and terms offered for a credit sale through negotiation will be within the limitations established in paragraph (b)(4) of this section. A sale made through negotiation will require a bid deposit of not less than 10 percent of the negotiated price in the form of a cashier's check, certified check, postal or bank money order, or bank draft payable to FSA. Preference will be given to a cash offer which is at least * percent of the highest offer requiring credit. [*Refer to Exhibit B of RD Instruction 440.1 (available in any Agency office) for the current percentage.] Equally acceptable offers will be decided by lot.

(4) *Rates and terms.* Subject to the availability of funds, rates and terms for Homestead Protection will be in accordance with subpart S of part 1951 of this chapter. Sales of suitable property offered to program eligible applicants will be on rates and terms provided in subpart A of part 1943 of this chapter. Surplus property and suitable property which has not been sold to program eligible applicants will be offered for cash or on ineligible terms

in accordance with subpart J of part 1951 of this chapter. The State Executive Director will determine the loan terms for surplus property within these limitations. A credit sale made on ineligible terms will be closed at the interest rate in effect at the time the credit sale was approved. After extensive sales efforts where no acceptable offer has been received, the State Executive Director may request the Administrator to permit offering surplus property for sale on more favorable rates and terms; however, the terms may not be more favorable than those legally permissible for eligible borrowers. Surplus property will be offered for sale for cash or terms that will provide the best net return for the Government. The term of financing extended may not be longer than the period for which the property will serve as adequate security. All credit sales on ineligible terms will be identified as NP loans.

17. Section 1955.108 is revised to read as follows:

§1955.108 Sale of (CONACT) property other than FSA property.

Program officials will immediately contact the National Office whenever they acquire real property to obtain further instructions on the time frames and procedures for advertising and disposing of such property.

§ 1955.109 [Amended]

18. Section 1955.109 is amended by adding the word ''FSA'' before the word ''applicants'' in the second sentence of paragraph (a) and by removing the words ''Farmer Credit Programs'' and adding in their place the word ''FSA'' in the third sentence of paragraph (a).

§ 1955.122 [Amended]

19. Section 1955.122 is amended by removing paragraph (b) and redesignating paragraphs (c) through (g) as paragraphs (b) through (f), respectively.

§ 1955.130 [Amended]

20. Section 1955.130 is amended by adding the words ''and surplus FSA'' before ''CONACT'' in the heading and revising the reference ''§ 1955.106'' to read ''§ 1955.107'' in paragraph (c)(5), and revising the heading ''Surplus CONACT'' to read ''Suitable and Surplus Non-FSA CONACT'' and revising the reference ''§ 1955.107'' to read ''§ 1955.108'' in paragraph (c)(6).

21. Section 1955.137 is revised to read as follows:

§ 1955.137 Real property located in special areas or having special characteristics.

(a) *Real property located in flood, mudslide hazard, wetland or Coastal Barrier Resources System (CBRS).* (1) *Use restrictions.* Executive Order 11988, ''Floodplain Management,'' and Executive Order 11990, ''Protection of Wetlands,'' require the conveyance instrument for inventory property containing floodplains or wetlands which is proposed for lease or sale to specify those uses that are restricted under identified Federal, State and local floodplains or wetlands regulations as well as other appropriate restrictions. The restrictions shall be to the uses of the property by the lessee or purchaser and any successors, except where prohibited by law. Applicable restrictions will be incorporated into quitclaim deeds in a format similar to that contained in Exhibits H and I of RD Instruction 1955–C (available in any Agency office). A listing of all restrictions will be included in the notices required in paragraph (a)(2) of this section.

(2) *Notice of hazards.* Acquired real property located in an identified special flood or mudslide hazard area as defined in, subpart B of part 1806 of this chapter will not be sold for residential purposes unless determined by the county official or district director to be safe (that is, any hazard that exists would not likely endanger the safety of dwelling occupants).

(3) *Limitations placed on financial assistance.* (i) Financial assistance is limited to property located in areas where flood insurance is available. Flood insurance must be provided at closing of loans on program-eligible and nonprogram (NP)-ineligible terms. Appraisals of property in flood or mudslide hazard areas will reflect this condition and any restrictions on use. Financial assistance for substantial improvement or repair of property located in a flood or mudslide hazard area is subject to the limitations outlined in, paragraph 3b (1) and (2) of Exhibit C of subpart G of part 1940.

(ii) Pursuant to the requirements of the Coastal Barrier Resources Act (CBRA) and except as specified in paragraph (a)(3)(v) of this section, no credit sales will be provided for property located within a CBRS where:

(A) It is known that the purchaser plans to further develop the property;

(B) A subsequent loan or any other type of Federal financial assistance as defined by the CBRA has been requested for additional development of the property;

(C) The sale is inconsistent with the purpose of the CBRA; or

(D) The property to be sold was the subject of a previous financial transaction that violated the CBRA.

(iii) For purposes of this section, additional development means the expansion, but not maintenance, replacement-in-kind, reconstruction, or repair of any roads, structures or facilities. Water and waste disposal facilities as well as community facilities may be repaired to the extent required to meet health and safety requirements, but may not be improved or expanded to serve new users, patients or residents.

(iv) A sale which is not in conflict with the limitations in paragraph (a)(3)(ii) of this section shall not be completed until the approval official has consulted with the appropriate Regional Director of the U.S. Fish and Wildlife Service and the Regional Director concurs that the proposed sale does not violate the provisions of the CBRA.

(v) Any proposed sale that does not conform to the requirements of paragraph (a)(3)(ii) of this section must be forwarded to the Administrator for review. Approval will not be granted unless the Administrator determines, through consultation with the Department of Interior, that the proposed sale does not violate the provisions of the CBRA.

(b) *Wetlands located on FSA inventory property.* Perpetual wetland conservation easements (encumbrances in deeds) to protect and restore wetlands or converted wetlands that exist on suitable or surplus inventory property will be established prior to sale of such property. The provisions of paragraphs (a) (2) and (3) of this section also apply, as does paragraph (a)(1) of this section insofar as floodplains are concerned. This requirement applies to either cash or credit sales. Similar restrictions will be included in leases of inventory properties to beginning farmers or ranchers. Wetland conservation easements will be established as follows:

(1) All wetlands or converted wetlands located on FSA inventory property which were not considered cropland on the date the property was acquired and were not used for farming at any time during the period beginning on the date 5 years before the property was acquired and ending on the date the property was acquired will receive a wetland conservation easement.

(2) All wetlands or converted wetlands located on FSA inventory property that were considered cropland on the date the property was acquired or were used for farming at any time during the period beginning on the date 5 years before the property was acquired and ending on the date the property was acquired will not receive a wetland conservation easement.

(3) The following steps should be taken in determining if conservation easements are necessary for the protection of wetlands or converted wetland on inventory property:

(i) NRCS will be contacted first to identify the wetlands or converted wetlands and wetland boundaries of each wetland or converted wetland on inventory property.

(ii) After receiving the wetland determination from NRCS, the FSA county committee will review the determination for each inventory property and determine if any of the wetlands or converted wetlands identified by NRCS were considered cropland on the date the property was acquired or were used for farming at any time during the period beginning on the date 5 years before the property was acquired and ending on the date the property was acquired. Property will be considered to have been used for farming if it was primarily used for agricultural purposes including but not limited to such uses as cropland, pasture, hayland, orchards, vineyards and tree farming.

(iii) After the county committee has completed their determination of whether the wetlands or converted wetlands located on an inventory property were used for cropland or farming, the U.S. Fish and Wildlife Service (FWS) will be contacted. Based on the technical considerations of the potential functions and values of the wetlands on the property, FWS will identify those wetlands or converted wetlands that require protection with a wetland conservation easement along with the boundaries of the required wetland conservation easement. FWS may also make other recommendations if needed for the protection of important resources such as threatened or endangered species during this review.

(4) The wetland conservation easement will provide for access to other portions of the property as necessary for farming and other uses.

(5) The appraisal of the property must be updated to reflect the value of the land due to the conservation easement on the property.

(6) Easement areas shall be described in accordance with State or local laws. If State or local law does not require a survey, the easement area can be described by rectangular survey, plat map, or other recordable methods.

(7) In most cases the FWS shall be responsible for easement management and administration responsibilities for such areas unless the wetland easement area is an inholding in Federal or State property and that entity agrees to assume such responsibility, or a State fish and wildlife agency having counterpart responsibilities to the FWS is willing to assume easement management and administration responsibilities. The costs associated with such easement management responsibilities shall be the responsibility of the agency that assumes easement management and administration.

(8) County officials are encouraged to begin the easement process before the property is taken into inventory, if possible, in order to have the program completed before the statutory time requirement for sale.

(c) *Historic preservation.* (1) Pursuant to the requirements of the National Historic Preservation Act and Executive Order 11593, ''Protection and Enhancement of the Cultural Environment,'' the Agency official responsible for the conveyance must determine if the property is listed on or eligible for listing on the National Register of Historic Places. (See subpart F of part 1901 of this chapter for additional guidance.) The State Historic Preservation Officer (SHPO) must be consulted whenever one of the following criteria are met:

(i) The property includes a structure that is more than 50 years old.

(ii) Regardless of age, the property is known to be of historical or archaeological importance; has apparent significant architectural features; or is similar to other Agency properties that have been determined to be eligible.

(iii) An environmental assessment is required prior to a decision on the conveyance.

(2) If the result of the consultations with the SHPO is that a property may be eligible or that it is questionable, an official determination must be obtained from the Secretary of the Interior.

(3) If a property is listed on the National Register or is determined eligible for listing by the Secretary of Interior, the Agency official responsible for the conveyance must consult with the SHPO in order to develop any necessary restrictions on the use of the property so that the future use will be compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interest. The Advisory Council on Historic Preservation must be consulted by the State Director or State Executive Director after the discussions with the SHPO are concluded regardless of whether or not an agreement is reached.

(4) Any restrictions that are developed on the use of the property as a result of the above consultations must be made known to a potential bidder or purchaser through a notice procedure similar to that in §1955.13(a)(2) of this subpart.

(d) *Highly erodible farmland.* (1) The FSA county official will determine if any inventory property contains highly erodible land as defined by the NRCS and, if so, what specific conservation practices will be made a condition of a sale of the property.

(2) If the county official does not concur in the need for a conservation practice recommended by NRCS, any differences shall be discussed with the recommending NRCS office. Failure to reach an agreement at that level shall require the State Executive Director to make a final decision after consultation with the NRCS State Conservationist.

(3) Whenever NRCS technical assistance is requested in implementing these requirements and NRCS responds that it cannot provide such assistance within a time frame compatible with the proposed sale, the sale arrangements will go forward. The sale will proceed, conditioned on the requirement that a purchaser will immediately contact (NRCS) have a conservation plan developed and comply with this plan. The county official will monitor the borrower's compliance with the recommendations in the conservation plan. If problems occur in obtaining NRCS assistance, the State Executive Director should consult with the NRCS State Conservationist.

(e) *Notification to purchasers of inventory property with reportable underground storage tanks.* If the Agency is selling inventory property containing a storage tank which was reported to the Environmental Protection Agency (EPA) pursuant to the provisions of §1955.57 of subpart B of this part, the potential purchaser will be informed of the reporting requirement and provided a copy of the report filed by the Agency.

(f) *Real property that is unsafe.* If the Agency has in inventory, real property, exclusive of any improvements, that is unsafe, that is it does not meet the definition of ''safe'' as contained in §1955.103 of this subpart and which cannot be feasibly made safe, the State Director or State Executive Director will submit the case file, together with documentation of the hazard and a recommended course of action to the National Office, ATTN: appropriate Deputy Administrator, for review and guidance.

(g) *Real property containing hazardous waste contamination.* All inventory property must be inspected for hazardous waste contamination either through the use of a preliminary hazardous waste site survey or

Transaction Screen Questionnaire. If possible contamination is noted, a Phase I or II environmental assessment will be completed per the advice of the State Environmental Coordinator.

22. Section 1955.139 is amended by revising the introductory text of paragraph (a)(3) and paragraph (c) to read as follows:

§1955.139 Disposition of real property rights and title to real property.

(a) * * *

(3) For FSA properties only, easements, restrictions, development rights or similar legal rights may be granted or sold separately from the underlying fee or sum of all other rights possessed by the Government if such conveyances are for conservation purposes and are transferred to a State, a political subdivision of a State, or a private nonprofit organization. Easements may be granted or sold to a Federal agency for conservation purposes as long as the requirements of §1955.139(c)(2) of this subpart are followed. If FSA has an affirmative responsibility such as protecting an endangered species as provided for in paragraph (a)(3(v) of this section, the requirements in §1955.139(c) of this subpart do not apply.

* * * * *

(c) *Transfer of FSA inventory property for conservation purposes.* (1) In accordance with the provisions of this paragraph, FSA may transfer, to a Federal or State agency for conservation purposes (as defined in paragraph (a)(3)(i) of this section), inventory property, or an interest therein, meeting any one of the following three criteria and subject only to the homestead protection rights of all previous owners having been met.

(i) A predominance of the land being transferred has marginal value for agricultural production. This is land that NRCS has determined to be either highly erodible or generally not used for cultivation, such as soils in classes IV, V, VII or VIII of NRCS's Land Capability Classification, or

(ii) A predominance of land is environmentally sensitive. This is land that meets any of the following criteria:

(A) Wetlands, as defined in Executive Order 11990 and USDA Regulation 9500.

(B) Riparian zones and floodplains as they pertain to Executive Order 11988.

(C) Coastal barriers and zones as they pertain to the Coastal Barrier Resources Act or Coastal Zone Management Act.

(D) Areas supporting endangered and threatened wildlife and plants (including proposed and candidate species), critical habitat, or potential habitat for recovery pertaining to the Endangered Species Act.

(E) Fish and wildlife habitats of local, regional, State or Federal importance on lands that provide or have the potential to provide habitat value to species of Federal trust responsibility (*e.g.*, Migratory Bird Treaty Act, Anadromous Fish Conservation Act).

(F) Aquifer recharges areas of local, regional, State or Federal importance.

(G) Areas of high water quality or scenic value.

(H) Areas containing historic or cultural property; or

(iii) A predominance of land with special management importance. This is land that meets the following criteria:

(A) Lands that are in holdings, lie adjacent to, or occur in proximity to, Federally or State-owned lands or interest in lands.

(B) Lands that would contribute to the regulation of ingress or egress of persons or equipment to existing Federally or State-owned conservation lands.

(C) Lands that would provide a necessary buffer to development if such development would adversely affect the existing Federally or State-owned lands.

(D) Lands that would contribute to boundary identification and control of existing conservation lands.

(2) When a State or Federal agency requests title to inventory property, the State Executive Director will make a preliminary determination as to whether the property can be transferred.

(3) If a decision is made by the State Executive Director to deny a transfer request by a Federal or State agency, the requesting agency will be informed of the decision in writing and informed that they may request a review of the decision by the FSA Administrator.

(4) When a State or Federal agency requests title to inventory property and the State Executive Director determines that the property is suited for transfer, the following actions must be taken prior to approval of the transfer:

(i) At least two public notices must be provided. These notices will be published in a newspaper with a wide circulation in the area in which the requested property is located. The notice will provide information on the proposed use of the property by the requesting agency and request any comments concerning the negative or positive aspects of the request. A 30-day comment period should be established for the receipt of comments.

(ii) If requested, at least one public meeting must be held to discuss the request. A representative of the requesting agency should be present at the meeting in order to answer questions concerning the proposed conservation use of the property. The date and time for a public meeting should be advertised.

(iii) Written notice must be provided to the Governor of the State in which the property is located as well as at least one elected official of the county in which the property is located. The notification should provide information on the request and solicit any comments regarding the proposed transfer. All procedural requirements in paragraph (c) (3) of this section must be completed in 75 days.

(5) Determining priorities for transfer or inventory lands.

(i) A Federal entity will be selected over a State entity.

(ii) If two Federal agencies request the same land tract, priority will be given to the Federal agency that owns or controls property adjacent to the property in question or if this is not the case, to the Federal agency whose mission or expertise best matches the conservation purposes for which the transfer would be established.

(iii) In selecting between State agencies, priority will be given to the State agency that owns or controls property adjacent to the property in question or if that is not the case, to the State agency whose mission or expertise best matches the conservation purpose(s) for which the transfer would be established.

(6) In cases where land transfer is requested for conservation purposes that would contribute directly to the furtherance of International Treaties or Plans (*e.g.*, Migratory Bird Treaty Act or North American Waterfowl Management Plan), to the recovery of a listed endangered species, or to a habitat of National importance (*e.g.*, wetlands as addressed in the Emergency Wetlands Resources Act), priority consideration will be given to land transfer for conservation purposes, without reimbursement, over other land disposal alternatives.

(7) An individual property may be subdivided into parcels and a parcel can be transferred under the requirements of this paragraph as long as the remaining parcels to be sold make up a viable sales unit, suitable or surplus.

23. Section 1955.140 is revised to read as follows:

§1955.140 Sale in parcels.

(a) *Individual property subdivided.* An individual property, other than Farm Credit Programs property, may be offered for sale as a whole or subdivided into parcels as determined by the State Director. For MFH property, guidance will be requested from the National Office for all properties other than RHS

projects. When farm inventory property is larger than a family-size farm, the county official will subdivide the property into one or more tracts to be sold in accordance with §1955.107 of this subpart. Division of the land or separate sales of portions of the property, such as timber, growing crops, inventory for small business enterprises, buildings, facilities, and similar items may be permitted if a better total price for the property can be obtained in this manner. Environmental effects should also be considered pursuant to subpart G of part 1940 of this chapter. Any applicable State laws will be set forth in a State supplement and will be complied with in connection with the division of land. Subdivision of acquired property will be reported on Form RD 1955–3C, ''Acquired Property—Subdivision,'' in accordance with the FMI.

(b) *Grouping of individual properties.* The county official for FCP cases, and the State Director for all other cases, may authorize the combining of two or more individual properties into a single parcel for sale as a suitable program property.

24. Section 1955.148 is revised to read as follows:

§1955.148 Auction sales.

This section provides guidance on the sale of all inventory property by auction, except FSA real property. Before an auction, the State Director, with the advice of the National Office for organizational property, will determine and document the minimum sale price acceptable. In determining a minimum sale price, the State Director will consider the length of time the property has been in inventory, previous marketing efforts, the type property involved, and potential purchasers. Program financing will be offered on sales of program and property. For NP property, credit may be offered to facilitate the sale. Credit, however, may not exceed the market value of the property nor may the term exceed the period for which the property will serve as adequate security. For program property sales, no preference will be given to program purchasers. The State Director will also consider whether an Agency employee will conduct an auction or whether the services of a professional auctioneer are necessary due to the complexity of the sale.

When the services of a professional auctioneer are advisable, the services will be procured by contract in accordance with RD Instruction 2024-A (available in any Agency Office). Chattel property may be sold at public auction that is widely advertised and held on a regularly scheduled basis without solicitation. Form RD 1955–46 will be used for auction sales. At the auction, successful bidders will be required to make a bid deposit. For program and suitable property, the bid deposit will be the same as outlined in §1955.130(e)(1) of this subpart. For NP property sales, a bid deposit of 10 percent is required. Deposits will be in the form of cashier's check, certified check, postal or bank money order or bank draft payable to the Agency, cash or personal checks may be accepted when deemed necessary for a successful auction by the person conducting the auction. Where credit sales are authorized, all notices and publicity should provide for a method of prior approval of credit and the credit limit for potential purchasers. This may include submission of letters of credit or financial statements prior to the auction. The auctioneer should not accept a bid which requests credit in excess of the market value. When the highest bid is lower than the minimum amount acceptable to the Agency, negotiations should be conducted with the highest bidder or in turn, the next highest bidder or other persons to obtain an executed bid at the predetermined minimum. Upon purchaser's default, the approval official will remit the bid deposit as a Miscellaneous Collection according to RD Instruction 1951–B (available in any agency office). The bid deposit will be remitted only when the bidder defaults; otherwise it will be used at closing towards a down payment or closing costs, as applicable. The closing will be conducted in accordance with the procedures prescribed in this subpart for the type property and program involved.

Dated: June 30, 1997.

James W. Schroeder,

Acting Under Secretary for Farm and Foreign Agricultural Services.

Dated: July 8, 1997.

Jill Long Thompson,

Under Secretary for Rural Development.

[FR Doc. 97–22004 Filed 8–20–97; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–73–AD; Amendment 39–10111; AD 97–17–08]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes (Formerly Known as Beech Aircraft Corporation Model 1900D Airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Raytheon Aircraft Company (Raytheon) Model 1900D airplanes (formerly known as Beech Aircraft Corporation Model 1900D airplanes) that have not had the propeller removed and re-installed since factory installation. This action requires inspecting the propeller mounting bolts for the proper torque and replacing or re-torquing any propeller bolt with the wrong torque level. The manufacturer discovered some under-torqued propeller mounting bolts during factory installation of the propeller. The actions specified by this AD are intended to prevent fatigue cracking and failure of the propeller mounting bolts, which if not detected and corrected, could result in loss of the propeller.

DATES: Effective September 24, 1997.

Comments for inclusion in the rules docket must be received on or before October 30, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97–CE–73–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Raytheon Aircraft Company, 9709 E. Central, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97–CE–73–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Randy Griffith, Aerospace Engineer, Wichita Aircraft Certification Office, Room 100, 1801 Airport Rd., Wichita, Kansas 67209; telephone (316) 946–4145; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received three reports from operators and has recently been notified by Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation) that certain Raytheon Model 1900D airplane propellers were inadvertently installed with under-torqued propeller mounting bolts at factory installation. The bolts were not being torqued to the end torque requirement of 100 to 105 ft-lbs. These bolts have a three stage, wet torque requirement ending at a value of 100 to 105 ft-lbs. Originally it was believed that the bolts were being torqued to at least 80 ft-lbs (the second stage of the torque procedure), but three cases of bolts with less than 60 ft-lbs have been reported. The manufacturer of the propeller and Raytheon notified the owners/operators of the affected Model 1900D airplanes (serial numbers (S/N) UE–176 through UE–280, UE–282 and UE–284) by ''urgent action'' letter. If the propeller bolts are not torqued to the right level, fatigue cracking could result.

Relevant Service Information

Raytheon has issued an urgent action Letter No. 52–0092, dated July 22, 1997, which references the propeller bolt torque problem and the recommended action to fix the torque levels.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that AD action should be taken to prevent fatigue cracking and failure of the propeller mounting bolts, which if not detected and corrected, could result in loss of the propeller.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in certain Raytheon Model 1900D airplanes of the same type design that have not had the propeller removed and re-installed, this AD requires inspecting the propeller mounting bolts for correct torque level, and re-torquing or replacing the bolts as necessary.

Determination of the Effective Date of the AD

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–73–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–17–08. Raytheon Aircraft Company: Amendment 39–10111; Docket No. 97–CE–73–AD.

Applicability: Model 1900D airplanes (serial numbers UE–176 through UE–280, UE–282 and UE–284) certificated in any category, that have not had the propeller removed and re-installed since factory installation, or have not had the attaching bolts re-torqued.

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 within the next 50 hours time-in-service (TIS), unless already accomplished (accomplished according to Raytheon Aircraft Company Letter No. 52–0092, dated July 22, 1997).

To prevent fatigue cracking and failure of the propeller mounting bolts, which if not detected and corrected, could result in loss of the propeller, accomplish the following:

(a) Accomplish the following if the airplane records indicate that the propeller has not been removed and re-installed since the factory installation.

(1) Remove spinner dome, cowling, and hardware as required to access propeller attachment bolts.

(2) Reposition the beta system, using beta positioning tool, and remove the safety wire from the propeller mounting bolts (part number (P/N) B3347).

(3) Check the torque level of the P/N B3347 propeller bolts.

(i) If the torque is less than 60 ft-lbs, prior to further flight, replace the bolts with another FAA-approved propeller bolt using the installation procedures and torque sequence detailed in the Model 1900D Maintenance Manual (61–10–00) (A/Steps 1, 2, and B/Step 3).

(ii) If torque is 60 ft-lbs or greater, torque the bolts to a value of 100–105 ft-lbs using the torque sequence detailed in the Model 1900D Maintenance Manual (61–10–00) (B/Step 3).

(4) Re-safety wire the propeller bolts and remove the beta system positioning tool.

(5) Re-install the hardware, the spinner, and the cowlings.

(b) 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.

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

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

(d) Information related to this AD may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment (39–10111) becomes effective on September 24, 1997.

Issued in Kansas City, Missouri, on August 14, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–22146 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–71–AD; Amendment 39–10103; AD 97–16–10]

RIN 2120–AA64

Airworthiness Directives; RAPCO, Inc. Filter, Part Numbers RA–1J4–4, RA–1J4–6, and RA–1J4–7 From Lot Numbers 05597, 07797, and 12597

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 97–16–10, which was sent previously to owners of airplanes known to have RAPCO, Inc. (RAPCO) in-line pressure filters installed. This AD requires removing RAPCO filters with part numbers (P/N) RA–1J4–4, RA–1J4–6, and RA–1J4–7 that are from Lot Numbers 05597, 07797, and 12597. Recent operator reports and the manufacturer's report of several cracked filter housings on these RAPCO, Inc. in-line pressure filters prompted this AD. The actions specified by this AD are intended to prevent failure of the flight instruments during flight because of a failed in-line pressure filter, which could cause loss of control of the airplane.

DATES: Effective September 18, 1997, to all persons except those to whom it was made immediately effective by priority letter AD 97–16–10, issued July 31, 1997, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before October 17, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97–CE–71–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Roy Boffo, Aerospace Engineer, Chicago Aircraft Certification Office, 2300 E. Devon, Des Plaines, Illinois 60018, telephone (847) 294–7564; facsimile (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Discussion

On July 31, 1997, the FAA issued priority letter AD 97–16–10, which applies to certain RAPCO in-line pressure filters that may be installed on, but not limited to, the following airplanes:

Manufacturer	Model
Cessna Aircraft Company (Cessna).	310R and T310R.
Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation).	E33A, F33A, V35A, V35B, 36, A36, 58, 65–B80, 70, 95–B55, D55, E55.
The New Piper Aircraft, Inc. (Piper).	PA–31–300, PA–31–325, PA–31P, PA–31P–350, PA–31T, PA–34–200T.

This priority letter AD results from recent operator reports and the manufacturer's report of several cracked filter housings on RAPCO, Inc. in-line pressure filters produced from lot numbers 05597, 07797, and 12597 with part numbers (P/N) RA–1J4–4, RA–1J4–6, and RA–1J4–7. This product is an in-line pressure filter used on single and twin-engine airplanes with pressure-driven primary and standby flight instruments (attitude gyros). The filters are designed to remove the carbon particles between the vacuum pump outlet and the instrument pressure inlet. Failure of this filter results in failure of the flight instruments, which could cause loss of control of the airplane.

Further investigation has revealed that some of the plastic filter housings have cracked during flight when exposed to high temperatures and low humidity conditions. The failure is occurring anytime between 2 and 6 hours time-in-service (TIS). The manufacturer discovered that the vendor of the plastic made a manufacturing change, moving the sonic weld machine and the housings into a high humidity area. Apparently, the sonic weld time was doubled due to a higher moisture content in the plastic. This condition leads to brittle plastic filter housings that crack when exposed to low humidity/high temperature ambient conditions.

This condition, if not corrected, could result in failure of the operators' flight instruments during flight.

The FAA's Determination and Explanation of the AD

Since an unsafe condition has been identified that is likely to exist or develop in airplanes that have RAPCO in-line pressure filters marked with part numbers RA–1J4–4, RA–1J4–6, or RA–1J4–7 from Lot Numbers 05597, 07797, or 12597 installed, the FAA issued priority letter AD 97–16–10 on July 31, 1997, to prevent failure of the flight

instruments during flight because of a failed in-line pressure filter, which could cause loss of control of the airplane. The AD requires removing the filters from service.

Compliance Time

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because of the diversity of the affected fleet. Therefore, to ensure that the above-referenced condition is corrected within a reasonable period of time, a compliance schedule based upon calendar time instead of hours TIS is utilized.

Determination of the Effective Date of the AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on July 31, 1997, to all known U.S. owners/operators of airplanes that may have certain RAPCO in-line pressure filters installed.

These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–71–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

97–16–10 RAPCO, INC.: Amendment 39–10103; Docket No. 97-CE–71-AD.

Applicability: Filter Part Numbers (P/N) RA–1J4–4, RA–1J4–6, or RA–1J4–7 from Lot Numbers 05597, 07797, or 12597 installed on, but not limited to, the following airplanes, certificated in any category:

Manufacturer	Model
Cessna Aircraft Company (Cessna).	310R and T310R.
Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation).	E33A, F33A, V35A, V35B, 36, A36, 58, 65–B80, 70, 95–B55, D55, E55.
The New Piper Aircraft, Inc. (Piper).	PA–31–300, PA–31–325, PA–31P, PA–31P–350, PA–31T, PA–34–200T.

Note 1: This AD applies to each airplane with one or more of these filters installed that is 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 within 2 days after the effective date of this AD or prior to further flight, whichever occurs later, unless already accomplished, except to those operators receiving this action by priority letter issued July 31, 1997, which made these actions effective immediately upon receipt.

To prevent failure of the flight instruments during flight because of a failed in-line pressure filter, which could cause loss of control of the airplane, accomplish the following:

(a) Remove any filter with an applicable part number and lot number and replace with an FAA-approved filter that incorporates a part number (P/N) and lot number not covered by this AD.

Note 2: RAPCO, Inc. distributed a news letter entitled RAPCO, Inc Reporter, dated January 1, 1995, Issue 6, that discusses the care and maintenance of the in-line filters and hoses to prevent damage.

(b) Upon the effective date of this AD, no person may equip an aircraft with any RAPCO filters marked with P/N RA–1J4–4, RA–1J4–6, or RA–1J4–7 that are from Lot Numbers 05597, 07797, or 12597.

Note 3: Production of the affected filters has ceased. The affected lots were produced

in February 1997, and a check of the aircraft records will give a good indication as to whether these filters have been installed on an aircraft.

(c) Special flight permits may be issued for daytime visual flight rules (VFR) flight only, 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 to accomplish the requirement of this AD.

(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, Chicago Aircraft Certification Office, 2300 E. Devon, Des Plaines, Illinois 60018. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may concur or comment and then send it to the Manager, Chicago Aircraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Chicago Aircraft Certification Office.

(e) Information related to this AD may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39–10103) becomes effective on September 18, 1997, to all persons except those persons to whom it was made immediately effective by priority letter AD 97–16–10, issued July 31, 1997, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on August 14, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–22147 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, 129, and 135

[Docket No. 28109; Amendment Nos. 121–266, 125–30, 129–27, 135–69]

RIN 2120–AF76

Revisions to Digital Flight Data Recorder Rules

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

Correction

In rule document 97–18514 beginning on page 38362 in the issue of Thursday, July 17, 1997, make the following correction:

FOR FURTHER INFORMATION CONTACT: [Corrected]

1. On page 38362, in the first column, under **FOR FURTHER INFORMATION CONTACT:** in the sixth line, the telephone number ''(202) 267–8096'' should read ''(202) 267–8166''.

Issued in Washington, DC, on August 15, 1997.

Brenda D. Courtney,

Manager, Aircraft and Airports Rules Division.

[FR Doc. 97–22262 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Part 335

RIN 3220–AB30

Sickness Benefits

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations under the Railroad Unemployment Insurance Act (RUIA) to permit a substance-abuse professional to execute a statement of sickness in support of payment of sickness benefits under the RUIA.

EFFECTIVE DATE: This rule will be effective September 22, 1997.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751–4513, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 335.2(a)(2) of the Board's regulations provides that in order to be entitled to sickness benefits under the RUIA, a claimant must provide a ''statement of sickness.'' Section 335.3(a) of the Board's regulations lists the individuals from whom the Board will accept a statement of sickness. That list does not currently include a ''substance-abuse professional'' (SAP), although employees may claim sickness benefits under circumstances resulting from alcohol or controlled-substances-related disorders. In providing that an SAP under this part must meet the qualifications outlined in the Department of Transportation (DOT) regulations at 49 CFR part 40.3, the Board recognizes the importance of nationally-accepted standards for SAPs. The DOT regulations define an SAP as a licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, or a licensed or certified employee assistance professional. The DOT regulations also include alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) Certification Commission, a national organization imposing qualification standards for treatment of alcohol and drug-related disorders.

Under the DOT regulations, an SAP must have knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders. Accordingly, those individuals who have the requisite degrees or certificates, but who lack knowledge and clinical experience in alcohol and substance abuse-related disorders, would not meet the criteria of a qualified SAP under this part.

The Board published this rule as a proposed rule on April 18, 1997 (62 FR 19072), and invited comments by June 17, 1997. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulation action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 335

Railroad employees, Railroad sickness benefits.

For the reasons set out in the preamble, title 20, chapter II, part 335 of the Code of Federal Regulations is amended as follows:

PART 335—SICKNESS BENEFITS

1. The authority citation for part 335 continues to read as follows:

Authority: 45 U.S.C. 362(i) and 362(l).

2. Section 335.3(a) is amended by removing ''or'' at the end of paragraph (a)(8) of this section, by removing the period at the end of paragraph (a)(9) of this section and adding ''; or'', and by adding a new paragraph (a)(10) to read as follows:

§ 335.3 Execution of statement of sickness and supplemental doctor's statement.

(a) * * *

(10) A substance-abuse professional as defined in 49 CFR part 40.3, if the infirmity involves alcohol or controlled substances-related disorders.

* * * * *

Dated: August 12, 1997.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 97–22131 Filed 8–20–97; 8:45 am]

BILLING CODE 7905–01–P–M

RAILROAD RETIREMENT BOARD

20 CFR Part 367

RIN 3220–AB26

Collection of Debts

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends its regulations pertaining to the collection of debts by offset against Federal payments to reflect amendments to section 3716 of Title 31 by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134).

DATES: Effective Date: This Regulation will be effective August 21, 1997.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751–4929, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Part 367 of the Board's regulations provides for the collection of debts by administrative offset under the authority of the Debt Collection Act of 1982, 31 U.S.C. 3716. The Debt Collection Improvement Act of 1996 (Pub. L. 104–134) amended 31 U.S.C. 3716 to provide for referral of delinquent Federal nontax debts to the Department of Treasury for administrative offset (''Treasury Offset Program''), and to provide for the mandatory referral of such debts over 180 days delinquent to the Treasury Offset Program, subject to certain exceptions. Accordingly, the Board amends this part to implement the provisions of Public Law 104–134.

Section 367.1 is revised to cite the authority of Public Law 104–134 and its provision for the referral of delinquent Federal nontax debts to the Treasury Offset Program.

Section 367.2 is amended to provide that only nontax debts will be referred to the Treasury Offset Program, and that a debt will not be referred if the Board's records show that foreclosure is pending on collateral securing the debt or if the debt has been referred to the Department of Justice or is otherwise in litigation with the Board.

Section 367.3 is amended to provide that the Board shall refer nontax debts over 10 days delinquent to the Treasury Offset Program and that in cases of mandatory referral of delinquent debt, unless otherwise directed by the Secretary of Treasury, the Board is not required to determine whether administrative offset is feasible, allowable, and appropriate.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no new information collections associated with this rule.

The Board published this rule as an interim final rule on April 21, 1997 (62 FR 19219) and comments were invited by June 20, 1997. No Comments were received. Accordingly, the interim final rule is adopted as a final rule without change.

Dated: August 12, 1997.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 97–22130 Filed 8–20–97; 8:45 am]

BILLING CODE 7905–01–P–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Doramectin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc. The supplemental NADA provides for use of doramectin in cattle to control infections and to protect from reinfection with *Cooperia punctata* and *Dictyocaulus viviparus* for 28 days after treatment. This supplemental NADA also amends the wording of the claim for protection against infection or reinfection with *Ostertagia ostertagi* for 21 days and incorporates the claim into the new indication statement.

EFFECTIVE DATE: August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas Letonja, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017–5755, is sponsor of NADA 141–061 that provides for the use of Dectomax® 1% injectable solution (doramectin) for treatment and control of certain gastrointestinal roundworms, lungworms, eyeworms, grubs, lice, and mange mites of cattle, and protection against infection or reinfection with *O. ostertagi* for up to 21 days. The firm filed a supplemental NADA that provides for added use in cattle to control infections and to protect from reinfection with *C. punctata* and *D. viviparus* for 28 days after treatment. The supplemental NADA also amends the wording of the claim for ''* * * protection against infection or reinfection with *Ostertagia ostertagi* for 21 days'' and incorporates the claim into the new indication statement. The supplemental NADA is approved as of July 18, 1997, and the regulations are amended in 21 CFR 522.770(d)(2) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act, this supplemental approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning July 18, 1997, because the supplement contains substantial evidence of the effectiveness of the drug involved, studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the supplement and conducted or sponsored by the applicant. Exclusivity applies only to the added indication to control infections and to protect cattle from reinfection with *C. punctata* and *D. viviparus* for 28 days after treatment.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs.

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

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

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

2. Section 522.770 is amended by revising paragraph (d)(2) to read as follows:

§ 522.770 Doramectin.

* * * * *

(d) * * *

(2) *Indications for use.* For treatment and control of gastrointestinal roundworms, lungworms, eyeworms, grubs, lice, and mange mites. To effectively control infections and to protect cattle from reinfection with *Ostertagia ostertagi* for 21 days, and *Cooperia punctata* and *Dictyocaulus viviparus* for 28 days after treatment.

* * * * *

Dated: August 1, 1997.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 97–22264 Filed 8–20–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08–97–026]

RIN 2115–AE46

Special Local Regulation; Riverfest, Cumberland River Mile 126.5 to 128.5, Clarksville, Tennessee

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: A temporary special local regulation is being adopted for the Riverfest. This event will be held on September 7, 1997 from 8 a.m. until 6 p.m. at the riverfront in Clarksville, Tennessee. This regulation is needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This temporary regulation is effective from 8 a.m. until 6 p.m. on September 7, 1997.

FOR FURTHER INFORMATION CONTACT: LTJG Tom Tarrants, Marine Safety Office, Paducah, KY Tel: (502) 442–1621.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking for this regulation has not been published, and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The details of the event were not finalized until July 24, 1997, and there was not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation includes boat drag races on the Cumberland River. The event is sponsored by the City of Clarksville. Spectators will be able to view the event from areas designated by the sponsor. Non-participating vessels will be able to transit the area after each race has ended.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has 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 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

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

Federalism Assessment

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

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B (as revised by 61 FR 13563; March 27, 1996), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements.

Temporary Regulation

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T08–026 is added to read as follows:

§ 100.35–T08–026 Cumberland River, Clarksville, Tennessee.

(a) *Regulated Area:* Cumberland River Mile 126.5 to 128.5.

(b) *Special Local Regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given. Failure to comply may result in the issuance of a citation.

(3) The Coast Guard Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at

any time it is deemed necessary for the protection of life and/or property. The Patrol Commander can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(c) *Effective Date:* This regulation will be effective on September 7, 1997 from 8 a.m. until 6 p.m.

Dated: August 1, 1997.

T.W. Josiah,

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

[FR Doc. 97–22140 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08–97–027]

RIN 2115–AE46

Special Local Regulation; MY102 Boomsday, Tennessee River Mile 645 to 649, Knoxville, Tennessee

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: A temporary special local regulation is being adopted for the MY102 Boomsday. This event will be held on September 1, 1997 from 12:00 noon until 10:00 p.m. at the riverfront in Knoxville, Tennessee. This temporary regulation is needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This regulation is effective from 12 p.m. until 10 p.m. on September 1, 1997.

FOR FURTHER INFORMATION CONTACT: LTJG Tom Tarrants, Marine Safety Office Paducah, KY Tel: (502) 442–1621.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking for this regulation has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The details of the event were not finalized until July 24, 1997, and there was not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is the Labor Day celebration & fireworks on the river. The event includes live entertainment on the waterfront and an evening fireworks display. During the event, a large number of pleasure craft are expected on the river to view the live entertainment and the fireworks. The event is sponsored by the MY102 WMYU FM Radio. Spectators will be able to view the entertainment and fireworks from areas designated by the sponsor.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has 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 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

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

Federalism Assessment

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

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B (as revised by 61 FR 13563; March 27, 1996), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements.

Temporary Regulation

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–T08–027 is added to read as follows:

§ 100.35–T08–027 Tennessee River, Knoxville, Tennessee.

(a) *Regulated Area:* Tennessee River Mile 645 to 649.

(b) *Special Local Regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effectiveness dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given. Failure to comply may result in the issuance of a citation.

(3) The Coast Guard Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property. The Patrol Commander can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(c) *Effective Date:* This regulation will be effective on September 1, 1997 from 12 p.m. until 10 p.m.

Dated: August 1, 1997.

T.W. Josiah,

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

[FR Doc. 97–22139 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08–97–028]

RIN 2115–AE46

Special Local Regulation; Clifton River Days, Tennessee River Mile 158 to 160, Clifton, Tennessee

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: A temporary special local regulation is being adopted for the Clifton River Days. This event will be held on August 24, 1997 from 9 a.m. until 5 p.m. at the river front in Clifton, Tennessee. This regulation is needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This temporary regulation is effective from 9 a.m. until 5 p.m. on August 24, 1997.

FOR FURTHER INFORMATION CONTACT: LTJG Tom Tarrants, Marine Safety Office, Paducah, KY, Tel: (502) 442–1621.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking for this regulation has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The details of the event were not finalized until July 24, 1997, and there was not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation includes boat drag races on the river. The event is sponsored by the Wayne County Jaycees. Spectators will be able to view the event from areas designated by the sponsor. Non-participating vessels will be able to transit the area after each race has ended.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has 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 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

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

Federalism Assessment

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

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B (as revised by 61 FR 13563; March 27, 1996), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements.

Temporary Regulation

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35

2. A temporary § 100.35–T08–028 is added to read as follows:

§ 100.25–T08–028 Tennessee River, Clifton, Tennessee.

(a) *Regulated Area:* Tennessee River Mile 158 to 160.

(b) *Special Local Regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given. Failure to comply may result in the issuance of a citation.

(3) The Coast Guard Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property. The Patrol Commander can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(c) *Effective Date:* This regulation will be effective on August 24, 1997 from 9 a.m. until 5 p.m.

Dated: August 4, 1997.

T.W. Josiah,

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

[FR Doc. 97–22137 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL–5483–4]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Environmental Impact Assessment of Nongovernmental Activities in Antarctica.

EFFECTIVE DATE: This final rule is effective August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Joseph Montgomery or Katherine Biggs, Office of Federal Activities (2252A), U.S. Environmental Protection Agency,

401 M Street, S.W., Washington, D.C. 20460; telephone: (202) 564–7157 or (202) 564–7144, respectively.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to list those information requirements promulgated under the PRA for Environmental Impact Assessment of Nongovernmental Activities in Antarctica which appeared in the **Federal Register** on April 30, 1997 (62 FR 23538–23549). The affected regulations are codified at title 40 of the Code of Federal Regulations (CFR), part 8. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

Because of the importance of facilitating the prompt entry into force of Protocol on Environmental Protection to the Antarctic Treaty, EPA stated in its Preamble to the final rule that it believed it had good cause under 5 U.S.C. 553(b)(B) to find that implementation of notice and comment procedures for the interim final rule would be contrary to the public interest and unnecessary. For these reasons, the interim final regulations were issued without notice and an opportunity to comment. In addition, for the same reasons, under 5 U.S.C. 553(d)(3), the interim final regulations took effect immediately upon publication. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

List of Subjects in 40 CFR Part 9

Reporting and recordkeeping requirements.

Dated: August 13, 1997.

William D. Dickerson,

Acting Director, Office of Federal Activities.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by adding a new centerheading and entry in numerical order to the table to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.

* * * * *

Environmental Impact Assessment of Nongovernmental Activities in Antarctica

8.5–8.10—2020–0007

* * * * *

[FR Doc. 97–21964 Filed 8–20–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4051a; FRL–5865–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires volatile organic compounds (VOC) and nitrogen oxides (NO_X) reasonably available control technology (RACT) on two major sources located in Pennsylvania. The intended effect of this action is to approve source-specific operating permits that establish the above-mentioned RACT requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective October 20, 1997 unless notice is received on or before September 22, 1997 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David J. Campbell, Air, Radiation, and Toxics Division, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566–2182, at the EPA Region III office or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On January 10, 1996 and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). Each source subject to this rulemaking will be identified and discussed below. Any plan approvals and operating permits submitted coincidentally with those being approved in this document, and not identified below, will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_X sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The

Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this notice are meant to satisfy the RACT requirements for two sources in Pennsylvania.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document (TSD) and will not be reiterated in this notice. Briefly, EPA is approving a revision to the Pennsylvania SIP pertaining to the determination of RACT for two major sources. The operating permits contain conditions irrelevant to the determination of VOC or NO_X RACT. Consequently, these provisions are not being included in this approval for source-specific VOC or NO_X RACT.

RACT Determinations

The following table identifies the individual operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is available upon further request, from the EPA Region III office listed in the **ADDRESSES** section of this document.

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan approval (PA #) operating permit (OP #) compliance permit (CP #)	Source type	''Major source'' pollutant
Heinz Pet Products	Columbia	OP–19–0003	Pet food processing and can manufacturing	VOC
Graco Children's Products, Inc	Chester	OP–15–0006	Children's products manufacturing (surface coating).	VOC

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 20, 1997 unless, by September 22, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on October 20, 1997. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

Final Action

EPA is approving two operating permits as RACT for two individual sources.

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

Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604.

Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the

aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

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

D. Submission to Congress and the General Accounting Office

Under section 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 section 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 1997. Filing a petition for reconsideration by the Regional 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 to approve VOC and NO_X RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 22, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(119) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(119) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_X RACT, submitted on January 10, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO_X RACT determinations in the form of operating permits on the following dates: January 10, 1996 and September 13, 1996.

(B) Operating permits (OP):

(*1*) Heinz Pet Products, Columbia County, OP–19–0003, effective November 27, 1995, except for the expiration date of the operating permit and conditions No. 15 through No. 24 pertaining to non-VOC and non-NO_X pollutants.

(*2*) Graco Children's Products, Inc., Chester County, OP–15–0006, effective November 30, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's January 10, 1996 and September 13, 1996 submittals.

* * * * *

[FR Doc. 97–22069 Filed 8–20–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 69

[FRL–5878–6]

Special Exemptions From Requirements of the Clean Air Act for the Territory of Guam

AGENCY: Environmental Protection Agency (''EPA'').

ACTION: Final rule.

SUMMARY: On February 11, 1997, the Governor of Guam submitted a petition (''Petition'') to the Administrator of EPA seeking a waiver of certain Clean Air Act (''CAA'') requirements which apply to two baseload diesel electric generators to be located at the Piti Power Plant on Guam. The Petition was submitted pursuant to Section 325(a) of the CAA. The waiver will help to ease a serious and ongoing energy emergency on Guam. Based upon the information in the Petition, EPA proposed to grant the waiver requested on June 30, 1997. 62 FR 35113. EPA received no comments on its proposal.

EFFECTIVE DATE: August 15, 1997.

FOR FURTHER INFORMATION CONTACT: Norman Lovelace, Chief, Insular Area Program, Cross Media Division (CMD–5), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105. Telephone: (415) 744–1599.

SUPPLEMENTARY INFORMATION:

Background

Via a letter dated February 11, 1997, Governor Gutierrez of Guam submitted a petition (''Petition'') to the Administrator of EPA. The Petition seeks a waiver of certain Clean Air Act (''CAA'') requirements for the construction of two 45 megawatt baseload slow speed diesel electric generators and associated waste heat recovery boilers with a steam generator. These units will be part of the Piti Power Plant. The units will be designated as Piti Units No. 8 and No. 9. Based upon the information in the Petition, EPA proposed to grant the waiver requested on June 30, 1997. 62 FR 35113.

The waiver application seeks to allow construction of Piti Units No. 8 and No. 9 prior to receipt of a Prevention of Significant Deterioration (''PSD'') permit. Neither of these Piti Units will operate prior to receipt of a final PSD permit.

EPA received no comments regarding its proposal to grant the waiver. Therefore, EPA is issuing the waiver as proposed.

Regulatory Analysis

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 economic 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.

This rulemaking applies only to two large sources of air emissions used to generate electrical power on Guam. These sources of electrical power will be constructed by an independent power producer which is not a small entity. Therefore, this rulemaking will not impact small entities.

This action has been classified as a Table 3 action for signature by the Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 69

Environmental protection, Air pollution control, Guam.

Dated: August 15, 1997.

Carol Browner,

Administrator.

Part 69 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 69—[AMENDED]

1. The authority citation for part 69 continues to read as follows:

Authority: Sec. 325, Clean Air Act, as amended (42 U.S.C. 7625–1).

2. Section 69.11 is amended by adding paragraph (d) to read as follows:

§ 69.11 New exemptions.

* * * * *

(d)(1) Pursuant to Section 325(a) of the CAA and a petition submitted by the Governor of Guam on February 11, 1997 (''1997 Petition''), the Administrator of EPA conditionally exempts Piti Power Plant Units No. 8 and No. 9 from certain CAA requirements.

(2) A waiver of the requirement to obtain a PSD permit prior to construction is granted for the electric generating units identified in the 1997 Petition as Piti Units No. 8 and No. 9 (two 45 megawatt baseload diesel electric generators and associated waste heat recovery boilers with a steam generator), with the following conditions:

(i) Piti Units No. 8 and No. 9 shall not operate until final PSD permits are received for these units;

(ii) Piti Units No. 8 and No. 9 shall not operate until they comply with all requirements of their PSD permits, including, if necessary, retrofitting with BACT;

(iii) If either Piti Units No. 8 or No. 9 operate either prior to the issuance of a final PSD permit or without BACT equipment, the Piti Unit(s) shall be deemed in violation of this waiver and the CAA beginning on the date of commencement of construction of the unit(s).

[FR Doc. 97–22061 Filed 8–20–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–10; RM–8984 and 9033]

Radio Broadcasting Services; Dodgeville, Mazomanie and Mount Horeb, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 294A to Mount Horeb, Wisconsin, as that community's first local service in response to a petition filed by First Congregational Services. *See* 62 FR 3653, January 24, 1997. There is a site restriction 9.6 kilometers (6 miles) west of the community. The coordinates for Channel 294A are 42–59–22 and 89–51–12. The counterproposal filed by Shopper Stopper, Ltd. requesting the allotment of Channel 257A at Mazomanie, Wisconsin, and substitution of Channel 294A for Channel 257A at Dodgeville, Wisconsin, is denied. With this action, this proceeding is terminated.

DATES: Effective September 29, 1997. The window period for filing applications for Channel 294A at Mount Horeb, Wisconsin, will open on September 29, 1997 and close on October 30, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97–10, adopted August 6, 1997, and released August 15, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Mount Horeb, Channel 294A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–22114 Filed 8–20–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. 96–122; Notice 02]

RIN 2127–AG33

Final Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 1995 passenger motor vehicles that occurred in calendar year (CY) 1995. The final 1995 theft data indicate a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1994. The final theft rate for MY 1995 passenger vehicles stolen in calendar year 1995 (3.57 thefts per thousand vehicles produced) decreased by 14.4 percent from the theft rate for CY/MY 1994 vehicles (4.17 thefts per

thousand vehicle produced). Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data and publish the information for review and comment. The data were calculated for informational purposes only.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2739.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually since 1983/84. Continuing to fulfill the § 33104(b)(4) mandate, this document reports the final theft data for CY 1995, the most recent calendar year for which data are available.

In calculating the 1995 theft rates, NHTSA followed the same procedures it used in calculating the MY 1994 theft rates. (For 1994 theft data calculations, see 61 FR 50069, September 24, 1996). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 1995 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 1995 vehicles of that line stolen during calendar year 1995 by the total number of vehicles in that line manufactured for MY 1995, as reported to the Environmental Protection Agency (EPA).

The final 1995 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1994. The final theft rate for MY 1995 passenger vehicles stolen in CY 1995 decreased to 3.57 thefts per thousand vehicles produced, a decrease of 14.4 percent from the rate of 4.17 thefts per thousand vehicles experienced by MY 1994 vehicles in CY 1994. For MY 1995 vehicles, out of a total of 208 vehicle lines, 85 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the 85 vehicle lines with a theft rate higher than 3.5826, 70 are passenger car lines, 13 are multipurpose passenger vehicle lines, and 2 are light-duty truck lines.

On Friday, February 21, 1997, NHTSA published the preliminary theft rates for CY 1995 passenger motor vehicles in the **Federal Register** (62 FR 7987). The agency tentatively ranked each of the MY 1995 vehicle lines in descending order of theft rate. The public was requested to comment on the accuracy of the data and to provide final production figures for individual vehicle lines. In response to the February 1997 notice, the agency received written comments from the Chrysler Corporation (Chrysler), Ford Motor Company (Ford), and Volkswagen of America, Inc. (Volkswagen). In their comments, all three manufacturers provided the agency with corrected production figures for their vehicle lines. (The written corrections are available at the docket number cited at the beginning of this notice.)

The agency used all written comments to make the necessary adjustments to its data. As a result of the adjustments, the final theft rate and ranking of the vehicle lines changed from those published in the February 1997 notice.

In its comments, Chrysler informed the agency that it stopped production of its LeBaron Coupe model at the end of the 1993 model year; and that, therefore, the listing should be modified to indicate only the LeBaron Convertible model. In response to Chrysler's comment, NHTSA is making the necessary corrections to the final theft data. Additionally, Chrysler commented that the production volume reported by the agency for the Eagle Talon was erroneously listed. However, after further review of the production volumes Chrysler reported to EPA, it was confirmed that the production volume listed by the agency was not in error. Therefore, the Eagle Talon production volume and the theft rate will remain unchanged.

Ford informed the agency that the number of reported thefts as shown in the preliminary data for the MY 1995 F150 Pickup Trucks was significantly higher than the number of thefts reported for previous years. Ford requested that the agency reanalyze its preliminary data for the number of thefts shown for the F150 Pickup Trucks with a gross vehicle weight rating of 6,000 pounds or less. In response to Ford's comment, the agency corrected the theft figures reported for the F150 Pickup Trucks by subtracting the number of thefts for the F150 Pickup Trucks with a gross vehicle weight rating over 6,000 pounds from the total previously reported. As a result of the reanalysis, the Ford F150 Pickup Truck, previously ranked No. 17 with a theft rate of 7.6797 is now correctly ranked No. 109 with a theft rate of 2.7148.

Additionally, Volkswagen commented that the listing did not include the Volkswagen Cabrio car line. In response to Volkswagen's comment, NHTSA is correcting the final theft data to include the Cabrio car line. As a result of these corrections, the Volkswagen Cabrio, not previously listed, is now ranked No. 123 with a theft rate of 2.3185. Additionally, Volkswagen commented that the production volume for the Audi S6 was incorrect. In response to this comment, the production volume for the Audi S6 has been corrected and the final theft list has been revised accordingly.

In addition to the above changes, it was discovered that the production volume for the Eagle Summit was incorrect. Therefore, the production volume for the Eagle Summit has been corrected and the final theft list has been revised accordingly.

The following list represents NHTSA's final calculation of theft rates for all 1995 passenger motor vehicle lines. This list is intended to inform the public of calendar year 1995 motor vehicle thefts of model year 1995 vehicles and does not have any affect on the obligations of regulated parties under 49 U.S.C. Chapter 331, Theft Prevention.

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995

	Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
1	TOYOTA	SUPRA	31	1,542	20.1038
2	MITSUBISHI	DIAMANTE	249	12,947	19.2323
3	CHRYSLER CORP	LEBARON CONVERTIBLE	537	35,844	14.9816
4	MITSUBISHI	MONTERO	459	31,643	14.5056
5	CHRYSLER CORP	DODGE SPIRIT	341	24,557	13.8861
6	TOYOTA	LEXUS GS	100	7,700	12.9870
7	CHRYSLER CORP	PLYMOUTH ACCLAIM	308	23,761	12.9624
8	HONDA/ACURA	LEGEND	296	22,847	12.9557
9	PORSCHE	911	96	7,487	12.8222
10	HYUNDAI	SCOUPE	101	8,673	11.6453
11	MITSUBISHI	MIRAGE	692	60,209	11.4933
12	MITSUBISHI	EXPO	79	7,347	10.7527
13	BMW	M3	98	9,279	10.5615
14	MITSUBISHI	GALANT/SIGMA	676	80,384	8.4096
15	FORD MOTOR CO	MUSTANG	1,388	165,831	8.3700
16	NISSAN	300ZX	28	3,624	7.7263
17	NISSAN	ALTIMA	1,245	163,237	7.6269
18	FIAT	FERRARI F355	4	529	7.5614
19	TOYOTA	LEXUS SC	120	15,915	7.5401
20	NISSAN	INFINITI Q45	64	8,579	7.4601
21	MITSUBISHI	ECLIPSE	435	61,045	7.1259
22	HONDA	PRELUDE	93	13,763	6.7572
23	HONDA/ACURA	2.5TL	3	444	6.7568
24	NISSAN	PATHFINDER	666	104,565	6.3692
25	NISSAN	240SX	157	25,114	6.2515
26	GENERAL MOTORS	OLDSMOBILE CUTLASS CIERA	769	123,593	6.2220
27	GENERAL MOTORS	CHEVROLET CORVETTE	124	19,949	6.2159
28	HYUNDAI	ELANTRA	298	50,215	5.9345
29	HONDA/ACURA	INTEGRA	411	72,753	5.6493
30	TOYOTA	4–RUNNER	565	101,650	5.5583
31	CHRYSLER CORP	JEEP GRAND CHEROKEE	1,464	263,571	5.5545
32	PORSCHE	968	3	559	5.3667
33	MERCEDES BENZ	140 (S-CLASS)	140	26,141	5.3556
34	TOYOTA	TERCEL	494	93,018	5.3108
35	GENERAL MOTORS	BUICK CENTURY	581	110,291	5.2679
36	MITSUBISHI	3000GT	82	15,597	5.2574
37	BMW	3	284	54,625	5.1991
38	MAZDA	626/MX–6	573	110,320	5.1940
39	CHRYSLER CORP	TOWN & COUNTRY MPV	64	12,365	5.1759
40	GENERAL MOTORS	GEO TRACKER	266	51,400	5.1751
41	HONDA/ACURA	NSX	4	781	5.1216
42	NISSAN	MAXIMA	779	154,596	5.0389
43	TOYOTA	COROLLA/COROLLA SPORT	1,042	211,049	4.9372
44	HYUNDAI	SONATA	161	32,807	4.9075
45	CHRYSLER CORP	DODGE STEALTH	22	4,497	4.8922
46	TOYOTA	TOYOTA PICKUP TRUCK	218	44,724	4.8743
47	CHRYSLER CORP	PLYMOUTH NEON	843	173,510	4.8585
48	CHRYSLER CORP	NEW YORKER/LHS	241	49,779	4.8414
49	CHRYSLER CORP	JEEP WRANGLER	500	104,244	4.7964
50	CHRYSLER CORP	EAGLE TALON	164	34,297	4.7818
51	CHRYSLER CORP	PLYMOUTH VOYAGER/GRAND	782	163,590	4.7802
52	TOYOTA	CAMRY	1,489	314,047	4.7413
53	GENERAL MOTORS	CHEVROLET CORSICA	669	142,074	4.7088
54	MAZDA	MPV WAGON	77	16,379	4.7011
55	GENERAL MOTORS	CHEVROLET BERETTA	333	71,753	4.6409
56	CHRYSLER CORP	DODGE NEON	943	203,881	4.6252
57	GENERAL MOTORS	PONTIAC TRANS SPORT	198	42,984	4.6064
58	SUZUKI	SIDEKICK	144	31,741	4.5367
59	FORD MOTOR CO	LINCOLN TOWN CAR	488	107,707	4.5308
60	BMW	5	164	36,329	4.5143
61	CHRYSLER CORP	DODGE CARAVAN/GRAND	976	217,893	4.4793
62	HYUNDAI	ACCENT	225	51,061	4.4065
63	CHRYSLER CORP	EAGLE VISION	110	25,140	4.3755
64	FORD MOTOR CO	ASPIRE	272	62,775	4.3329
65	HONDA	ACCORD	1,411	327,746	4.3052
66	MERCEDES BENZ	129 (SL—CLASS)	36	8,380	4.2959
67	MAZDA	323/PROTEGE	352	82,433	4.2701
68	HONDA	PASSPORT	155	36,620	4.2327

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

	Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
69	GENERAL MOTORS	BUICK SKYLARK	220	52,743	4.1712
70	BMW	8	5	1,230	4.0650
71	CHRYSLER CORP	INTREPID	611	151,118	4.0432
72	GENERAL MOTORS	CHEVROLET CAMARO	495	122,959	4.0257
73	GENERAL MOTORS	PONTIAC GRAND AM	1,055	262,739	4.0154
74	MAZDA	929	17	4,248	4.0019
75	GENERAL MOTORS	GEO PRIZM	408	103,820	3.9299
76	FORD MOTOR CO	PROBE	229	58,275	3.9296
77	FORD MOTOR CO	MERCURY TRACER	249	63,707	3.9085
78	NISSAN	INFINITI J30	77	20,117	3.8276
79	HONDA	CIVIC	1,242	325,199	3.8192
80	GENERAL MOTORS	OLDSMOBILE ACHIEVA	192	51,388	3.7363
81	FORD MOTOR CO	LINCOLN MARK VIII	75	20,107	3.7300
82	MITSUBISHI	MITSUBISHI PICKUP TRUCK	37	9,991	3.7033
83	FORD MOTOR CO	MERCURY SABLE	380	102,624	3.7028
84	CHRYSLER CORP	DODGE AVENGER	121	33,055	3.6606
85	GENERAL MOTORS	PONTIAC FIREBIRD	187	51,279	3.6467
86	TOYOTA	LEXUS LS	80	22,659	3.5306
87	TOYOTA	CELICA	88	25,391	3.4658
88	ISUZU	ISUZU PICKUP TRUCK	57	16,493	3.4560
89	FORD MOTOR CO	MERCURY MYSTIQUE	229	66,690	3.4338
90	FORD MOTOR CO	THUNDERBIRD	389	114,919	3.3850
91	NISSAN	INFINITI G20	59	17,457	3.3797
92	GENERAL MOTORS	CHEVROLET LUMINA APV	198	58,819	3.3663
93	KIA MOTORS	SEPHIA	68	20,250	3.3580
94	TOYOTA	PASEO	14	4,211	3.3246
95	NISSAN	SENTRA	425	128,110	3.3175
96	TOYOTA	LEXUS ES	128	38,608	3.3154
97	GENERAL MOTORS	GEO METRO	252	76,079	3.3123
98	JAGUAR	XJ6	40	12,195	3.2800
99	CHRYSLER CORP	SEBRING	67	20,613	3.2504
100	FORD MOTOR CO	ESCORT	1,186	364,969	3.2496
101	MAZDA	MX–3	28	8,627	3.2456
102	TOYOTA	MR2	1	309	3.2362
103	FORD MOTOR CO	TAURUS	1,238	396,050	3.1259
104	FORD MOTOR CO	CONTOUR	546	179,245	3.0461
105	CHRYSLER CORP	JEEP CHEROKEE	376	123,859	3.0357
106	MAZDA	MILLENIA	134	45,891	2.9200
107	FORD MOTOR CO	MERCURY COUGAR	170	60,279	2.8202
108	NISSAN	NISSAN PICKUP TRUCK	479	173,383	2.7627
109	FORD MOTOR CO	F150 PICKUP TRUCK	298	109,770	2.7148
110	FORD MOTOR CO	LINCOLN CONTINENTAL	88	32,816	2.6816
111	CHRYSLER CORP	DODGE STRATUS	126	48,060	2.6217
112	VOLKSWAGEN	JETTA III	208	79,470	2.6173
113	GENERAL MOTORS	CHEVROLET CAVALIER	398	152,457	2.6106
114	CHRYSLER CORP	DODGE DAKOTA PICKUP	307	117,873	2.6045
115	CHRYSLER CORP	EAGLE SUMMIT	30	11,632	2.5791
116	GENERAL MOTORS	PONTIAC GRAND PRIX	341	132,266	2.5781
117	ISUZU	RODEO	231	89,961	2.5678
118	CHRYSLER CORP	CIRRUS	158	61,913	2.5520
119	GENERAL MOTORS	GMC SAFARI	132	52,479	2.5153
120	GENERAL MOTORS	CHEVROLET CAPRICE	134	55,459	2.4162
121	MAZDA	MX–5 MIATA	47	19,822	2.3711
122	VOLKSWAGEN	GOLF III/GTI	50	21,285	2.3491
123	VOLKSWAGEN	CABRIO	19	8,195	2.3185
124	SUBARU	IMPREZA	69	29,916	2.3065
125	GENERAL MOTORS	OLDSMOBILE SILHOUETTE	40	17,347	2.3059
126	GENERAL MOTORS	OLDSMOBILE CUTLASS SUPREME	238	104,586	2.2756
127	SUZUKI	SAMURAI	1	440	2.2727
128	GENERAL MOTORS	CADILLAC DEVILLE/SIXTY	238	105,621	2.2533
129	GENERAL MOTORS	CHEVROLET S–10 PICKUP	530	245,938	2.1550
130	CHRYSLER CORP	DODGE VIPER	3	1,431	2.0964
131	TOYOTA	TACOMA PICKUP TRUCK	162	79,946	2.0264
132	KIA MOTORS	SPORTAGE	21	10,473	2.0052
133	MAZDA	RX–7	1	501	1.9960
134	GENERAL MOTORS	CHEVROLET ASTRO	308	157,562	1.9548
135	GENERAL MOTORS	PONTIAC BONNEVILLE	179	92,140	1.9427
136	JAGUAR	XJ12	1	520	1.9231

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

	Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
137	GENERAL MOTORS	OLDSMOBILE CUTLASS CRUISER	17	8,865	1.9177
138	VOLKSWAGEN	PASSAT	30	15,712	1.9094
139	GENERAL MOTORS	CADILLAC ELDORADO	46	24,488	1.8785
140	TOYOTA	T100 PICKUP TRUCK	66	35,352	1.8669
141	GENERAL MOTORS	SATURN SC	111	59,912	1.8527
142	VOLVO	850	108	58,537	1.8450
143	MERCEDES BENZ	124 (E–CLASS)	58	31,583	1.8364
144	GENERAL MOTORS	CHEVROLET BLAZER S–10	405	221,093	1.8318
145	GENERAL MOTORS	PONTIAC SUNFIRE	97	53,129	1.8257
146	GENERAL MOTORS	GMC SONOMA TRUCK	108	59,435	1.8171
147	FORD MOTOR CO	EXPLORER	468	260,844	1.7942
148	GENERAL MOTORS	SATURN SL	362	208,457	1.7366
149	GENERAL MOTORS	BUICK REGAL	155	90,290	1.7167
150	NISSAN	QUEST	111	65,072	1.7058
151	FORD MOTOR CO	MERCURY GRAND MARQUIS	161	94,519	1.7034
152	TOYOTA	AVALON	100	60,370	1.6565
153	FORD MOTOR CO	CROWN VICTORIA	106	64,247	1.6499
154	FORD MOTOR CO	AEROSTAR	181	109,873	1.6474
155	FORD MOTOR CO	WINDSTAR	523	321,744	1.6255
156	MERCEDES BENZ	202 (C–CLASS)	55	34,068	1.6144
157	GENERAL MOTORS	GMC JIMMY S–15	112	71,652	1.5631
158	TOYOTA	PREVIA	31	20,905	1.4829
159	JAGUAR	XJS	8	5,441	1.4703
160	GENERAL MOTORS	CHEVROLET LUMINA	477	337,623	1.4128
161	FORD MOTOR CO	RANGER PICKUP	310	220,493	1.4059
162	SAAB	900	34	24,332	1.3973
163	SUBARU	LEGACY	106	78,271	1.3543
164	JAGUAR	XJR	1	750	1.3333
165	SUZUKI	SWIFT	7	5,330	1.3133
166	ISUZU	TROOPER	31	24,647	1.2578
167	MAZDA	B SERIES PICKUP	37	29,848	1.2396
168	SAAB	9000	9	7,338	1.2265
169	VOLVO	940	15	12,238	1.2257
170	BMW	7	22	17,960	1.2249
171	GENERAL MOTORS	CADILLAC SEVILLE	42	35,789	1.1735
172	GENERAL MOTORS	OLDSMOBILE AURORA	52	45,677	1.1384
173	GENERAL MOTORS	BUICK RIVIERA	45	39,626	1.1356
174	GENERAL MOTORS	CADILLAC FLEETWOOD	16	14,839	1.0782
175	AUDI	CABRIOLET	1	950	1.0526
176	FORD MOTOR CO	MERCURY VILLAGER (MPV)	81	87,745	0.9231
177	GENERAL MOTORS	SATURN SW	16	17,900	0.8939
178	CHRYSLER CORP	CONCORDE	46	51,524	0.8928
179	GENERAL MOTORS	BUICK LESABRE	144	163,726	0.8795
180	GENERAL MOTORS	OLDSMOBILE 88 ROYALE	59	70,346	0.8387
181	SUBARU	SVX	1	1,228	0.8143
182	VOLVO	960	11	14,228	0.7731
183	AUDI	90	3	4,475	0.6704
184	GENERAL MOTORS	BUICK PARK AVENUE	36	60,667	0.5934
185	AUDI	A6	5	8,492	0.5888
186	GENERAL MOTORS	OLDSMOBILE 98/TOURING	13	24,161	0.5381
187	GENERAL MOTORS	BUICK ROADMASTER	15	28,375	0.5286
188	HONDA	ODYSSEY	15	32,065	0.4678
189	SUZUKI	ESTEEM	2	4,466	0.4478
190	GENERAL MOTORS	GMC G15/25/35 VANDURA	4	31,897	0.1254
191	GENERAL MOTORS	CHEVROLET G10/20/30	12	102,383	0.1172
192	AUDI	S6	0	2,377	0.0000
193	FIAT	ALFA ROMEO 164	0	361	0.0000
194	FIAT	FERRARI 348	0	181	0.0000
195	FIAT	FERRARI 456	0	155	0.0000
196	FIAT	FERRARI 512	0	76	0.0000
197	FIAT	FERRARI F50	0	56	0.0000
198	GENERAL MOTORS	BUICK COACHBUILDER	0	98	0.0000
199	GENERAL MOTORS	GMC G15/25/35 RALLY	0	1,650	0.0000
200	LAMBORGHINI	DIABLO	0	285	0.0000
201	LOTUS	ESPIRIT	0	241	0.0000
202	PORSCHE	928	0	77	0.0000
203	ROLLS-ROYCE	BROOKLANDS	0	25	0.0000
204	ROLLS-ROYCE	CORNICHE/CONTINENTAL	0	105	0.0000

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
205 ROLLS-ROYCE	SIL SPIRIT/SPUR/MULS	0	132	0.0000
206 ROLLS-ROYCE	TURBO R	0	19	0.0000
207 VOLKSWAGEN	EUROVAN	0	1,814	0.0000
208 VOLVO	LIMOUSINE	0	6	0.0000

Issued on: August 18, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–22263 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[Docket No. 970728184–7184–01; I.D. 060997C]

Policy Guidelines for the Use of Emergency Rules

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

ACTION: Policy guidelines for the use of emergency rules.

SUMMARY: NMFS is issuing revised guidelines for the Regional Fishery Management Councils (Councils) in determining whether the use of an emergency rule is justified under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The guidelines were also developed to provide the NMFS Regional Administrators guidance in the development and approval of regulations to address events or problems that require immediate action. These revisions make the guidelines consistent with the requirements of section 305(c) of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act.

DATES: Effective August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Paula N. Evans, NMFS, 301/713–2341.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 1992, NMFS issued policy guidelines for the use of emergency rules that were published in the **Federal Register** on January 6, 1992 (57 FR 375). These guidelines were consistent with the requirements of section 305(c) of the Magnuson Fishery Conservation and Management Act. On October 11, 1996, President Clinton signed into law the Sustainable Fisheries Act (Public Law 104–297), which made numerous amendments to the Magnuson-Stevens Act. The amendments significantly changed the process under which fishery management plans (FMPs), FMP amendments, and most regulations are reviewed and implemented. Because of these changes, NMFS is revising the policy guidelines for the preparation and approval of emergency regulations. Another change to section 305(c), concerning interim measures to reduce overfishing, will be addressed in revisions to the national standards guidelines.

Rationale for Emergency Action

Section 305(c) of the Magnuson-Stevens Act provides for taking emergency action with regard to any fishery, but does not define the circumstances that would justify such emergency action. Section 305(c) provides that:

1. The Secretary of Commerce (Secretary) may promulgate emergency regulations to address an emergency if the Secretary finds that an emergency exists, without regard to whether a fishery management plan exists for that fishery;

2. The Secretary shall promulgate emergency regulations to address the emergency if the Council, by a unanimous vote of the voting members, requests the Secretary to take such action;

3. The Secretary may promulgate emergency regulations to address the emergency if the Council, by less than a unanimous vote of its voting members, requests the Secretary to take such action; and

4. The Secretary may promulgate emergency regulations that respond to a public health emergency or an oil spill. Such emergency regulations may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has had an opportunity to comment on the regulation after it has been published, and in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action.

Policy

The NOAA Office of General Counsel has defined the phrase ''unanimous vote,'' in paragraphs 2 and 3 above, to mean the unanimous vote of a quorum of the voting members of the Council only. An abstention has no effect on the unanimity of the quorum vote. The only legal prerequisite for use of the Secretary's emergency authority is that an emergency must exist. Congress intended that emergency authority be available to address conservation, biological, economic, social, and health emergencies. In addition, emergency regulations may make direct allocations among user groups, if strong justification and the administrative record demonstrate that, absent emergency regulations, substantial harm will occur to one or more segments of the fishing industry. Controversial actions with serious economic effects, except under extraordinary circumstances, should be done through normal notice-and-comment rulemaking.

The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures. An emergency action may not be based on administrative inaction to solve a long-recognized problem. In order to approve an emergency rule, the Secretary must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards. In addition, the preamble to the emergency rule should indicate what measures could be taken

or what alternative measures will be considered to effect a permanent solution to the problem addressed by the emergency rule.

The process of implementing emergency regulations limits substantially the public participation in rulemaking that Congress intended under the Magnuson-Stevens Act and the Administrative Procedure Act. The Councils and the Secretary must, whenever possible, afford the full scope of public participation in rulemaking. In addition, an emergency rule may delay the review of non-emergency rules, because the emergency rule takes precedence. Clearly, an emergency action should not be a routine event.

Guidelines

NMFS provides the following guidelines for the Councils to use in determining whether an emergency exists:

Emergency Criteria

For the purpose of section 305(c) of the Magnuson-Stevens Act, the phrase ''an emergency exists involving any fishery'' is defined as a situation that:

(1) Results from recent, unforeseen events or recently discovered circumstances; and

(2) Presents serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

Emergency Justification

If the time it would take to complete notice-and-comment rulemaking would result in substantial damage or loss to a living marine resource, habitat, fishery, industry participants or communities, or substantial adverse effect to the public health, emergency action might be justified under one or more of the following situations:

(1) Ecological—(A) to prevent overfishing as defined in an FMP, or as defined by the Secretary in the absence of an FMP, or (B) to prevent other serious damage to the fishery resource or habitat; or

(2) Economic—to prevent significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone; or

(3) Social—to prevent significant community impacts or conflict between user groups; or

(4) Public health—to prevent significant adverse effects to health of participants in a fishery or to the consumers of seafood products.

Dated: August 14, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–22094 Filed 8–20–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 970702161–7197–02; I.D. 041097C]

RIN 0648–AJ93

Atlantic Highly Migratory Species Fisheries; Import Restrictions

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

ACTION: Final rule.

SUMMARY: NMFS amends the regulations governing the Atlantic highly migratory species fisheries to prohibit importation of Atlantic bluefin tuna (ABT) and its products in any form harvested by vessels of Panama, Honduras, and Belize. The amendments are necessary to implement International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations designed to help achieve the conservation and management objectives for ABT fisheries.

DATES: Effective August 20, 1997. Restrictions on Honduras and Belize are applicable August 20, 1997; restrictions on Panama are applicable January 1, 1998.

ADDRESSES: Copies of the supporting documentation are available from Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: Chris Rogers or Jill Stevenson, 301–713–2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). Section 971d(c)(1) of the ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background information about the need to implement trade restrictions and the related ICCAT recommendation was provided in the preamble to the proposed rule (62 FR 38246, July 17, 1997) and is not repeated here. These regulatory changes will further NMFS' management objectives for the Atlantic tuna fisheries.

Proposed Import Restrictions

In order to conserve and manage North Atlantic bluefin tuna, ICCAT adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to prohibit the import of ABT and its products in any form from Belize, Honduras, and Panama. The first recommendation was that its Contracting Parties take appropriate steps to prohibit the import of ABT and its products in any form harvested by vessels of Belize and Honduras as soon as possible following the entry into force of the ICCAT recommendation. Accordingly, the prohibition with respect to these countries is effective August 20, 1997. The second recommendation was that the Contracting Parties take appropriate steps to prohibit such imports harvested by vessels of Panama effective January 1, 1998. This would allow Panama an opportunity to present documentary evidence to ICCAT, at its 1997 meeting or before, that Panama has brought its fishing practices for ABT into consistency with ICCAT conservation and management measures. Accordingly, the prohibition with respect to Panama will become effective January 1, 1998.

Under current regulations, all ABT shipments imported into the United States are required to be accompanied by a Bluefin Statistical Document (BSD). Under this final rule, United States Customs officials, using the BSD, will deny entry into the customs territory of the United States of shipments of ABT harvested by vessels of Panama, Honduras, and Belize and exported after the effective dates of the trade restrictions. Entry will not be denied for any shipment in transit prior to the effective date of trade restrictions.

Upon determination by ICCAT that Panama, Honduras, and/or Belize has brought its fishing practices into consistency with ICCAT conservation and management measures, NMFS will publish a final rule in the **Federal Register** that will remove import restrictions for the relevant party. In

such case, ABT harvested by Panama, Honduras, and Belize and exported prior to the effective date of the removal of import restrictions would continue to be prohibited from entry.

Changes From the Proposed Rule

No changes were made to the proposed rule. NMFS conducted a public hearing on the proposed rule where one oral comment was received. NMFS also received one written comment over the 14-day comment period. The oral comment suggested that the rule would be ineffective at furthering management objectives considering that the United States imports no ABT from the affected countries. NMFS acknowledges that no ABT are imported from these countries; however, it is necessary to close a potential market when other existing markets, such as Japan, are closed. Therefore, it is necessary to take this action. The written comment supported the rule as necessary to encourage other Contracting Parties to do the same.

Relation to Proposed Consolidation

The regulatory amendments contained in this final rule, when proposed, were drafted to be consistent with a proposed rule to consolidate all of the regulations for Atlantic highly migratory species (HMS) fisheries, published on November 6, 1996 (61 FR 57361). The proposed consolidation would group all regulations pertaining to Atlantic HMS under 50 CFR part 630. The final consolidated regulations have not yet been issued. Accordingly, the regulatory amendments contained in this final rule were revised to make the appropriate changes to the existing text at 50 CFR part 285. The regulatory amendments contained in this final rule will eventually be incorporated into the final consolidated regulations at 50 CFR part 630. Copies of the proposed consolidation rule may be obtained by writing (see **ADDRESSES**) or calling the contact person (see **FOR FURTHER INFORMATION CONTACT**).

Classification

This rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq*. The AA has determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT and are necessary for the conservation and management of the Atlantic tuna fisheries.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief of Advocacy of the Small Business Administration when this rule was proposed, that, if adopted, it would not have a significant economic impact on a substantial number of small entities. No comments were received that would change the basis for that certification and accordingly, a final regulatory flexibility analysis was not prepared.

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 final rule restates an information collection requirement subject to the PRA that is currently approved under OMB Control Number 0648–0040. The burden to complete and transmit a Bluefin Tuna Statistical Document is estimated at 20 minutes per document.

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

The AA has determined that with respect to the prohibitions on imports by vessels of Belize or Honduras, there is good cause to waive the 30-day delay in the effective date required by 5 U.S.C. 553(d). This rule implements an ICCAT recommendation with respect to these countries that must be implemented as soon as possible after August 4, 1997, the date the ICCAT recommendation entered into force. NMFS will rapidly communicate these dates to tuna importers and trade representatives through the FAX network and a press release. As such, there is good cause to delay the effective date of this rule with respect to those two countries. The effective date with respect to Panama is January 1, 1998.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: August 14, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

For the reasons set out in the preamble, 50 CFR part 285 is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. New § 285.87 is added to subpart D to read as follows:

§ 285.87 Import restrictions for Belize, Honduras, and Panama.

(a) Effective August 20, 1997 all shipments of Atlantic bluefin tuna or Atlantic bluefin tuna products in any form harvested by a vessel of Honduras or Belize will be denied entry into the United States, unless a validated Bluefin Statistical Document required under subpart F of this part, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to August 20, 1997.

(b) Effective January 1, 1998, all shipments of Atlantic bluefin tuna or Atlantic bluefin tuna products in any form harvested by a vessel of Panama will be denied entry into the United States, unless a validated Bluefin Statistical Document required under subpart F of this part, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to January 1, 1998.

3. In § 285.205, paragraphs (k) and (l) are added to read as follows:

§ 285.205 Prohibitions.

* * * * *

(k) Import any Atlantic bluefin tuna or Atlantic bluefin tuna products into the United States from Belize or Honduras after August 20, 1997 unless a validated Bluefin Statistical Document required under this subpart F, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to August 20, 1997.

(l) Import any Atlantic bluefin tuna or Atlantic bluefin tuna products into the United States from Panama after January 1, 1998, unless a validated Bluefin Statistical Document required under this subpart F, §§ 285.200 through 285.205, shows that a particular shipment of such bluefin tuna was exported prior to January 1, 1998.

[FR Doc. 97–21984 Filed 8–20–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 081597B]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery

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

ACTION: Closure.

SUMMARY: NMFS closes the fishery for school Atlantic bluefin tuna (ABT)

conducted by Angling category fishermen in the waters off Delaware and states south. Closure of this fishery is necessary because the annual quota of 51 metric tons (mt) of school ABT allocated for this subcategory in waters off Delaware and states south is projected to be attained by August 18, 1997. The intent of this action is to prevent overharvest of the quota established for this fishery.

DATES: Effective 11:30 p.m. local time on August 18, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301–713–2347, or Mark Murray-Brown, 508–281–9260.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.22(d)(1) of the regulations provides for an annual quota of 51 mt of school ABT to be harvested from waters off Delaware and states south by individuals in the Angling category. The Assistant Administrator for Fisheries, NOAA (AA), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of those statistics, to project a date when the catch of ABT will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22. The AA has determined, based on the reported catch and estimated fishing effort, that the annual quota of school ABT for those fishing in waters off Delaware and states south will be attained by August 18, 1997. Fishing for, catching, possessing, or landing any school ABT (measuring 27 inches to less than 47 inches (69 cm to less than 119 cm)) in the closed area must cease at 11:30 p.m. local time on August 18, 1997.

However, anglers may continue to tag and release ABT of all sizes under the NMFS tag-and-release program (50 CFR 285.27). The southern area Angling category fishery for bluefin tuna in the large school and small medium size classes (47 inches to less than 59 inches (119 cm to less than 150 cm), and 59 inches to less than 73 inches (150 cm to less than 185 cm) curved fork length, respectively) was closed effective July 20, 1997 (62 FR 35447, July 1, 1997). Therefore, the southern area Angling category fishery for school, large school, and small medium ABT is now closed for the season.

The fishery for school, large school, small medium, and trophy ABT (measuring greater than 73 inches), for the waters off New Jersey and states north is not affected by this closure, and remains open until further notice at a catch limit of one fish per vessel per day.

A small amount of trophy ABT remains in the southern area; pending attainment of the annual quota for trophy fish, large medium or giant ABT (73 inches (185 cm) total curved fork length or greater) may still be landed under the Angling category subject to the trophy fish limit of one per vessel per year. Such large medium or giant ABT must be reported to the nearest NMFS enforcement office as required under § 285.24. In North Carolina, trophy fish must be reported to the Coast Guard at 919–995–6403. Anglers should verify that the trophy category remains open by calling the NMFS 24–hour Information Line at 301–713–1279 prior to each fishing trip.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: August 18, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–22258 Filed 8–18–97; 2:48 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346–7035–02; I.D. 081597C]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maryland

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of Maryland has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maryland for the remainder of calendar year 1997, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notice to advise the State of Maryland that the quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in Maryland.

DATES: Effective August 20, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Lucille L. Helvenston, Fishery Management Specialist, 508–281–9347.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1997 calendar year was set equal to 11,111,298 lb (5,040,000 kg) (March 7, 1997, 62 FR 10473). The percentage allocated to vessels landing summer flounder in Maryland is 2.03910 percent, or 226,570 lb (102,770 kg).

Section 648.100(d)(2) stipulates that any overages of commercial quota landed in any state be deducted from that state's annual quota for the following year. In the calendar year 1996, a total of 264,886 lb (120,150 kg) were landed in Maryland. The amount allocated for Maryland landings in 1996 was 226,570 lb (102,770 kg), creating a 38,316 lb (17,380 kg) overage that was deducted from the amount allocated for landings in that state during 1997 (July 15, 1997, 62 FR 37741 and as corrected on August 12, 1997, 62 FR 43127). The resulting quota for Maryland is 188,254 lb (85,391 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish a notice in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of Maryland has attained its quota for 1997, the Regional Administrator has determined based on dealer reports and other available

information, that the state's commercial quota has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours August 20, 1997, further landings of summer flounder in Maryland by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1997 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective the date above, federally permitted dealers are also advised that they may not purchase summer flounder from Federally permitted vessels that land in Maryland for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12286.

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

Dated: August 18, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–22259 Filed 8–18–97; 2:48 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970813196–7196–01; ID. 073197A]

Fisheries Off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quotas for the 1997–98 Fishing Year

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

ACTION: Interim final quotas.

SUMMARY: NMFS announces the estimated spawning biomass and interim final harvest quotas for the northern anchovy fishery in the exclusive economic zone south of Point Reyes, CA, the 1997–98 fishing year. These quotas may only be adjusted if inaccurate data were used or if errors were made in the calculations. Comments on these two points are invited. If no changes are necessary, these interim final quotas will become final quotas without further notice. The intended effect of this action is to establish allowable harvest levels for the central subpopulation of Pacific anchovy.

DATES: Effective on August 15, 1997. Comments will be accepted until September 15, 1997.

ADDRESSES: Submit comments on the interim final quotas to Dr. William T. Hogarth, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213. Administrative Reports LJ–95–11 and LJ–97–08 are available from this same address.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Morgan, Southwest Region, NMFS, (562) 980–4036.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and the NMFS Southwest Fisheries Science Center, the Acting Administrator, Southwest Region, NMFS, (Regional Administrator) has decided to use the 1995 estimate of 388,000 mt spawning biomass for the central subpopulation of northern anchovy, *Engraulis mordax*, to set harvest limits for the 1997–98 fishing year. This is the same biomass estimate that was used for the 1995–96 and the 1996–97 fishing years and is being used because no new assessment has been made. Recently examined indices of relative abundance of anchovy schools from airplane fish-spotter logs and egg production from research cruises indicate that the biomass remains at or above that estimated in 1995.

The biomass estimate was derived from a stock assessment model using spawning biomass estimated by five indices of abundance. Documentation of the spawning biomass is contained in Administrative Report LJ–95–11, published by the Southwest Fisheries Science Center, NMFS (see **ADDRESSES**). Administrative Report LJ–97–08 examining indices of relative abundance was provided at a public meeting of the Pacific Fishery Management Council's (Council) Coastal Pelagics Planning Team and Advisory Subpanel in Long Beach, CA, on June 18, 1997. At that time, a review of the status of the anchovy resource was presented by the Planning Team, and NMFS requested estimates of domestic processing needs from the fishing industry so that a basis could be established for setting annual quotas. As was the case in 1996, representatives of the industry felt that 13,000 mt would meet the needs of the reduction industry.

Reports of the Planning Team and the Advisory Subpanel were then presented to the Council at its June 23–25 meeting in Seattle, WA. Although no additional information was provided to the Council regarding anticipated domestic use of anchovy, the Council recommended that the entire 61,600 mt available for reduction fishing be allocated to the domestic fishery (70 percent of the biomass above 300,000 mt). There is some uncertainty with regard to what the domestic fishery will harvest, and there is always great uncertainty with regard to what Mexico will harvest. Nevertheless, the U.S. harvest has remained low. The Mexican harvest increased significantly in 1995 but dropped to a moderate level in 1996. With the information available, the best estimate of domestic use for reduction fishing is 13,000 mt.

According to the formula in the FMP, the U.S. optimum yield (OY) is 61,600 mt (70 percent of the biomass above 300,000), which is allocated to reduction fisheries, plus 4,900 mt for non-reduction fisheries. Since there is no agreement with Mexico on the management of northern anchovy, a portion of the biomass (30 percent) above 300,000 mt is designated as the amount to account for this unregulated harvest. Any portion of the U.S. OY not used by U.S. fishermen is identified as total allowable level of foreign fishing (TALFF) and is available to foreign fishing.

The amount of the TALFF is based on the portion of the U.S. OY that will not be used by U.S. fishermen, minus the amount of harvest by Mexican vessels that is in excess of that allocated to Mexico according to the formula in the FMP. The estimate of Mexican excess harvest is based on the largest harvest in the last 3 years; however, the biomass has been so low during this time that there was no significant fishery off Mexico until 1995, and there has been no excess Mexican harvest as defined in the FMP.

After considering the above, the Regional Administrator has made the following determinations for the 1997–98 fishing year by applying the formulas in the FMP and in 50 CFR Part 660.509(b):

1. The total U.S. OY for northern anchovy is 66,500 mt, plus an unspecified amount for use as live bait.

2. The total U.S. harvest quota for reduction purposes is 13,000 mt.

a. Of the total reduction harvest quota, 1,300 mt is reserved for the reduction fishery in Subarea A (north of Pt. Buchon). The FMP requires that 10 percent of the U.S. reduction quota or

9,072 mt, whichever is less, be reserved for the northern fishery. This is not a special quota, but only a reduction in the amount allocated to the southern fishery south of Pt. Buchon (Subarea B). After the northern fishery has harvested 1,300 mt, any unused portion of the Subarea B allocation may also be harvested north of Pt. Buchon.

b. The reduction quota for subarea B (south of Pt. Buchon) is 11,700 mt.

3. The U.S. harvest quota for non-reduction fishing

(i.e., fishing for anchovy for use as dead bait or human consumption) is 4,900 mt (as set by § 660.509(b)).

4. There is no U.S. harvest limit for the live bait

fishery.

5. The domestic annual processing capacity (DAP) is 13,000 mt.

6. The amount allocated to joint venture processing

(JVP) is zero, because there is no history of, nor are there applications for, joint ventures.

7. Domestic annual harvest capacity (DAH) is 13,000 mt. DAH is the sum of DAP and JVP.

8. The TALFF is 48,600 mt.

The fishery will be monitored during the year and evaluated with respect to the OY and the estimated needs of the fishing industry. Adjustments may be made to comply with the requirements of the FMP and its implementing regulations.

This action is authorized by 50 CFR part 660.509 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds for good cause under 5 U.S.C. 553(b)(B) that providing prior notice and an opportunity for public comment on this action is unnecessary because establishing the quota is a ministerial act, determined by applying a formula in the FMP. Accordingly, providing prior notice and an opportunity for public comment would serve no useful purpose.

Because this rule merely establishes a quota and does not require any participants in the fishery to take action or to come into compliance, the AA finds for good cause under 5 U.S.C. 553(d)(3) that delaying the effective date of this rule for 30 days is unnecessary. Further, because establishing a quota allows the opening of the fishery, it relieves a restriction and under 5 U.S.C. 553(d)(1) is not subject to a delay in effective date. Accordingly the AA makes the quota effective upon the date of filing for public inspection with the Office of the Federal Register.

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

Dated: August 15, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–22093 Filed 8–15–97; 3:46 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 162
Thursday, August 21, 1997

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

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Chapter XIII

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its regular monthly meeting to consider whether to initiate the notice and comment procedure for rulemaking related to re-establishment of a Compact Over-Order Price Regulation. The current price regulation expires on December 31, 1997. The Commission will also consider certain matters relating to office administration and implementation of its current over-order price regulation.

DATES: The meeting is scheduled for August 28, 1997 commencing at 10:00 a.m. to adjournment.

ADDRESSES: The meeting will be held in Room 301–303 at the New Hampshire Legislative Office Building located on 33 North State Street in Concord, NH (exit 14 off Interstate 93).

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 43 State Street, PO Box 1058, Montpelier, VT 05601. Telephone (802) 229–1941.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Northeast Dairy Compact Commission will hold its regularly scheduled monthly meeting. The Commission will consider whether to initiate the notice and comment procedure under Section 11 of the Compact, including the conduct of a public hearing, for rulemaking related to re-establishment of a Compact Over-Order Price regulation. The current price regulation expires December 31, 1997. The Commission will also consider certain administrative matters, a technical change to the bylaws, and issues relating to administration and enforcement of the present Compact Over-Order Price regulation.

(Authority: (a) Article V, Section 11 of the Northeast Interstate Dairy Compact, and all other applicable Articles and Sections, as approved by 7 U.S.C. 7256, and as thereby set forth in S.J. Res. 28(1)(b) of the 104th Congress; Finding of Compelling Public Interest by United States Department of Agriculture Secretary Dan Glickman, August 8, 1996 and March 20, 1997. (b) Bylaws of the Northeast Dairy Compact Commission, adopted November 21, 1996.)

Daniel Smith,

Executive Director.

[FR Doc. 97–22173 Filed 8–20–97; 8:45 am]

BILLING CODE 1650–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 970626156–7156–01]

RIN 0648–AK01

Operation of Motorized Personal Watercraft in the Gulf of the Farallones National Marine Sanctuary

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of inquiry; request for information.

SUMMARY: The National Oceanic and Atmospheric Administration's (NOAA) Sanctuaries and Reserves Division (SRD) is soliciting any information from interested parties that would assist in evaluating the operation of motorized personal watercraft (e.g., jet skis, wet bikes, surf jets, etc.), also referred to as ''thrill craft,'' in the area of the Gulf of the Farallones National Marine Sanctuary (GFNMS or Sanctuary). This information will be used by NOAA in assessing the present and potential use and impacts of motorized personal watercraft in the Sanctuary and the need, if any, for appropriate regulation to protect Sanctuary resources or reduce user conflict in the Sanctuary.

DATES: Comments must be received by October 6, 1997.

ADDRESSES: Comments should be sent to Ed Ueber, Gulf of the Farallones National Marine Sanctuary, Fort Mason, Building #201, San Francisco, California, 94123, or Elizabeth Moore, Sanctuaries and Reserves Division, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC4, N/ORM2, Silver Spring, Maryland, 20910. Comments will be available for public inspection at the same addresses.

FOR FURTHER INFORMATION CONTACT: Ed Ueber at (415) 561–6622 or Elizabeth Moore at (301) 713–3141 ext. 170.

SUPPLEMENTARY INFORMATION: In recognition of the national significance of the unique marine environment centered around the Farallon Islands, California, the Gulf of the Farallones National Marine Sanctuary (GFNMS or Sanctuary) was designated in January 1981. Final regulations to implement that designation (15 CFR Part 922 Subpart H) were issued on January 26, 1981. The GFNMS regulations at 15 CFR 922.82 prohibit a relatively narrow range of activities and thus makes it unlawful for any person to conduct them or cause them to be conducted. Operation of motorized personal watercraft (e.g., jet skis, wet bikes, surf jets, etc.), also referred to as ''thrill craft,'' in the Sanctuary is currently neither directly regulated nor prohibited by Sanctuary regulations, although it is within NOAA's purview to do so.

SRD received a petition on April 18, 1996, from the Environmental Action Committee of West Marin, California (EAC) to ban the use of motorized personal watercraft in the GFNMS. EAC believes that ''the use of motorized personal watercraft . . . is completely incompatible with the existence of a marine sanctuary,'' and gives such reasons as the danger of such craft to biological resources, and users of the Sanctuary. SRD has also received 195 letters from members of the public in response to media publicity about the petition. Sixty-four percent are against any regulation of motorized personal watercraft, with the majority of these letters from owners of motorized personal watercraft. Thirty-three percent of the letters support a ban; of these, nine were from environmental organizations, two were from civic groups, and two were from kayaking groups. Three percent of the letters expressed no clear position.

SRD has been reviewing the petition and obtaining information from various sources in order to determine the present and potential use and impacts of motorized personal watercraft in the Sanctuary. In order to facilitate the review of the petition, SRD is seeking the following information: (1) The number of motorized personal watercraft being operated in the Sanctuary; (2) possible future trends in such numbers; (3) the customary launching areas for motorized personal watercraft in or near the Sanctuary; (4) the areas of use of motorized personal watercraft activity in the Sanctuary, including areas of concentrated use; (5) the periods (e.g., time of year) of use of motorized personal watercraft in the Sanctuary, including periods of high incidence of use; (6) studies or technical articles concerning the impacts of motorized personal watercraft on marine resources and other users; (7) first person or documented accounts of impacts of motorized personal watercraft on marine resources and other users; and (8) any other information or other comments that may be pertinent to this issue.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Federal Domestic Assistance Catalog Number 11.429. Marine Sanctuary Program.

Dated: August 14, 1997.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 97–22172 Filed 8–20–97; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 167

[CGD 97–044]

Port Access Routes; Approaches to the Mississippi River via Southwest Pass, South Pass, Tiger Pass Including the Mississippi River Gulf Outlet

AGENCY: Coast Guard, DOT.

ACTION: Notice of study.

SUMMARY: The Coast Guard is conducting a port access route study to evaluate the need for vessel routing or other traffic management measures in the approaches to the Mississippi River. Concerns for the safety of navigation in these areas have been expressed by the Associated Branch Pilots and the Coast Guard Marine Safety Office in New Orleans, LA. This port access route study will determine what, if any, vessel routing or other traffic management measures are needed in the approaches to the Mississippi River and the Mississippi River Gulf Outlet. As a result of the study, vessel routing measures or other vessel operating requirements may be proposed in the **Federal Register**.

DATES: Comments must be received on or before November 19, 1997.

ADDRESSES: Comments should be mailed to Commander (mov–1), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396. The comments and other materials related to this notice will be available for inspection and copying at 501 Magazine Street, New Orleans, LA, room 1341. Normal office hours are 7 a.m. to 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Captain M.M. Ledet (504) 589–4686 or M.Ledet/D8m@mailgatehq.comdt.uscg.mil (Internet), or Margie Hegy (202) 267–0415 or MHegy@comdt.uscg.mil (Internet).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard is interested in receiving information and opinions from persons who have an interest in safe routing of ships in the study area. Vessel owners and operators are specifically invited to comment on any safety concerns they may have when operating in the study area. Negative impacts that may result from the establishment of a routing measure, such as a traffic separation scheme (TSS), or a regulated navigation area (RNA) with vessel operating requirements should be identified and supported with documentation of any costs or benefits.

Commenters should include their names and addresses, identify this notice (CGD 97–044), and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed post card or envelope is enclosed. In addition to the specific questions asked herein, comments from the maritime community, offshore development concerns, environmental groups and any other interested parties are invited. All comments received during the comment period will be considered in the study and in development of any regulatory proposals.

The Coast Guard intends to hold at least one public meeting to listen to the users, both commercial and recreational, of the waters in the study area. We are particularly interested in the source of delays that slow down commercial vessels and the source of upsets that interfere with the recreational boaters enjoyment of the waterway. Details of the meeting will be announced in a separate notice as well as locally.

The Eighth Coast Guard District will conduct the study and develop recommendations. Captain M.M. Ledet, Vessel Traffic Management Section, Marine Safety Branch, Eighth Coast Guard District (504) 589–4686 is the project officer responsible for the study.

Background and Purpose

The 1978 amendments to the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1223(c), require that a port access route study be conducted prior to establishing or adjusting fairways or TSS's. The Coast Guard is undertaking a port access route study to determine if a vessel routing system is needed in the study area.

An internationally recognized vessel routing system is one or more routes or routing measures aimed at reducing the risk of casualties. A system may include TSS's, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas, and deep-water routes.

A TSS is a routing measure which minimizes the risk of collision by separating vessels into opposing streams of traffic through the establishment of traffic lanes.

A two-way route is a route within defined limits inside which two-way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

A recommended track is a route which has been specially examined to ensure so far as possible that it is free of dangers and along which ships are advised to navigate.

An area to be avoided is a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships, or certain classes of ships.

An inshore traffic zone comprises a designated area between the landward boundary of a TSS and the adjacent

coast and is used in accordance with Rule 10(d) of the 72 COLREGS.

A roundabout is a routing measure comprising a separation point or circular separation zone and a circular traffic lane within defined limits. Traffic within the roundabout is separated by moving in a counterclockwise direction around the separation point or zone.

A precautionary area is a defined area where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

A deep-water route is a route within defined limits which has been accurately surveyed for clearance of sea bottom and submerged obstacles as indicated on nautical charts.

The approaches to the Mississippi River and the Mississippi River Gulf Outlet were last studied in 1984. The study concluded that there was a need for the establishment of the existing shipping safety fairways.

The U.S. Army Corps of Engineers' *Waterborne Commerce of The United States* reports that, from 1984 to 1993, volume of traffic increased from 397.1 million tons to 520.3 million tons. Channel depths were increased to 45 feet in 1994.

The Associated Branch Pilots Association and the Coast Guard's Marine Safety Office in New Orleans have expressed concern about the safety of navigation due to the frequency of collisions that have the potential to close one of the busiest ports in the United States. In addition to safety concerns, several collisions in the past few years have demonstrated the potential for far reaching economic impact. The most recent collision involving the M/V FORMOSA SIX and the M/V FLORA partially closed the waterway with an estimated cost of over one million dollars per day.

Study Area

The study area is bounded by a line connecting the following geographic positions:

Latitude	*Longitude*
29°02′20″ N	89°40′15″ W
29°33′00″ N	89°02′39″ W
29°32′45″ N	88°42′40″ W
29°03′30″ N	88°45′12″ W
28°36′30″ N	89°18′09″ W
28°26′15″ N	89°41′15″ W

The study area encompasses the approaches to the Mississippi River, the Mississippi River Gulf Outlet as well as the area offshore of southeast Louisiana used by commercial vessels transiting to and between these ports.

Issues

The Coast Guard is trying to determine the scope of any safety problems associated with vessel transit in the study area. It is expected that information will be gathered during the study that will identify the problems and appropriate solutions.

In addition to information that you wish to provide, the Coast Guard is particularly interested in your responses to the following questions:

1. What is the nature of your work that causes you to navigate in the study area?
2. How many trips do you make in the study area in a 24-hour period?
3. What route do you take? Please specify point of origin and destination?
4. Considering all the passes leading to the Gulf of Mexico, which would be the most direct to your destination?
5. Are there passes that you do not use? Why not?
6. If the U.S. Corps of Engineers maintained each pass to a predetermined depth, would you use all the passes?
7. What should be the maintained depth of each pass?
8. Have you had an accident or near miss when transiting the mouth of the Mississippi River? If so, where? Please describe the incident.
9. Would a traffic separation scheme to separate opposing streams of traffic help in preventing accidents or near misses?
10. Would improved aids to navigation help in preventing accidents or near misses? What improvements would you suggest?
11. Would mandatory vessel transit restrictions or operating requirements in the passes and near shore waters help?
12. Do you have other suggestions to improve navigational safety in the study area?

The study may recommend the following:

1. No vessel routing measures are needed.
2. Establish one or more of the following vessel routing measures:
   (a) TSS in the approach to Southwest Pass of the Mississippi River;
   (b) TSS in the approach to the Mississippi River Gulf Outlet;
   (c) Precautionary area(s) near either or both approaches; or,
   (d) Inshore traffic zone(s) near either or both approaches; and,
3. Establish a regulated navigation area with specific vessel operating requirements to ensure safe navigation.

Procedural Requirements

In order to provide safe access routes for movement of vessel traffic proceeding to and from U.S. ports, the PWSA directs that the Secretary designate necessary fairways and TSS's in which the paramount right of navigation over all other uses shall be recognized. Before a designation can be made, the Coast Guard is required to undertake a study of potential traffic density and the need for safe access routes.

During the study, the Coast Guard is directed to consult with federal and state agencies and to consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups, and other parties who may be affected by the proposed action.

In accordance with 33 U.S.C. 1223(c), the Coast Guard will, to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved. The Coast Guard will also consider previous studies and experience in the areas of vessel traffic management, navigation, shiphandling, the effects of weather, and prior analysis of the traffic density in certain regions.

Data needed to gain a clear understanding of the waterway and its uses will be gathered by a contractor. The Coast Guard will focus on interaction with waterway users and stakeholders to scope out safety concerns and determine an appropriate solution.

The results of this study will be published in the **Federal Register.** If the Coast Guard determines that new routing or other regulatory measures are needed, a notice of proposed rulemaking will be published. It is anticipated that the study will be concluded by 30 January 1998.

Dated: August 7, 1997.

R.C. North,

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

[FR Doc. 97–22136 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA4051b; FRL–5865–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing volatile organic compound (VOC) and nitrogen oxides (NO_X) reasonably available control technology (RACT) for two major sources located in Pennsylvania. In the final rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the accompanying technical support document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this 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 this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

DATES: Comments must be received in writing by September 22, 1997.

ADDRESSES: Written comments on this action should be addressed to David J. Campbell, Air, Radiation, and Toxics Division, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566–2182, at the EPA Region III office or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: See the information pertaining to this action, VOC and NO_X RACT determinations for individual sources located in Pennsylvania, provided in the direct final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: July 22, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 97–22063 Filed 8–20–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5878–4]

National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; Amendment of Montrose Chemical Corporation Site Listing.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act'') requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), found at 40 CFR part 300, 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. The NPL is found in Appendix B of 40 CFR part 300.

The principal mechanism for placing sites on the NPL is the Hazard Ranking System (HRS). Under the HRS various conditions at a site (for example, volumes of waste present or relative toxicity of pollutants) are assigned numerical values to develop a total score that measures the relative risk at a site compared with other sites. The HRS is found in Appendix A of 40 CFR part 300. A site with a total score in excess of 28.5 under the HRS is eligible for listing on 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.

EPA is proposing today to add to the Montrose Chemical Corporation National Priorities Listing certain DDT- and PCB-contaminated sediments found on the seafloor off the coast of the Palos Verdes Peninsula in Southern California. EPA is also soliciting comments from the public on this proposal consistent with 40 CFR 300.425(d)(5)(i).

DATES: Comments on this proposal must be submitted (postmarked) on or before October 20, 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) 603–9232.

By Overnight Mail: 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.

If you wish to view documents themselves, requests for appointments or copies of the background information from the public docket should be directed to:

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office (Mail Code 5201G); Crystal Gateway #1, 1st Floor; 1235 Jefferson Davis Highway; Arlington, VA 22202. Phone: (703) 603–9232; Hours: 9:00 a.m. to 4:00 p.m. Monday through Friday excluding Federal holidays. (Please note this is the viewing address only. Do not mail documents to this address.)

FOR FURTHER INFORMATION CONTACT: Carolyn Douglas, NPL Coordinator, U.S. EPA Region 9, (415) 744–2343.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Contents of This Proposed Rule
III. Executive Order 12866
IV. Unfunded Mandates
V. Effect on Small Businesses

I. Introduction

The Palos Verdes Shelf area that is subject to this rulemaking is an extremely important commercial and recreational fishing area and an area of high marine productivity that has become highly contaminated with

hazardous substances that have the potential to severely impact human health and the environment. This area has been the subject of intense investigation by federal agencies charged with protection of human health and the environment and has generated complex litigation.

In view of the serious potential public health and environmental risks associated with this area, EPA is proposing to add the Palos Verdes Shelf contamination to the existing Montrose Chemical Corporation National Priorities Listing. A discussion of background on this issue follows.

Statutory and Regulatory 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, 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. * * *''

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), quoted at 48 FR 40659 (September 8, 1983).

Three mechanisms for placing sites on the NPL 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. 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 is provided by the NCP at 40 CFR 300.425(c)(2). Statutory authority for this provision is provided in CERCLA section 105(a)(8)(B) which provides that, to the extent practicable, the NPL include 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 (available only at NPL sites) 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 April 1, 1997 (62 FR 15572).

The NPL serves primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the NPL does not require an owner or operator to undertake any action, nor does it assign liability to any person. Separate government action in the form of remedial or removal actions or enforcement actions would be necessary in order to do so, and these actions would be attended by all procedural safeguards required by law.

The purpose of the NPL is primarily to serve as an informational and management tool. The identification of a site on the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the public health and environmental risks associated with the site and to determine what CERCLA response actions, if any, may be appropriate. The NPL also serves to notify the public of sites that EPA believes warrant further investigation and potentially, cleanup activities.

The Palos Verdes Shelf

General History. From 1947 until 1982, Montrose Chemical Corporation of California, Inc. (Montrose) operated a manufacturing facility in Los Angeles for the production of dichloro-diphenyl trichloroethane (DDT), an agricultural pesticide. During this period, Montrose was among the largest producers of DDT in the United States.

There were numerous releases of DDT and other hazardous substances from the Montrose plant as a result of spills of contaminated wastewater, storage and disposal of contaminated wastewater in an unlined pond, surface water runoff, and aerial dispersion. In addition, Montrose discharged process wastewater containing large quantities of DDT into the sewer system maintained by County Sanitation District No. 2 of Los Angeles County (LACSD). This contaminated wastewater flowed to a wastewater treatment plant owned by LACSD and was discharged to the Pacific Ocean through submarine outfalls on the Palos Verdes Shelf,

resulting in DDT contamination of the sediments on the Shelf.

DDT and other hazardous substances from the Montrose plant also reached the Pacific Ocean via surface water runoff that was carried via stormwater channels to the Consolidated Slip in the Los Angeles harbor.

EPA began investigating releases from the Montrose plant in 1982. In 1984 EPA proposed to add the Montrose Chemical Corporation site to the NPL. (49 FR 40320, October 15, 1984) Following further investigation, on October 4, 1989, EPA issued a final regulation amending the NPL to add several sites, including the Montrose Chemical Corporation Site (Montrose NPL Site). (54 FR 41015) The administrative record supporting the 1989 listing decision includes an EPA study concluding that the DDT contamination on the Palos Verdes Shelf resulted from the DDT releases at the Montrose plant:

> Montrose sewer discharges (which have now been controlled) have created a large ''reservoir'' of the pesticide in offshore sediment * * *.
>
> According to recent EPA estimates * * * consumption of seafood from the Whites Point area may present an elevated health risk due to DDT contamination.

United States EPA Region 9, Toxics and Waste Management Div., Investigative Report, No. C (83) E002 (April 11, 1983) at 7, included in U.S. EPA Hazard Ranking Package and Support Document for the Montrose NPL Site (Reference 13). Also in the administrative record for the 1989 listing decision is an October 7, 1970, *Los Angeles Times* article attributing 75% of the DDT contamination in the Santa Monica Bay to the Montrose plant.

The PCB contamination in sediments on the Palos Verdes Shelf originated, in part, at a plant operated in Los Angeles County by Westinghouse Electric Corporation (Westinghouse). From 1956 to the mid-1990's, Westinghouse manufactured and repaired electrical equipment at this plant. Like DDT from the Montrose Chemical plant, PCBs from the Westinghouse plant and other plants in the Los Angeles area entered the LACSD sewer system, flowed to the LACSD treatment plant, and were discharged to the Pacific Ocean via outfalls located on the Palos Verdes Shelf.

In June, 1990, the United States and the State of California filed suit in U.S. district court in California against various parties associated with the Montrose and Westinghouse plants under Section 107 of CERCLA. *United States* v. *Montrose Chemical Corporation of California, et al.,* No. CV 90–3122–AAH(Jrx) (C.D. Cal.). Two claims are asserted in that action. First, federal and state natural resource trustees—e.g., the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service, the National Park Service, the California Department of Fish and Game, the California State Lands Commission and the California Department of Parks and Recreation—seek to recover natural resource damages for injury to trust resources as a result of DDT and PCB contamination on the Palos Verdes Shelf and other marine areas. Second, EPA is seeking compel the implementation of response actions and to recover response costs incurred and to be incurred by the United States under CERCLA in connection with the releases from the Montrose plant and related operations to the soil, groundwater, and the stormwater and sewer pathways.

Several response actions are currently underway to address these releases. Montrose is performing an RI/FS concerning contaminated soil and groundwater at and in the vicinity of the Montrose plant. EPA is conducting a removal action to identify and excavate DDT-contaminated fill in several nearby residential properties and has begun an investigation of DDT dust that may have been released from the Montrose plant and deposited in nearby residential and commercial/industrial areas. EPA is also conducting an investigation of the historic and current stormwater pathway from the Montrose plant to the Consolidated Slip in Los Angeles Harbor. EPA is pursuing removal of DDT-contaminated sediments in the LACSD sewer lines adjacent to and downstream from the Montrose plant.

While EPA has been conducting response actions at and in the vicinity of the Montrose plant, the federal and state CERCLA natural resource trustees (the trustees) have conducted an investigation of DDT and PCB contamination on the Palos Verdes Shelf and of the impact of this contamination on natural resources in the area. The results of the trustees' damage assessment investigation, including extensive expert evaluations, were made available to EPA and the public in October 1994.

These studies indicate that there are approximately 100 metric tons of DDT and 10 metric tons of PCBs in a well-defined deposit of sediment covering a 16 square mile area on the shelf and adjacent continental slope in the vicinity of the LACSD wastewater outfall. These studies further confirm extremely elevated levels of DDT and PCBs in the tissue of fish and eggs of birds in this offshore area.

After reviewing the federal and state natural resource trustees' damage assessment reports, EPA in December 1994 began to consider whether it should undertake response actions directed at the DDT and PCB contamination on the Palos Verdes Shelf. EPA had long been addressing DDT contamination at and emanating from the Montrose plant, including contamination through the groundwater, through stormwater runoff channels, into neighboring properties, through the sewer system, and into the consolidated slip. The information in the trustees' damage assessments confirmed that the DDT and PCBs on the Palos Verdes Shelf pose a continuing threat to natural resources in the area.

In July 1996, EPA initiated its own CERCLA investigation of the Palos Verdes Shelf. In a memorandum, dated July 9, 1996 and approved on July 10, 1996, EPA decided to initiate a Superfund removal investigation, known as an Engineering Evaluation and Cost Analysis (EE/CA), to evaluate the need for action and to evaluate alternatives for addressing the contaminated sediment on the Palos Verdes Shelf. [1] This memorandum extensively documents the threat to human health and the environment posed by the DDT and PCB contamination on the Palos Verdes Shelf. By this memorandum, EPA staff was authorized to gather information regarding whether response activities should be undertaken to address the contamination on the Palos Verdes Shelf and, if so, to evaluate possible cleanup actions.

At the same time EPA also decided that the investigation of the Palos Verdes Shelf should be managed as part of the response activities being conducted by EPA in connection with the Montrose NPL Site. Finding that the majority of the DDT present on the Palos Verdes Shelf originated at the Montrose plant, EPA concluded that a consolidated management approach would facilitate the funding, staffing, and administration of its investigation. The memorandum memorializing this decision was issued at the same time as the memorandum approving the EE/CA. [2]

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[1] This memorandum is titled ''Engineering Evaluation and Cost Analysis Approval Memorandum for Addressing Contaminated Marine Sediments on the Palos Verdes Shelf,'' from Andrew Lincoff and Michael Montgomery, Remedial Project Managers, to Keith Takata, Acting Director, Hazardous Waste Management Division, EPA Region 9.

[2] This memorandum is titled ''Management of EPA Superfund Response Activities as Part of EPA

II. Contents of This Proposed Rule

EPA is proposing to amend the Montrose Chemical Corporation National Priorities Listing to include the DDT and PCB contamination on the Palos Verdes Shelf, discussed above. EPA's proposal is based on an HRS score for the Palos Verde Shelf of 50, well above the HRS score of 28.50 necessary for NPL eligibility. However, rather than proposing the Palos Verdes Shelf as a separate site, EPA is instead proposing to amend the existing Montrose Chemical Corporation National Priorities Listing to include the DDT and PCB contamination on the Palos Verdes Shelf. In this regard, EPA is applying its site aggregation policy. The site aggregation policy is discussed in a memorandum to the file, from Carolyn Douglas, NPL Coordinator, EPA Region 9, dated August 13, 1997, which is included in the listing package.

By this proposed rulemaking, EPA intends to make clear to the public that the Agency believes there are immediate and serious public health and environmental risks associated with the Palos Verdes Shelf, as reflected in the HRS evaluation, and that the Agency believes the Palos Verdes Shelf should be designated as part of the Montrose Chemical Corporation National Priorities Listing.

Public Comment

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 EPA Region 9. The dockets are available for viewing, by appointment only, after the appearance of this proposed 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. The hours of operation of the Region 9 docket are from 8 a.m. to 5 p.m., Monday through Friday, excluding Federal holidays.

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, (Mail Code 5201G), Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202, 703/603–9232.

(Please note this is the viewing address only. Mail comments to address listed in **ADDRESSES** section above.)

Carolyn Douglas SFD5, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343.

The Headquarters docket for this rulemaking contains the following information for the Palos Verdes Shelf: HRS score sheets; a Documentation Record describing the information used to compute the score; pertinent information regarding application of the EPA Aggregation Policy in this matter; and a list of documents referenced in the Documentation Record. The Region 9 docket in this matter contains all of the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon and cited by EPA in calculating the HRS score for the Palos Verdes Shelf.

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.

EPA will consider 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 Region 9 docket approximately one week after the formal comment period closes. Comments received after the comment period closes will be available in the Headquarters and Regional dockets on an ''as received'' basis. EPA cannot delay its final decision in this matter solely to accommodate late comments.

Comments that include or rely on 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 the individual HRS factor values. See *Northside Sanitary Landfill* v. *Thomas*, 849 F.2d 1516 (D.C. Cir. 1988). EPA will make its final decision in this matter after considering the relevant comments received during the comment period.

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), Pub. 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 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 sections 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

Response Actions Taken in Connection With the Montrose Chemical NPL Site,'' from Andrew Lincoff and Michael Montgomery, Remedial Project Managers, to Keith Takata, Acting Director, Hazardous Waste Management Division, EPA Region 9.

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.

EPA does not expect the listing of this site 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.

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: August 14, 1997.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 97–22066 Filed 8–20–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–180, RM–9105]

Radio Broadcasting Services; Hawthorne, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Bruce Elving proposing the allotment of Channel 293A to Hawthorne, Wisconsin, as that community's first local broadcast service. There is a site restriction 5.4 kilometers (3.3 miles) west of the community at coordinates 46–29–37 and 91–55–34. Canadian concurrence will be requested for the allotment of Channel 293A at Hawthorne.

DATES: Comments must be filed on or before October 6, 1997, and reply comments on or before October 21, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Bruce Elving, P.O. Box 336, Esko, MN 55733–0336.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–180, adopted August 6, 1997, and released August 15, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–22112 Filed 8–20–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–177; RM–9131]

Radio Broadcasting Services; Kenova, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Billy R. Evans proposing the allotment of Channel 250A at Kenova, West Virginia, as the community's first local aural transmission service. Channel 250A can be allotted to Kenova in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.5 kilometers (1.6 miles) south to avoid a short-spacing to the licensed site of Station WZQQ(FM), Channel 250C3, Hyden, Kentucky. The coordinates for Channel 250A at Kenova are North Latitude 38–22–38 and West Longitude 82–34–33.

DATES: Comments must be filed on or before October 6, 1997, and reply comments on or before October 21, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Billy R. Evans, 111 Picardy Ct., Elizabethtown, Kentucky 42701 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–177, adopted August 6, 1997, and released August 15, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The

complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–22109 Filed 8–20–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–176; RM–9141]

Radio Broadcasting Services; Roscoe, SD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by West Wind Broadcasting proposing the allotment of Channel 287A at Roscoe, South Dakota, as the community's first local aural transmission service. Channel 287A can be allotted to Roscoe in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 287A at Roscoe are North Latitude 45–27–00 and West Longitude 99–20–12.

DATES: Comments must be filed on or before October 6, 1997, and reply comments on or before October 21, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr., President, West Wind Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–176, adopted August 6, 1997, and released August 15, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–22110 Filed 8–20–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–179, RM–9064]

Radio Broadcasting Services; Old Forge and Newport Village, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by 21st Century Radio Ventures, Inc., seeking the reallotment of Channel 259A from Old Forge, NY, to Newport Village, NY, and the modification of its outstanding construction permit (BPH–940203MC) to specify Newport Village as the station's community of license. The reallotment could provide Newport Village with its first local aural service. Channel 259A can be allotted to Newport Village in compliance with the Commission's minimum distance separation requirements with a site restriction of 10 kilometers (6.2 miles) northwest, at coordinates 43–15–43 North Latitude and 75–05–02 West Longitude, to avoid a short-spacing to Station WTKW, Channel 258A, Bridgeport, NY, and Station WRVE, Channel 258B, Schenectady, NY. Newport Village is located within 320 kilometers (200 miles) of the U.S.-Canadian border. Therefore, the Commission must obtain the concurrence of the Canadian government in the proposal.

DATES: Comments must be filed on or before October 6, 1997, and reply comments on or before October 21, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James L. Primm, President and Counsel, 21st Century Radio Ventures, Inc., 530 Wilshire Blvd., Suite 301, Santa Monica, CA 90401 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–179, adopted August 6, 1997, and released August 15, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–22111 Filed 8–20–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–178, RM–8329, RM–8739]

Radio Broadcasting Services; West Hurley and Rosendale, NY, North Canaan and Sharon, CT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on two mutually exclusive petitions for rule making. Raymond A. Natole requests the allotment of Channel 255A to West Hurley, NY, as the community's first local aural transmission service. Sacred Heart University, Inc., requests the allotment of Channel *277A to North Canaan, CT, and its reservation for noncommercial educational use, as the community's first local aural transmission service. To accommodate the North Canaan allotment, SHU also requests the substitution of Channel 273A for Channel 277A at Sharon, CT, the modification of Station WQQQ's license to specify the alternate channel, and the substitution of Channel 255A for unoccupied but applied-for Channel 273A at Rosendale, NY. Channel 255A can be allotted to West Hurley without the imposition of a site restriction, at coordinates 42–00–06 North Latitude and 74–06–00 West Longitude. Channel *277A can be allotted to North Canaan with a site restriction of 2.8 kilometers (1.7 miles) northwest, at coordinates 42–03–21; 73–20–56, to avoid a short-spacing to Stations WDRC–FM, Channel 275B, Hartford, CT, WHRL, Channel 276A, Albany, NY, and WODS, Channel 277B, Boston, MA. Channel 255A can be allotted to Rosendale with a site restriction of 10 kilometers (6.2 miles) north, at coordinates 41–55–43; 74–07–45, to avoid a short-spacing to Stations WPLR, Channel 256B, New Haven, CT, and WFSO, Channel 202A, Olivebridge, NY. Channel 273A can be allotted to Sharon at Station WQQQ's presently licensed transmitter site, at coordinates 41–55–08; 73–34–22. Canadian concurrence in the Rosendale and West Hurley allotment is required since the two communities are located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before October 6, 1997, and reply comments on or before October 21, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Raymond A. Natole, P.O. Box 327, Shokan, NY 12481 (Petitioner for West Hurley, NY); Mark N. Lipp, Esq., Ginsburg, Feldman and Bress, Chartered, 1250 Connecticut Avenue, NW, Suite 800, Washington, D.C. 20036–2604 (Counsel to Sacred Heart University, Inc.)

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–178, adopted October 6, 1997, and released October 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–22113 Filed 8–20–97; 8:45am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. RSPA–97–2762]

Pipeline Safety: Pipeline Corrosion Control

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Research and Special Programs Administration (RSPA) invites representatives of the gas and hazardous liquid pipeline industry, state and local government, and the public to an open meeting on pipeline corrosion and corrosion control on Monday, September 8, 1997. The public meeting will be held in conjunction with the National Association of Corrosion Engineers (NACE) Fall Committee Meeting. The purpose of this meeting is to gather information on experience with the current Federal pipeline safety regulations on corrosion control, as prescribed in 49 CFR Parts 192 and 195, and to solicit comments and suggestions to improve these regulations. Among the issues is whether the current regulations should be revised, supplemented, or replaced by reference to applicable industry standards and recommended practices.

DATES: The meeting will be held on Monday, September 8, 1997, beginning at 9:00 a.m. Interested persons are invited to attend the meeting and present oral or written statements on the matters set for the meeting. Any person who wishes to speak should notify Jenny Donohue at (202) 366–4046. Please estimate the time that will be required for your presentation. If necessary, RSPA reserves the right to limit the time of each speaker to ensure that everyone who requests an opportunity to speak is allocated sufficient time. Other speakers may have an opportunity to present statements as time allows.

ADDRESSES: This meeting will be held in conjunction with the NACE International Fall Conference at the Hyatt Regency Oakbrook Hotel, 1909 Spring Road, Oakbrook, Illinois.

COMMENTS: Written comments on the subject of this notice may be submitted by November 8, 1997, to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001. Comments should identify the docket number of this notice (RSPA–97–2762). Persons should submit the original document and one (1) copy. Persons wishing to receive confirmation of receipt of their comments must include a stamped, self-addressed postcard. Alternatively, comments may be submitted via e-mail to ''gopala.vinjamuri@rspa.dot.gov''. The Dockets Facility is located on the plaza level of the Nassif Building in Room Number 401, 400 Seventh Street, SW, Washington, DC. The Dockets Facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Gopala K. Vinjamuri, (202) 366–4503, U.S. Department of Transportation, RSPA, 400 Seventh Street, SW, Washington, D.C. 20590, or e-mail, gopala.vinjamuri@rspa.dot.gov, regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: To further the goals of the President's National Performance Review (NPR) and Regulatory Reinvention Initiative (RRI), RSPA has implemented a program review of those parts of the gas and hazardous liquid pipeline regulations that address corrosion and corrosion control. The purpose of this review is to eliminate or revise those regulations that are outdated or in need of reform. In addition, the Administration encourages increased use of applicable standards to improve safety and to remove unnecessary burdens from the regulated community. See Office of Management and Budget (OMB) Circular A119.

In organizing this public meeting in association with NACE International, a professional society involved in the development of technical standards on corrosion control and prevention, OPS expects attendance from leading corrosion experts, pipeline operators, state pipeline safety officials, and other interested parties. OPS believes this forum is a good opportunity for the public to participate in discussing pipeline corrosion issues and suggesting ways to enhance pipeline safety.

OPS seeks input on any concerns the public has with the pipeline safety corrosion control regulations, including, but not limited to the following:

(1) Should OPS adopt NACE recommended practices for pipeline corrosion control to supplement current Federal Regulations?

(2) Are the pipeline corrosion control regulations in Parts 192 and 195 sufficient to ensure safety? If not, what changes to the regulations are needed?

(3) Should corrosion control requirements for the gas and hazardous liquid pipelines be the same?

(4) Are there other industry standards concerning corrosion control that OPS should consider for adoption?

OPS's goal is to receive input from all interested parties, so no formal agenda will be prepared.

Issued in Washington, D.C., on August 15, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97–22107 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register
Vol. 62, No. 162
Thursday, August 21, 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

Submission for OMB Review; Comment Request

August 15, 1997.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Consumer Service

Title: Food Stamp Forms, Periodic Reporting, Notice of Late/Incomplete Report, etc.
OMB Control Number: 0584–0064.
Summary of Collection: Information collected includes an application for food stamps and reports and action taken by State agencies.
Need and Use of the Information: The information is used to administer the Food Stamp Act of 1977.
Description of Respondents: State, Local, or Tribal Government; Individuals or households.
Number of Respondents: 18,305,000.
Frequency of Responses: Recordkeeping; Reporting: On occasion; Monthly.
Total Burden Hours: 20,027,943.

Food and Consumer Service

Title: Tracking Nutrition Security Changes: State Choices and the National Food Stamp Program.
OMB Control Number: 0584–New.
Summary of Collection: Information will be collected on State food stamp policy choices.
Need and Use of the Information: The information will be used to more fully understand the extent and nature of State food stamp choices. The information will also enable FCS and public policymakers to make informed policy decisions with regard to State flexibility in the Food Stamp Program.
Description of Respondents: State, Local, or Tribal Government; Not-for-profit institutions.
Number of Respondents: 365.
Frequency of Responses: Reporting: One time.
Total Burden Hours: 500.

Food and Consumer Service

Title: WIC Annual Participation Report.
OMB Control Number: 0584–0347.
Summary of Collection: WIC State agencies report their average participation by priority group and the average number of migrant participants for the most recent 12 months.
Need and Use of the Information: FCS uses this data to monitor targeting success and to allocate funds to States.
Description of Respondents: State, Local, or Tribal Government; Not-for-profit institutions.
Number of Respondents: 2,088.
Frequency of Responses: Reporting: Annually.
Total Burden Hours: 2,088.

Rural Business-Cooperative Service

Title: 7 CFR 4284–F, Rural Cooperative Development Grant.
OMB Control Number: 0570–0006.
Summary of Collection: Information collected includes an application for Federal assistance, applicant's experience with similar projects, description of work, and plan narrative.
Need and Use of the Information: The information will be used to evaluate the applicant's ability to carry out the purpose of the program.
Description of Respondents: Individuals or households; Not-for-profit institutions; State, Local, or Tribal Government.
Number of Respondents: 25.
Frequency of Responses: Reporting: On occasion.
Total Burden Hours: 1,012.

Food and Consumer Service

Title: Food Stamp Program Identification Card, 7 CFR 274.10(a).
OMB Control Number: 0584–0124.
Summary of Collection: Food Stamp Program (FSP) regulations require that State agencies issue an FSP identification card to each household certified eligible to participate.
Need and Use of the Information: The identification card is used to protect the programs integrity and to decrease the number of unauthorized issuance of benefits.
Description of Respondents: State, Local, or Tribal Government; Individuals or households.
Number of Respondents: 958,328
Frequency of Responses: Reporting, Recordkeeping: On occasion.
Total Burden Hours: 61,480.

Food and Consumer Service

Title: NSWP—National Survey of WIC Participants and Their Local Agencies.
OMB Control Number: 0584–New.
Summary of Collection: Information will be collected on income, household composition and program participation.
Need and Use of the Information: The information collected will serve as a research base with a special focus of analyzing sources of income information to more fully describe household circumstances.

Description of Respondents: State, Local, or Tribal Government; Individuals or households.

Number of Respondents: 3,100.

Frequency of Responses: Reporting: one-time.

Total Burden Hours: 2,736

Food and Consumer Service

Title: WIC Financial Management and Participation Report.

OMB Control Number: 0584–0045.

Summary of Collection: Information collected includes monthly financial and participation data.

Need and Use of the Information: The information is used for program monitoring, funds allocation and management, budget projections, monitoring caseload and policy development.

Description of Respondents: State, Local, or Tribal Government; Individuals or households.

Number of Respondents: 2,088.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 19,242.

Donald Hulcher,

Department Clearance Officer.

[FR Doc. 97–22200 Filed 8–20–97; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council will meet in Milwaukee, Wisconsin, September 4–6, 1997. The purpose of the meeting is to review the status of the Council's annual report, continue discussion on emerging issues in Urban and Community Forestry, and vote on the grant categories for the 1998 Challenge Cost-Share grant program.

DATES: The meeting will be held September 4–6, 1997.

ADDRESSES: The meeting will be held at the Ramada Inn Downtown Milwaukee, 633 West Michigan Street, Milwaukee, Wisconsin. A tour of local projects will be September 4, 9:00 a.m.–3:00 p.m.

Individuals who wish to speak at the meeting or to proposed agenda items must send their names and proposals to Suzanne M. del Villar, Executive Assistant, National Urban and Community Forestry Advisory Council, 1042 Park West Court, Glenwood Springs, CO 81601.

FOR FURTHER INFORMATION CONTACT: Suzanne M. del Villar, Cooperative Forestry Staff, (970) 928–9264.

SUPPLEMENTARY INFORMATION: The Challenge Cost-Share grant categories, identified by the Council, are advertised annually to solicit proposals for projects to advance the knowledge of, and promote interest in, urban and community forestry. Pursuant to 5 U.S.C. 552b(c)(9)(B), the meeting will be closed from approximately 8:30 to 10:00 a.m. on September 6 in order for the Council to vote on the categories for the 1998 Challenge Cost-Share grant program. Otherwise, the meeting is open to the public.

Persons who wish to bring urban and community forestry matters to the attention of the Council may file written statements with the Council staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by August 22 will have the opportunity to address the Council. Council discussion is limited to Forest Service staff and Council members.

Dated: August 15, 1997.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 97–22279 Filed 8–20–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation to Provide Official Services in the Northeast Indiana (IN) Region

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: East Indiana Grain Inspection, Inc. (East Indiana), has asked GIPSA to amend its designation to remove the Northeast Indiana region from their assigned geographic area. GIPSA is asking persons interested in providing official services in the Northeast Indiana region to submit an application for designation.

DATE: Applications must be postmarked or sent by telecopier (FAX) on or before September 16, 1997.

ADDRESSES: Applications must be submitted to USDA, GIPSA, FGIS, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, 1400 Independence Avenue, S.W., Washington, DC 20090–3604. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications and comments 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.

East Indiana has asked GIPSA to remove the Northeast Indiana region from its assigned geographic area. The Northeast Indiana region consists of the following geographic area, in the State of Indiana:

Bounded on the North by the northern Lagrange and Steuben County lines; Bounded on the East by the eastern Steuben, De Kalb, Allen, and Adams, County lines;

Bounded on the South by the southern Adams and Wells County lines; and

Bounded on the West by the western Wells County line; the southern Huntington and Wabash County lines; the western Wabash County line north to State Route 114; State Route 114 northwest to State Route 19; State Route 19 north to Kosciusko County; the western and northern Kosciusko County lines; the western Noble and Lagrange County lines.

The following grain elevator, located outside of the above contiguous geographic area, is part of this geographic area assignment: E. M. P. Grain, Payne, Paulding County, Ohio (located inside Lima Grain Inspection Service, Inc.'s, area).

Section 7(f)(1) of the United States Grain Standards Act, as amended (USGSA), authorizes GIPSA's Administrator, after determining that there is sufficient need for official services, to designate a qualified applicant to provide official services in a specified area after determining that the applicant is qualified and is better able than any other applicant to provide such official services. GIPSA is asking persons interested in providing official services in the Northeast Indiana region to submit an application for designation. The applicant selected for designation in the Northeast Indiana region will be assigned by GIPSA's Administrator according to Section 7(f)(1) of the Act.

Interested persons are hereby given an opportunity to apply for designation to provide official services in the Northeast Indiana region under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Applications and other available information will be considered in determining which applicant will be designated.

Designation in the Northeast Indiana region is for the period beginning about January 1, 1998, and not to exceed 3 years as prescribed in section 7(g)(1) of the Act. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

AUTHORITY: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: August 14, 1997.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 97–22012 Filed 8–20–97; 8:45 am]

BILLING CODE 3410–EN–F

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

National Commission on Small Farms; Meeting

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Secretary of Agriculture by Departmental Regulation No. 1043–43 dated July 9, 1997, established the National Commission on Small Farms (Commission) and further identified NRCS to provide support to the Commission. The purpose of the Commission is to gather and analyze information regarding small farms and ranches and recommend to the Secretary of Agriculture a national policy and strategy to ensure their continued viability. The chair of the Commission has decided that the Commission may hold subcommittee meetings in order to gather public input from different regions of the country.

Place, Date and Time of Meeting: The Commission's first subcommittee meeting will be at the Marriot, 189 Wolf Road, Albany, New York. The subcommittee will meet from 10:00 a.m. to 4:00 p.m. on September 2, to hear public testimony. The meeting is open to the public. We are seeking testimony from various sources to arrive at conclusions and recommendations that will ensure the continued viability of small farms. The Commission requests that testimony and comments include ideas and recommendations based on the following questions. Concerns or problems of individual farms that relate to specific USDA programs should be addressed only in the context of a recommendation for the Commission to consider.

The questions are:

1. How are current USDA programs helping or hurting the viability of small farms?

2. What are the needs of small farms in terms of financing, research, extension, marketing and risk management and other areas? What recommendations would you make about these needs that could be part of a long-range strategy to ensure the continued viability of small farms?

3. Are there innovative non-governmental or state efforts to assist beginning and smaller independent farms that might be replicated or supplemented at the Federal level?

4. What changes in USDA policy or practices are needed to make USDA programs in the areas of credit, research, extension, marketing, risk management and other areas more effective in enabling small farms to survive and thrive?

5. What new programs could provide effective and affordable support for small farmers as commodity programs are phased out?

6. What can be done to assist beginning farmers and farm workers to become farm owners?

7. What role should the Federal government play to ensure a diversified, decentralized and competitive farm structure?

8. What do small farms contribute to your community and your state?

9. What other generic issues pertaining to small farms should the Commission consider?

Interested parties wishing to testify must contact the office of the National Commission on Small Farms by August 26, 1997 in order to be placed on a list of witnesses. Oral presentations will be limited to 5 minutes. Those wishing to testify, but unable to notify the Commission office by August 26, will be able to sign up as a presenter September 2. Sign up will begin at 9:30 a.m. and end at 12:00 Noon. These presenters will testify on a first come, first served basis and comments will be limited based on the time available and the number of presenters. Written statements will be accepted at the meeting or may be mailed or faxed to the Commission office by September 12, 1997.

ADDRESSES: Comments and statements should be sent to National Commission on Small Farms, U.S. Department of Agriculture, P.O. Box 2890, Room 5237, South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Jennifer Yezak Molen, Director, National Commission on Small Farms, at the address above or at (202) 690–0648 or (202) 690–0673. The fax number is (202) 720–0596.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to gather and evaluate background information, studies, and data pertinent to small farms and ranches, including limited-resource farmers. On the basis of the review, the Commission shall analyze all relevant issues and make findings, develop strategies, and make recommendations for consideration by the Secretary of Agriculture toward a national strategy on small farms. The national strategy shall include, but not be limited to: changes in existing policies, programs, regulations, training, and program delivery and outreach systems; approaches that assist beginning farmers and involve the private sectors and government, including assurances that the needs of minorities, women, and persons with disabilities are addressed; areas where new partnerships and collaborations are needed; and other approaches that it would deem advisable or which the Secretary of Agriculture or the Chief of the Natural Resources Conservation Service may request the Commission to consider.

The Secretary of Agriculture has determined that the work of the Commission is in the public interest and within the duties and responsibilities of USDA. Establishment of the Commission also implements a recommendation of the USDA Civil Rights Action Report to appoint a diverse commission to develop a national policy on small farms.

Dated: August 8, 1997.

Pearlie S. Reed,

Acting Assistant Secretary for Administration.

[FR Doc. 97–22092 Filed 8–20–97; 8:45 am]

BILLING CODE 3410–16–P

ARMS CONTROL AND DISARMAMENT AGENCY

Announcement of the William C. Foster Fellows Visiting Scholars Program for the 1998–99 Academic Year

The U.S. Arms Control and Disarmament Agency (ACDA) will conduct a competition to select visiting scholars to serve at the Agency during

the 1998–99 academic year. University faculty from a variety of fields are sought, including those in the physical sciences, engineering, international relations, economics, chemistry, biology, mathematics and computer science.

Section 28 of the Arms Control and Disarmament Act (22 U.S.C. 2568), as amended, provides that ''a program for visiting scholars in the field of arms control, nonproliferation, and disarmament shall be established by the Director in order to obtain the services of scholars from the faculties of recognized institutions of higher learning.'' The law states that ''the purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer * * *.'' Scholars are known as William C. Foster Fellows, in honor of the first Director of ACDA, who served from 1961 to 1969.

Assignments are available in the Bureaus of Strategic and Eurasian Affairs (SEA); Multilateral Affairs (MA); Intelligence, Verification and Information Management (IVI); and Nonproliferation and Regional Arms Control (NP). Visiting scholars participate in a wide range of Agency activities, such as performing arms control research and analyses, evaluating data relating to compliance with treaties in force, supporting interagency development of arms control policy, and taking part in international arms control and disarmament negotiations.

Visiting scholars will be detailed to ACDA by their universities for one full year. The institutions will be compensated for the scholar's salaries and benefits in accordance with the Intergovernmental Personnel Act of 1970 and within Agency budgetary limitations. Each Fellow will receive reimbursement for travel to and from the Washington, DC area for his/her one year assignment and either a per diem allowance during the one year detail or relocation costs.

Qualified candidates must be citizens of the United States, on the faculty of a recognized U.S. institution of higher learning, and tenured or on a tenure track.

ACDA is an equal opportunity employer. Selections will be made without regard to race, color, religion, sex, national origin, age, or physical handicap that does not interfere with performance of duties. Prior to appointment, all candidates will be subject to a full-field background investigation for a Top Secret security clearance, as required by Section 45 of the Arms Control and Disarmament Act, as amended. Visiting scholars will be subject to applicable Federal conflict of interest laws and standards of conduct.

To apply, candidates must submit a letter outlining their interests and qualifications, a curriculum vitae, copies of two publications, and optional supporting material such as letters of reference. Applicants will be evaluated based on their potential to provide expertise or to perform services critical to ACDA's mission. The application deadline for assignments for the 1998–99 academic year is January 31, 1998, subject to extension at the Agency's discretion. ACDA expects to announce tentative selections in June or July 1998.

For an information brochure, please write to: Foster Fellows Program, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW, Washington, DC 20451; or call (202) 647–8090.

Dated: August 12, 1997.

James Sweeney,

Chief Science Advisor.

[FR Doc. 97–22197 Filed 8–20–97; 8:45 am]

BILLING CODE 6820–32–M

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the Kentucky Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission which was to have convened at 1:00 p.m. and adjourned at 5:00 p.m. on September 4, 1997, at the Louisville Free Public Library, Western Branch, 604 S. 10th Street, Louisville, Kentucky, has been canceled. The original notice for the meeting was announced in the **Federal Register** on August 7, 1997, FR Doc. 97–20835, 62 FR 42483.

Persons desiring additional information should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004).

Dated at Washington, DC, August 12, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–22193 Filed 8–20–97; 8:45 am]

BILLING CODE 6335–01–P–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Exception to Reporting Requirement under the Import Certificate/Delivery Verification Procedures.

Agency Form Number: None.

OMB Approval Number: 0694–0001.

Type of Request: Extension of a currently approved collection.

Burden: 11 hours.

Avg. Hours Per Response: Approximately 30 minutes.

Number of Respondents: 21.

Needs and Uses: The U.S. and participating countries have agreed to establish an Import Certificate and Delivery Verification requirements to help control the disposition of strategically important commodities. When exporters are unable to comply with the requirement or feel that obtaining the required documentation is impractical, exporters must provide certain information to BXA. The information is used to determine if an exception to either requirement would be appropriate.

Affected Public: Businesses or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Victoria Baecher-Wassmer, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Victoria Baecher-Wassmer, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: August 13, 1997

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–22143 Filed 8–20–97; 8:45 am]

BILLING CODE: 3510–DEBT–P

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication

ACTION: Publication of annual notice of existence and character of each system of records that the Commodity Futures Trading Commission (''Commission'') maintains which contains information about individuals.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Pub.L. 93–579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals (40 FR 41056). The rules as amended (17 CFR part 146) deal with an individual's right to know what information the Commission has in its files concerning the individual, the individual's right to have access to those records, the individual's right to petition the Commission to have inaccurate or incomplete records amended or corrected, and the individual's right not to have personal information disseminated to unauthorized persons. The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

Under 5 U.S.C. 552a(e)(4) and 17 CFR 146.11(a), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

FOR FURTHER INFORMATION CONTACT: Edward W. Colbert, Assistant Secretary to the Commission, Freedom of Information Act, Privacy Act and Government in the Sunshine Act Compliance Office, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, (202) 418–5105.

SUPPLEMENTARY INFORMATION:

Content of Systems Notices

Each of the notices contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. The routine uses of records maintained in the system, including the categories of users and the purposes of such uses;
7. The policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system;
8. The title and business address of the system manager, the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him, how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
10. The categories of sources of records in the system.

The following four systems of records have been exempted as set forth in the descriptions of these systems of records from certain requirements of the Privacy Act, as authorized under 5 U.S.C. 552a(k):

CFTC–9 Confidential information obtained during employee background investigations.

CFTC–10 Investigatory material compiled for law enforcement purposes.

CFTC 31 Information pertaining to individuals discussed at closed Commission meetings.

CFTC 32 Investigatory materials compiled by the Office of the Inspector General.

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission offices are in the following locations:

- Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, Telephone: (202) 418–5000.
- 300 Riverside Plaza, Suite 1600 North, Chicago, Illinois 60606, Telephone: (312) 353–5990.
- 4900 Main Street, Suite 721, Kansas City, Missouri 64112, Telephone: (816) 931–7600.
- One World Trade Center, Suite 3747, New York, New York 10048, Telephone: (212) 466-2061.
- Murdock Plaza, 10900 Wilshire Blvd, Suite 400, Los Angeles, California 90024, Telephone: (310) 235–6783.
- 510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 370–3255.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. The Commission's headquarters office is in Washington, DC, and is referred to in the systems notice as the ''principal office.'' The Commission maintains regional offices in Chicago and New York and smaller offices in Kansas City, Minneapolis and Los Angeles. For purposes of this notice, the regional offices and smaller offices are referred to collectively as the ''regional offices.'' ''All CFTC offices'' means the headquarters office, the regional offices and the smaller offices.

In many cases, records within a system will not all be available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, DC headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if the requester would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled ''registration of futures commission merchants'' contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the National Futures Association's computer system to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals, this information is within the purview of the Privacy Act. See the

definition of system of records in the Privacy Act, 5 U.S.C. 552(a)(5), and § 146.2(g) of the Commission's Privacy Act rules, 17 CFR 148.2(g).

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant (FCM), except in the rare instance when an individual is registered as an FCM. Thus, if the investigation was opened under the name of the FCM, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation that might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes. Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a ''routine use,'' which is defined as a use of a record that is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or its staff participates as a party or the Commission participates as amicus curiae.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., and to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts, some of this information might be considered personal in nature.

6. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with ''any person.'' To avoid unnecessary repetition of these routine uses, where they are generally applicable, the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

The Commission's systems of records are set forth below. For further information contact: Freedom of Information Act (FOIA), Privacy Act and Government in the Sunshine Act Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Fourth Floor, Washington, DC 20581, (202) 418–5105.

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CFTC–1

SYSTEM NAME:

Matter Register and Matter Indices.

SYSTEM LOCATION:

This system is located in the Division of Enforcement in the Commission's principal office and regional offices. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Persons found or alleged to have, or suspected of having, violated the Commodity Exchange Act or the rules, regulations or orders of the Commission adopted thereunder.

b. Persons lodging complaints with the Commission.

c. Agency referrals.

CATEGORIES OF RECORDS IN THE SYSTEM:

An index system to CFTC–14 Matter Files and CFTC–16 Case Files, including:

a. The matter register. A file number is assigned to each case and the record is filed according to that number. The register also indicates the date opened, the disposition and status, the date closed, and the staff member assigned.

b. The matter register also includes reports recommending opening and closing of investigations.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, loose-leaf binders, computer memory, computer printouts, and index cards.

RETRIEVABILITY:

By name of investigation.

SAFEGUARDS:

General building security. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

The records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement in the Commission's principal office and Regional Counsel in New York, Chicago and Los Angeles. See ''The Location of Systems of Records.''

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Persons submitting complaints to the Commission, and miscellaneous sources including customers, law enforcement and regulatory agencies, commodity exchanges, trade sources, and Commission staff generated items.

CFTC–2

SYSTEM NAME:

Correspondence Files.

SYSTEM LOCATION:

This system is located in the Commission's principal offices at 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with the Commission, directly or through their representatives. Persons discussed in correspondence to or from the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence. This system includes only those records that are part of a general correspondence file maintained by the office involved. It includes correspondence indexed by subject matter, date or assigned number and, in certain offices, by individual name of the correspondent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, in loose-leaf binders, on index cards, computer memory and printouts, and related indices on magnetic disk.

RETRIEVABILITY:

By name of correspondent, subject matter, date or assigned number. The name may be either the name of the person who sent or received the letter, or the person on whose behalf the letter was sent or received. It may also be another person who was the principal subject of the letter, where circumstances appear to justify this treatment. See previous discussion concerning the category of records maintained in this system.

SAFEGUARDS:

Secured rooms or on secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained indefinitely depending on the policies and practices of the offices involved.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Secretariat; Director, Office of Public Affairs; Director, Office of Legislative and Intergovernmental Affairs; Executive Director; General Counsel; Director, Division of Enforcement; Director, Division of Trading and Markets; and, Director, Division of Economic Analysis. All are located at 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone

(202) 418–5105. Specify the system manager, if known.

RECORD SOURCE CATEGORIES:

Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC–3

SYSTEM NAME:

Docket Files.

SYSTEM LOCATION:

This system is located in the Office of Proceedings, Proceedings Clerk's Office, Commodity Futures Trading Commission, 1155 21st Street, NW., Fourth Floor, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons involved in any CFTC proceeding.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pleadings, motions, applications, stipulations, affidavits, transcripts and documents introduced as evidence, briefs, orders, findings, opinions, and other matters that are part of the record of an administrative or reparations proceeding. They also include related correspondence and indices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Commission is authorized or required to conduct hearings under several provisions of the Commodity Exchange Act. These files are a necessary concomitant for the conduct of orderly hearings. See also 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are public records unless the Commission or assigned presiding officer determines for good cause to treat them as nonpublic records consistent with the provisions of the Freedom of Information Act. Nonpublic portions may be used for any purpose specifically authorized by the Commission or by the presiding officer who ordered such nonpublic treatment of the records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, computer printouts, index cards, and microfiche.

RETRIEVABILITY:

By the docket number and cross-indexed by complainant and respondent names.

SAFEGUARDS:

Only items that the Commission or the presiding officer has directed be kept nonpublic are segregated. Precautions are taken as to these items to assure that access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Maintained in the Office of Proceedings with the presiding officer until disposition by the presiding officer, and then the entire record of the proceeding is forwarded to the Proceedings Clerk's office for maintenance.

SYSTEM MANAGER(S) AND ADDRESS:

Proceedings Clerk, Office of Proceedings, 1155 21st Street, NW., Fourth Floor, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Commission staff members; opposing parties and their attorneys; proceeding witnesses; and miscellaneous sources.

CFTC–4

SYSTEM NAME:

Employee Leave, Time and Attendance.

SYSTEM LOCATION:

The information in the system is kept in the CFTC offices in which the employee described by the records is located. Information is also kept centrally on the computer system located in the Department of Agriculture's National Finance Center, New Orleans, Louisiana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various records reflecting CFTC employees' time and attendance and leave status, as well as the allocation of employee time to designated budget account codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6101–6133; 5 U.S.C. 6301–6326; 44 U.S.C. 3101.

ROUTINE USES OF THE RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of any federal law or regulation thereunder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copies of time and attendance worksheets, leave request slips and signed printouts; diskettes; mainframe computer (NFC).

RETRIEVABILITY:

By the name of the employee or by the employee number, cross-indexed by name.

SAFEGUARDS:

Lock boxes and/or locked file drawers. Password required for access to diskettes and NFC computer system.

RETENTION AND DISPOSAL:

Hard copy records, including leave slips, signed printouts from the PC–TARE system, overtime approval slips and budget account code worksheets are retained for six years, then destroyed. Diskettes are written over on a 12 month rotating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC–5

SYSTEM NAME:

Employee Personnel/Payroll Records.

SYSTEM LOCATION:

This system is located in the Office of Human Resources at 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

General records relating to the employee including information from the notification of personnel action (SF–50) and other related sources, employee name, Social Security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

Payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bonds and charity deductions, mailing addresses and home addresses, and copies of the CFTC time and attendance reports as well as authorities relating to deductions.

The records maintained in the principal office for all employees include: a. Forms required and records maintained under the Commission's rules of conduct and the Ethics in Government Act; b. Pre-employment inquiries not included with ''exempted employee background investigation materials''; c. Various summary materials received in computer printout form; d. Awards information; and e. Training information.

The official personnel records maintained by the Commission are described in the system notices published by the Office of Personnel Management, and are not included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 5 U.S.C. APP. (Personnel Financial Disclosure Requirements).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department, the Office of Personnel Management or other federal agencies, or used by the Commission in connection with any investigation or administrative or legal proceeding involving any violation of federal law or regulation thereunder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, and computer printouts.

RETRIEVABILITY:

By the name or social security number of the employee.

SAFEGUARDS:

Lockable cabinets for paper records. Computer records accessible through password protected security system.

RETENTION AND DISPOSAL:

Maintained according to retention schedules prescribed by NARA for each type of personnel/payroll record.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, except for records maintained under the Commission's rules of conduct and the Ethics in Government Act, for which the General Counsel is the system manager. See ''The Location of Systems of Records.''

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; personnel office records; and miscellaneous sources.

CFTC–6

SYSTEM NAME:

Employee Travel Records.

SYSTEM LOCATION:

This system is located in the Commission's office at 1155 21st Street, NW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission member, employee, witness, expert, advisory committee member or non-CFTC employee traveling on official business for the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, destination, itinerary, mode and purpose of travel, dates, expenses, miscellaneous claims, amounts advanced, amounts claimed, and amounts reimbursed. Includes travel authorizations, travel vouchers, copies of government transportation requests, receipts and other records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–5752; 31 U.S.C. 1, et seq; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The information may be provided to the Justice Department or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of federal law or regulation thereunder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory and computer printout.

RETRIEVABILITY:

By the name of the Commission member, employee witness, expert, advisory committee member or CFTC employee traveling on official business for the Commission, and by Commission identification number.

SAFEGUARDS:

Access to the computer records is protected by a security system. General building security limits access to paper records kept in files of support staff in the offices of travelers and in the Travel Office.

RETENTION AND DISPOSAL:

Records are retained for three years after the period covered by the account.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer and Network Manager, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC–7

Deleted—Incorporated into CFTC–4 and CFTC–6.

CFTC–8

SYSTEM NAME:

Employment Applications.

SYSTEM LOCATION:

This system is located in Office of Human Resources at 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions with the CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the application and/or the resume of the applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about these records is used in making inquiries concerning the qualifications of the applicant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By job announcement number. Summary information of applications is also available to staff of the Office of Human Resources through an automated applicant tracking system.

SAFEGUARDS:

Lockable cabinets for paper records. Access to applicant tracking system granted only to appropriate personnel.

RETENTION AND DISPOSAL:

Most applicant records are retained for two years, then destroyed. Job announcements that are filled through examining authority delegated from the Office of Personnel Management (OPM) are kept for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, 1155 21st Street, NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC–9

SYSTEM NAME:

Exempted Employee Background Investigation Material.

SYSTEM LOCATION:

This system is located in the Office of Human Resources at 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and prospective employees of the CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory material complied for the purpose of determining suitability, eligibility, or qualifications for CFTC employment obtained under an express promise that the identity of the source would be held in confidence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 5 U.S.C. 552a(k)(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses'' except that general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Lockable cabinets in secured offices or buildings.

RETENTION AND DISPOSAL:

These records are retained for three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Office of Human Resources, 1155 21st Street, NW., Washington, DC 20581.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k)(5), and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC–10

SYSTEM NAME:

Exempted Investigation Records.

SYSTEM LOCATION:

This system is located in the Commission's principal and regional offices. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals whom the staff has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing applications with the Commission for their own registration or registration of a firm.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory materials compiled for law enforcement purposes whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations. This system

may include all or any part of the records developed during the investigation or inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a(k)(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses'' except that general routine use number (5) is not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, disks, computer memory, computer printouts. A summary index of material is also stored on the computer.

RETRIEVABILITY:

By assigned case number or case title. Cases filed by number are cross-indexed by case title.

SAFEGUARDS:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

RETENTION AND DISPOSAL:

Maintained until exemption is no longer necessary, then returned to the appropriate nonexempt system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement, except for those records maintained under the Commission's rules of conduct and the Ethics in Government Act, for which the General Counsel is the system manager. See ''The Location of Systems of Records.''

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k)(2), and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, records access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC–11

Deleted—Incorporated into CFTC–20.

CFTC–12

SYSTEM NAME:

Fitness Investigations.

SYSTEM LOCATION:

Records for floor brokers and floor traders with respect to matters commenced prior to August 1, 1994: Division of Trading and Markets, 1155 21st Street, NW, Washington, DC 20581. Records for futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, their respective associated persons and principals, with active registration status in any capacity on or after October 1, 1983; leverage transaction merchants and their associated persons and principals with active registration status as such on or after August 1, 1994; floor brokers and floor traders with active registration status as such on or after August 1, 1994: National Futures Association (NFA), 200 West Madison Street, Suite 1400, Chicago, Illinois 60606–3447. (See also ''Retention and Disposal,'' infra.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied or who may apply for registration as floor brokers, floor traders, as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and leverage transaction merchants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system contains information in computerized and hardcopy format including registration forms, schedules and supplements, fingerprint cards, correspondence relating to registration, and reports and memoranda reflecting information developed from various sources. In addition, the system contains records of each fitness investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1)–(5), 8a(10), 8a(11), 17(o) and 19 of the Commodity Exchange Act as amended, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1)–(5), 12a(10), 12a(11), 21(o) and 23 (1988 and Supp. IV 1992).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to all of the Commission's systems of records, including this system, are set forth under the ''General Statement of Routine Uses.'' In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has or plans to enter into a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. No specific consent is required by an applicant or registered introducing broker to disclosure of information to the futures commission merchant with whom it has or plans to enter a guarantee agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, computer printouts, index cards, microfiche.

RETRIEVABILITY:

By the name of the individual or firm, or by assigned identification number. Where applicable, the NFA's computer cross-indexes the individual's file to the name of the futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with which the individual is associated or affiliated.

SAFEGUARDS:

General office security measures include secured rooms or premises and, in appropriate cases, lockable file cabinets with access limited to persons whose official duties require access. Access to computer systems is password protected and limited to authorized personnel only.

RETENTION AND DISPOSAL:

Hard copies of applications, biographical supplements, other forms,

related documents and correspondence are maintained, as applicable, for two years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Hard copy records are then stored at an appropriate site for an additional eight years before being destroyed. CFTC-held records are stored in the Federal Records Center, and NFA-held records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities. Since 1991, NFA has scanned, indexed and stored hard copy records on the computer via imaging software so the information may be retrieved and printed. Like the hard copy records, these imaged records are maintained by NFA for 10 years after the individual's registration(s), or the registration of the firm(s) with which the individual is affiliated as an associated person or principal becomes inactive.

NFA also maintains an index and summary of the hard copy records of this system in a data base, the Membership, Registration, Receivables System (MRRS). The MRRS records are maintained permanently on CFTC's or NFA's premises, as applicable, and are updated periodically as long as the individual's application is pending for registration in any capacity or affiliated with any registrant in any capacity. MRRS records on persons who may apply may be maintained indefinitely; microfiche records, when produced, are maintained permanently on the CFTC's or NFA's premises.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Registration, Division of Trading and Markets, at the Commission's principal office, or a designee. For records held by NFA, the systems manager is the Vice President for Registration, National Futures Association, 200 West Madison Street, Suite 1400, Chicago, Illinois 60606–3447, or a designee.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records or contesting the content of records about themselves should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105. Individuals may also request registration information by telephone directly from the NFA information center at 1–800–676–3570 or the NFA Disciplinary Information Access Line at 1–800–676–4632. NFA will query the computer database about the individual's current registration status and registration history, and provide instructions on how to make written requests for copies of records.

RECORD SOURCE CATEGORIES:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; foreign futures and securities authorities and INTERPOL; and other miscellaneous sources. Computer records are prepared from the forms, supplements, attachments and related documents submitted to the Commission or NFA and from information developed during the fitness inquiry.

CFTC–13

SYSTEM NAME:

Interpretation Files.

SYSTEM LOCATION:

Files are kept in the office responsible for preparing the interpretation letter, including the Division of Trading and Markets, the Office of the General Counsel, and the Division of Economic Analysis. Copies of the interpretation letters without the supporting documentation are also kept in the Secretariat and the Office of Public Affairs. All offices are located at 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested the Commission to provide them with its interpretation of provisions of the Commodity Exchange Act or various rules and regulations adopted by the Commission. The requests may have been made directly by the individual, or through the individual's attorney or other representative.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interpretation letters furnished, the request for an interpretation, and any related internal memoranda and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2(a)(4) of the Commodity Exchange Act, 7 U.S.C. 4a(c), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Pursuant to the Commission's rules, 17 CFR 140.98, interpretation letters and the related requests for interpretation that discuss matters of general applicability are made public and published by the Commission. Portions of such letters or information will be deleted or omitted to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or to the extent they otherwise contain material considered nonpublic under the Freedom of Information Act and the Commission's rules implementing that Act.

b. Information in these files may be used as a reference in responding to later inquiries from the same party or in following up on earlier correspondence involving the same person.

c. Also see ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By futures commission merchant, floor broker, commodity pool operator, commodity trading advisor or associated person if the request is made by them or on their behalf. If it is made on behalf of another individual, it will be filed by the name of the individual. If the identity of these persons is not known, the record will be maintained in the name of the attorney or other representative filing the request.

SAFEGUARDS:

Access limited to the offices where the records are maintained.

RETENTION AND DISPOSAL:

Maintained permanently (on premises for 5 years then transferred to the Federal Records Center). After 20 years, offered to the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Division of Trading and Markets; the General Counsel; Director, Division of Economic Analysis; the Secretary to the Commission; and the Director, Office of Public Affairs. All system managers are located in the Commission's principal office. See ''The Location of Systems of Records.''

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains

information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Individuals, proprietorships, corporations, other business organizations, or representatives seeking interpretation of the provisions of the Commodity Exchange Act or Commission rules.

CFTC–14

SYSTEM NAME:

Matter Files.

SYSTEM LOCATION:

This system is located in the Commission's principal and regional offices. Pending investigation files may be located in the office that is conducting the investigation. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals whom the staff has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

b. Individuals whom the staff has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing an application for registration as associated person, floor trader or floor broker Form 8-R (biographical information questionnaire) in connection with an application for registration with the Commission.

e. Individuals indicted or convicted for criminal violations of the Act or other commodity related violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Anything obtained during the course of an investigation including data from Commission reporting forms, account statements and other trading records, exchange records, bank records and credit information, business records, reports of interviews, transcripts of testimony, exhibits to transcripts, affidavits, statements by witnesses, registration information, contracts and agreements. Also contains internal memoranda, reports of investigation, orders of investigation, subpoenas, warning letters, stipulations of compliance, correspondence and other miscellaneous matters. The nature of the personal information contained in these files varies according to what is considered relevant by the attorney assigned based on the circumstances of the particular case under investigation, and may include personal background information about the individual involved, his education and employment history, information on prior violations, and a wide variety of financial information, as well as a detailed examination of the individual's activities during the period in question.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.'' Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Information collected during the investigation may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, disks, computer memory, computer printouts. A summary index of material is also stored on the computer.

RETRIEVABILITY:

By assigned matter title, person or firm.

SAFEGUARDS:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

RETENTION AND DISPOSAL:

In the principal office, opening and closing reports, complaints, and significant orders are kept permanently. Once an investigation is closed without institution of a case, the files, other than the materials described above, are shipped to off-site storage within ninety days of closing. Records of preliminary inquiries closed without further action, are forwarded to off-site storage within a year following closure. Records are maintained in off-site storage for 5 years, then destroyed. In the regional offices, records are maintained on the premises for 3 years after the matter is closed, then sent to the Federal Records Center for 5 years before being destroyed.

If an investigatory matter is not closed, but becomes a Commission injunctive or administrative action, the matter files become part of the case files described in CFTC–16.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement in the Commission's principal office. Regional Counsel of the region where the investigation is being conducted. See ''The Location of Systems of Records.''

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

a. Reporting forms and other information filed with the Commission; b. boards of trade; c. persons or firms covered by the Commission's registration requirements; d. federal, state and local regulatory and law enforcement agencies; e. banks, credit organizations and other institutions; f. corporations; g. individuals having knowledge of the facts; h. attorneys; i. publications; j. courts; and k. miscellaneous sources.

CFTC–15

SYSTEM NAME:

Large Trader Report Files.

SYSTEM LOCATION:

The copies of original reports and related correspondence are located in

the CFTC office where filed. See further description below. Ancillary records and information (computer printout) may be located in any CFTC office. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals holding reportable positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Reports filed by the individual holding the reportable position:

a. Statements of Reporting Trader (CFTC Form 40) contains information described in part 18 of the Commission's rules and regulations, including the name, address, number, and principal occupation of the reporting trader, financial interest in and control of commodity futures accounts, and information about the trader's business associations;

b. Large trader reporting form (Series 03 Form). Contains information described in part 18 of the Commission's rules and regulations, including the trader's identifying number, previous open contracts, trades and deliveries that day, open contracts at the end of the day, and classification as to speculation or hedging (available on a non-routine basis by special call);

c. Large trader reporting form (Series 04 Form). Contains information described in part 19 of the Commission's rules and regulations, to be filed by merchants, processors and dealers in commodities that have federally imposed speculative position limits. Includes trader's identifying number, stocks owned, fixed price sale and purchase commitments. These reports are filed in the CFTC office in the city where the reporting trader is located. If there is no CFTC office in that city, the reports are filed according to specific instructions of the CFTC.

2. Reports to be filed by futures commission merchants, members of contract markets, foreign brokers and for large option traders by contract markets.

a. Identification of ''Special Accounts'' (CFTC Form 102). Contains material described in part 17 of the Commission's rules and regulations. Includes the name, address, and occupation of a customer whose accounts have reached the reporting level. Also includes the account number that the futures commission merchant uses to identify this customer on the firm's 01 report (see next paragraph), and whether the customer has control of or financial interest in accounts of other traders.

b. Large trader reporting form (Series 01 Form). Contains material described in part 17 of the Commission's rules and regulations, for each ''special account.'' Shows customer account number, reportable position held in each commodity future and information concerning deliveries and exchanges of futures for physicals by persons with reportable positions. These reports are filed, mostly in machine readable form, in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

3. Computer records prepared from information on the forms described in items (1) and (2) above. The computer system is located in Chicago. Printouts may be located in some or all of the Commission's offices.

4. Correspondence and memoranda of telephone conversations between the Commission and the individual or between the Commission and other agencies dealing with matters of official business concerning the individual.

5. Other miscellaneous information, including intra-agency correspondence and memoranda concerning the individual and documents relating to official actions taken by the Commission against the individual.

6. Reports from contract markets concerning futures and options:

a. Positions and Transactions of Clearing Member Firms. Information is provided in machine readable form and contains the data prescribed in part 16 of the Commission's regulations. The information includes an identification number for each clearing member, open contracts at the firm for proprietary and customer accounts and transactions such as trades, exchanges of futures for cash, delivery notices issued and received, and transfers and option exercises. The information is filed in the city where the exchange is located or as instructed by the Commission. Data is transmitted to the CFTC computer system and printouts are available at all CFTC offices.

b. Large Option Trader Data. Information is provided in machine readable form and contains the data prescribed in Commission Rule 16.02. Shows customer account number and reportable option positions as specified in Rule 16.02. Machine readable media is delivered to the Commission office in which the contract market is located or as instructed by the Commission. The data is transmitted to the CFTC computer system and printouts of the data are available in each Commission office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4g, 4i, and 8 of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, and 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.'' In addition, information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF THE RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, and computer printout.

RETRIEVABILITY:

Form 40, Form 102, correspondence and other miscellaneous information are maintained directly under the name of the reporting trader. The series 01, 03, and 04 forms are maintained by identifying code number. However, information from these forms is included in the computer and retrievable by individual name from the computer.

SAFEGUARDS:

General office security measures, with recent trading reports stored in lockable file cabinets. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

CFTC Form 40, CFTC Form 102, correspondence, memoranda, etc. are retained on the premises until the account has been inactive for 5 years and are then destroyed. Form 01, 03, and 04 reports are maintained for 6 months on the premises and then held at the Federal Records Center for 5 years before being destroyed. The computer file is maintained for 10 years for Form 01, 03, and 04 reports and large trader options data reported by contract markets. Clearing member positions and transactions are maintained for 2 years. Trader code numbers and related information are maintained for 5 years after a trader becomes nonreportable. Account numbers assigned by an FCM are maintained on the system for 1 year after the account is no longer reported.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Surveillance Branch, in the region where the records are located. See ''The Location of Systems of Records.''

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105. Include code number assigned by the Commission for filing reports, the name of the futures commission merchant through whom traded, and the time period for which information is sought.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained and futures commission merchants through whom the individual trades. Correspondence and memoranda prepared by the Commission or its staff. Correspondence from firms, agencies, or individuals requested to provide information on the individual.

CFTC–16

SYSTEM NAME:

Case Files.

SYSTEM LOCATION:

This system is located in the Commission's principal and regional offices. Pending litigation files may be located in other participating offices. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons or firms against whom the Commission has taken enforcement action based on violations of the Commodity Exchange Act or the rules and regulations promulgated thereunder.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of various papers filed by or with the Commission or the courts in connection with administrative proceedings or injunctive actions brought by the Commission. It includes, as a minimum, a copy of the complaint and the final decision and order, and may contain other documents as well, including records described in CFTC–14, Matter Files, as well as pleadings and litigation correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are necessary for the orderly and effective conduct of litigation authorized under the Commodity Exchange Act and other federal statutes. See, e.g., section 6c of the Commodity Exchange Act, 7 U.S.C. 13a–1, authorizing injunctive actions, and various provisions in that Act authorizing administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.'' The information in these files is generally a matter of public record and may be disclosed without restriction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or binders, disks, computer memory, computer printouts. A summary index of material is also stored on the computer.

RETRIEVABILITY:

By case title or in some instances by docket number.

SAFEGUARDS:

General office security measures including secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

After an action is complete, the complaint, final decision, and order are kept indefinitely at the headquarters office. The remainder of the litigation file is shipped to off-site storage 90 days after the case is completed. Most case files are destroyed after 15 years; unique precedent setting cases are destroyed after 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement at the Commission's principal office and Regional Counsel for the region where the records are located. See ''The Location of Systems Records.''

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

The parties, their attorneys, the Commission's Proceedings Clerk's Office, the relevant court, and miscellaneous sources.

CFTC–17

SYSTEM NAME:

Litigation Files-OGC.

SYSTEM LOCATION:

This system is located in the Office of the General Counsel at 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties involved in litigation with the Commission or litigation in which the Commission has an interest including, but not limited to:

a. Administrative proceedings before the Commission;

b. Injunctive actions brought by the Commission;

c. Other federal court cases to which the Commission is a party;

d. Litigation in which the Commission is participating as amicus curiae; and

e. Other cases involving issues of concern to the Commission, including those brought by other law enforcement and regulatory agencies and those brought by private parties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Papers, disks, computer memory or computer printouts comprising or included in the record of the case, and briefs and correspondence related to that action. May also include internal memoranda and other documents pertaining to the matter being litigated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Commodity Exchange Act, 7 U.S.C. 1, et seq., entrusts the Commission with broad regulatory responsibilities over commodity futures transactions. In this connection, the Commission is authorized to bring both administrative proceedings and injunctive actions where there appear to have been violations of the Act. Furthermore, to effectuate the purposes of the Act, it is necessary that the Commission staff be familiar with developments in other actions brought by others that have implications in the commodity law areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these files is generally a matter of public record and may be disclosed without restriction. Also see ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, as well as disks, computer memory and computer printouts.

RETRIEVABILITY:

Alphabetically by caption of the case.

SAFEGUARDS:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained in the active files until the action is completed, including final review at the appellate level. Thereafter, transferred to the inactive case files, where a skeletal record of pleadings, briefs, findings, and opinions and other particularly relevant papers may be maintained. These records are maintained on premises for five years, then transferred to the Federal Records Center. A copy of some of the documents may be kept in precedent files for use in later legal research or preparation of filings in other matters.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

The court or regulatory authority before whom the action is pending, the attorneys for one of the named parties, and miscellaneous sources.

CFTC–18

SYSTEM NAME:

Logbook on Speculative Limit Violations.

SYSTEM LOCATION:

This system is located in the Commission's Chicago and New York regional offices. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have exceeded speculative limits in a particular fiscal year.

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing, by year, of the violations of speculative limits imposed by the Commission and the exchanges. It includes the trader's assigned code number, the commodity involved, the name of the trader, the type of violation, the date of the violation, the date the violation ceased, and the action taken. Copies of warning letters and replies pertaining to the violation listed are maintained with the logbook.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4i and 8 of the Commodity Exchange Act, 7 U.S.C. 6i and 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By fiscal year, and within each year by the name of the violator.

SAFEGUARDS:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained on the premises for 5 years, then held in Federal Records Center for 15 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Surveillance Branch, 233 South Wacker Drive, Suite 4600, Chicago, Illinois 60606; Chief, Surveillance Branch, One World Trade Center, Suite 4747, New York, New York 10048.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves contained in this system of records or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Series 03 reports filed by traders. Correspondence prepared by the Commission or by the individual or individual's representative.

CFTC–19

Deleted—Incorporated into CFTC–29.

CFTC–20

SYSTEM NAME:

Registration of Floor Brokers, Floor Traders, Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators, Leverage Transaction Merchants, and Associated Persons.

SYSTEM LOCATION:

National Futures Association (NFA), 200 West Madison Street, Suite 1400, Chicago, Illinois 60606–3447.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for registration as floor brokers, floor traders or as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, and leverage transaction merchants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the registration and fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration forms, schedules, and supplements; fingerprint cards; correspondence relating to registration; and reports and memoranda reflecting information developed from various sources.

Computerized systems, consisting primarily of information taken from the registration forms, are maintained by NFA. Computer records include the name, date and place of birth, social security number (optional), exchange membership (floor brokers and floor traders only), firm affiliation, and the residence or business address, or both, of each associated person, floor broker, floor trader and principal. Computer records also include information relating to name, trade name, principal office address, records address, names of principals and branch managers of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, and leverage transaction merchants.

Directories, when produced, list the name, business address, and exchange membership affiliation of all registered floor brokers and the name and firm affiliation of all associated persons and principals. These directories, as well as registration forms and biographical supplements, except for any confidential information on supplementary attachments to the forms, are publicly available to any person for disclosure, inspection and copying.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1), 8a(5), 8a(10) and 19 of the Commodity Exchange Act as amended, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1), 12a(5), 12a(10), and 23 (1988), as amended by the Futures Trading Practices Act of 1992, Pub L. 102–546, 106 Stat. 3590.

ROUTINE USES OF THE RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.'' In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has entered or plans to enter into a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records maintained by NFA, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. No specific consent is required by an applicant or registered introducing broker to disclosure of information to the futures commission merchant with whom it has or plans to enter a guarantee agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, computer printouts, indexed cards, and microfiche.

RETRIEVABILITY:

By the name of the individual or firm, or by assigned identification number. Where applicable, the NFA's computer cross-indexes the individual's primary registration file to the name of the futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with whom the individual is associated or affiliated.

SAFEGUARDS:

General office security measures including secured rooms or premises and, in appropriate cases, lockable file cabinets, with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Hard copies of applications, biographical supplements, other forms, related documents and correspondence are maintained on the NFA's premises, as applicable, for two years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Hard copies of records are then stored at an appropriate site for an additional eight years before being destroyed. Records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities.

NFA also maintains an index and summary of the hard copy records of this system in a data base, the Membership, Registration, Receivables System (MRRS). The MRRS records are maintained permanently and are updated periodically as long as the individual is pending for registration, registered in any capacity or affiliated with any registrant as a principal. MRRS records on persons who may apply may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Registration, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581, and Vice President for Registration, National Futures Association, 200 West Madison Street, Suite 1400, Chicago, Illinois 60606–3447.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records, should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105. Individuals may also request registration information by telephone from the NFA information center at 1–800–676–3570 or from the Disciplinary Information Access Line at 1–800–676–4632. NFA will query the MRRS system about current registration status and registration history, and provide instructions on how to make written requests for copies of records.

RECORD SOURCE CATEGORIES:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; foreign futures and securities authorities and INTERPOL; and other miscellaneous sources. The computer records are prepared from the forms, supplements, attachments and related documents submitted to the NFA and from information developed during the fitness inquiry.

CFTC–21

Deleted—Incorporated into CFTC–20.

CFTC–22

Deleted—Incorporated into CFTC–20.

CFTC–23

Deleted—Incorporated into CFTC–20.

CFTC–24

Deleted—Incorporated into CFTC–20.

CFTC–25

Deleted.

CFTC–26

Deleted—Incorporated into CFTC–14.

CFTC–27

Deleted.

CFTC–28

SYSTEM NAME:

SRO Disciplinary Action File.

SYSTEM LOCATION:

Records in this system are maintained at the Commission's principal and regional offices. See ''The Location of Systems of Records.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been suspended, expelled, disciplined, or denied access to or by a self-regulatory organization (SRO).

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of notification of disciplinary or other adverse action taken by an exchange that include the name of the person against whom such action was taken, the action taken and the reasons therefore.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8c(1)(B) of the Commodity Exchange Act, 7 U.S.C. 12c(1)(B).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Loose-leaf binders, computer memory, and computer printouts.

RETRIEVABILITY:

By chronological order according to the self-regulatory organization that took the disciplinary or other adverse action that is the subject of the notice and by the name of the individual.

SAFEGUARDS:

General office security measures.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Contract Markets Section, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Self-regulatory organizations notifying the Commission of disciplinary or other adverse actions taken.

CFTC–29

SYSTEM NAME:

Reparation Complaints.

SYSTEM LOCATION:

This system is located in the Office of Proceedings, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing customer reparation complaints, as well as the firms and individuals named in the complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reparation complaints, answers, supporting documentation and correspondence filed with the Office of Proceedings. If the complaint is forwarded for decision by an administrative law judge or proceedings officer, records become part of CFTC–3, Docket Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 14 of the Commodity Exchange Act, 7 U.S.C. 18.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used in the conduct of the Commission's reparation program. Also see ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, computer printouts.

RETRIEVABILITY:

By docket number and cross-indexed by the name of the complainant and respondent.

SAFEGUARDS:

General office security including secured rooms and, in appropriate cases, lockable file cabinets, with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained for 10 years after the case is closed, except that complaints, decisions, and Commission opinions and orders, are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Proceedings, Complaints Section, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

Persons or firms filing reparation complaints or answers.

CFTC–30

SYSTEM NAME:

Open Commission Meetings—CFTC.

SYSTEM LOCATION:

This system is located in the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the subject of discussion at a Commission meeting open for public observation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the individuals who are the subject of discussion at an open Commission meeting.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government in the Sunshine Acts, 5 U.S.C. 552b(f) and Commission regulations at 17 CFR 147.7.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these files is a matter of public record and may be disclosed without restriction. Also see ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or microfiche; audio cassette tapes.

RETRIEVABILITY:

The indices to the recordings, transcripts, and minutes of all Commission meetings are organized by year in chronological order. Each yearly index is further indexed in alphabetical order according to subject matter, including the names of individuals, firms, exchanges or other topics that are discussed at the meetings.

SAFEGUARDS:

General office security measures, with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Maintained on the premises for at least the statutory period required by the Sunshine Act and Commission

regulations (i.e., at least two years after each meeting or at least one year after the conclusion of any agency proceeding with respect to which the meeting or portion of the meeting was held, whichever is later); then retired to the National Archives or stored on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Commission, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOIA, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5105.

RECORD SOURCE CATEGORIES:

1. The information recorded during Commission meetings concerning individuals who are the subject of discussion at the meetings is generated by the staff in one or more Divisions.

2. The indices are prepared from the recordings, transcripts and/or minutes.

CFTC–31

SYSTEM NAME:

Exempted Closed Commission Meetings—CFTC.

SYSTEM LOCATION:

This system is located in the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the subject of discussion at a closed Commission meeting.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to individuals who are the subject of discussion at a closed Commission meeting. This information consists of (a) investigatory materials compiled for law enforcement purposes whose disclosure the Commission has determined could impair the effectiveness and orderly conduct of the Commission's regulatory, enforcement and contract market surveillance programs or compromise Commission investigations, or (b) investigatory materials compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with the Commission to the extent that it identifies a confidential source.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government in the Sunshine Act, 5 U.S.C. 552b(f), and Commission regulations at 17 CFR 147.7.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See ''General Statement of Routine Uses.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfiche, and audio cassette tapes.

RETRIEVABILITY:

The indices to the recordings, transcripts, and minutes of all Commission meetings are organized by year in chronological order. Each yearly index is further indexed in alphabetical order according to subject matter, including the names of individuals, firms, exchanges or other topics, which are discussed at the meetings.

SAFEGUARDS:

General office security measures, with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Maintained on the premises for at least the statutory period required by the Sunshine Acts and Commission regulations (i.e., at least two years after each meeting or at least one year after the conclusion of any agency proceeding with respect to which meeting was held, whichever is later); then retired to the National Archives or stored on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Commission, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a, and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempted from the notification procedures, record access procedures and record contest procedures set forth in the system notices of other record systems, and from the requirement that the source of records in the system be described.

CFTC–32

SYSTEM NAME:

Office of the Inspector General Investigative Files.

SYSTEM LOCATION:

Office of the Inspector General, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are part of an investigation of fraud and abuse concerning Commission programs or operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

All correspondence relevant to the investigation; all internal staff memoranda, copies of all subpoenas issued during the investigation, affidavits, statement from witnesses, transcripts of testimony taken in the investigation and accompanying exhibits; documents and records or copies obtained during the investigation; and opening reports, progress reports and closing reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, as amended, 5 U.S.C. App. 3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The information in the system may be used or disclosed by the Commission in any administrative proceeding before the Commission, in any injunctive action, or in any other action or proceeding authorized under the Commodity Exchange Act or the Inspector General Act of 1978 in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae.

2. In any case in which records in the system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, foreign, state or local, charged with enforcing or implementing the statute, regulation, rule or order.

3. In any case in which records in the system indicate a violation or potential violation of law, whether civil, criminal

or regulatory in nature, the relevant records may be referred to the appropriate board of trade designated as a contract market by the Commission or to the appropriate futures association registered with the Commission, if the OIG has reason to believe this will assist the contract market or registered futures association in carrying out its self-regulatory responsibilities under the Commodity Exchange Act, 7 U.S.C. 1 et seq., and regulations, rules or orders issued pursuant thereto, and such records may also be referred to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., and regulations, rules or orders issued pursuant thereto.

4. The information may be given or shown to anyone during the course of an OIG investigation if the staff has reason to believe that disclosure to the person will further the investigation. Information may also be disclosed to Federal, foreign, state or local authorities in order to obtain information or records relevant to an OIG investigation.

5. The information may be given to independent auditors or other private firms with which the OIG has contracted to carry out an independent audit, or to collate, aggregate or otherwise refine data collected in the system of records. These contractors will be required to maintain Privacy Act safeguards with respect to such records.

6. The information may be disclosed to a Federal, foreign, state or local government agency where records in either system of records pertain to an applicant for employment, or to a current employer of that agency where the records are relevant and necessary to an agency decision concerning the hiring or retention of an employee or disciplinary or other administrative action concerning an employee.

7. The information may be disclosed to a Federal, foreign, state, or local government agency in response to its request in connection with the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

9. The information may be disclosed to the Department of Justice or other counsel to the Commission for legal advice or to pursue claims and to government counsel when the defendant in litigation is: (a) Any component of the Commission or any member or employee of the Commission in his or her official capacity, or (b) the United States or any agency thereof. The information may also be disclosed to counsel for any Commission member or employee in litigation or in anticipation of litigation in his or her individual capacity where the Commission or the Department of Justice agrees to represent such employee or authorizes representation by another.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer diskettes and computer memory.

RETRIEVABILITY:

By the name of the subject of the investigation or by assigned identification number.

SAFEGUARDS:

The records are kept in limited access areas during duty hours and in file cabinets in locked offices at all other times. These records are available only to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The Office of the Inspector General Investigative Files are destroyed ten years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of the Inspector General, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the systems of records, or contesting the content of records about themselves, should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

RECORD SOURCE CATEGORIES:

Information in these records is supplied by: Individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the Commission; records of other entities; federal, foreign, state or local bodies and law enforcement agencies; documents, correspondence relating to litigation, and transcripts of testimony; and miscellaneous other sources.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

Under 5 U.S.C. 552a(j)(2), the Office of the Inspector General Investigative Files are exempted from 5 U.S.C. 552a except subsections (b), (c)(1), and (2), (3)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent the system of records pertains to the enforcement of criminal laws. Under 5 U.S.C. 552(k)(2), the Office of the Inspector General Investigative Files are exempted from 5 U.S.C. 552a except subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) to the extent the system of records consists of investigatory material compiled for law enforcement purposes. These exemptions are contained at 17 CFR 146.13.

CFTC–33

SYSTEM NAME:

Electronic Key Card Usage.

SYSTEM LOCATION:

Office of Administrative Services, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized key card holders, which may include CFTC employees, on-site contractors, visitors, or representatives of landlords.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer print-outs showing key card number and, in some cases, name of assigned user.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 2(a)(2)(A)(b) and 12(b)(3), Commodity Exchange Act, 7 U.S.C. 4a(e) and 16(b)(3).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See the Commission's ''General Statement of Routine Uses,'' Nos. 1, 2, 6 and 7, Privacy Act Issuances, 1995 Comp. In addition, information contained in this system may be disclosed by the Commission (1) to any person in connection with architectural, security or other surveys concerning use of office space and (2) to employees and contractors for the purpose of maintenance or service of data processing systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer diskettes and computer memory.

RETRIEVABILITY:

By name of the subject, by assigned key card number, by time period and by entry point.

SAFEGUARDS:

Information from the Commission's landlords' data bases may only be requested from the landlords by the Director of the Office of Administrative Services, or his/her designee. The Commission maintains all key card usage records in limited access areas at all times.

RETENTION AND DISPOSAL:

In accordance with the general record schedules and the Commission's record management handbook the records in the system are considered temporary and are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records or contesting the content of records about themselves should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. The system of records and the notification, access and challenge procedures apply only to records of key card usage in the Commission's actual possession. None of these applies to any information solely in a landlord's possession.

RECORD SOURCE CATEGORIES:

With one exception, information in the system is supplied by the Commission's landlords, typically on request. Information supplied is a record of use of electronic key cards and in that sense the information is obtained directly from the users of the key cards. Information in the data base maintained in Chicago by the Commission itself is also merely recorded usage of electronic key cards and similarly is obtained directly from the user of the key card.

CFTC–34

SYSTEM NAME:

Telephone System.

SYSTEM LOCATION:

Monthly billing records for local toll calls, long distance calls, and calling card calls are located in the Office of Administrative Services, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. The most current record of the phone numbers and calling card numbers assigned to individual employees and contractors is kept by the administrative office in each regional location except Los Angeles. Los Angeles telephone assignment records are kept in the Washington, DC, Office of Administrative Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally Commission employees and on-site contractor personnel) who make telephone calls from Commission telephones or use government issued calling cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Commission telephones or calling cards to place calls; records indicating assignment of telephone or calling card numbers to employees; and records relating to requests for telephone call detail information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 41 CFR part 101–35.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See the Commission's ''General Statement of Routine Uses,'' Nos. 1 and 2, Privacy Act Issuances, 1995 Comp. In addition, records and data may be disclosed as necessary (1) to representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906; (2) to a telecommunications company or consultant providing telecommunications support to permit servicing the account.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer printouts.

RETRIEVABILITY:

Records are retrievable by a Commission telephone or calling card number that is assigned to an individual.

SAFEGUARDS:

In addition to general building security, records are maintained in limited access areas at all times.

RETENTION AND DISPOSAL:

In accordance with the general record schedules and the Commission's record management handbook, the records in the system are considered temporary and are destroyed when no longer required, usually every three months.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures,'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures,'' above.

RECORD SOURCE CATEGORIES:

Telephone and calling card assignment records; call detail listings received from local and long distance service providers; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

CFTC 35

SYSTEM NAME:

Interoffice and Internet E-Mail System.

SYSTEM LOCATION:

File servers in each system location (Washington, DC, Chicago, New York, Kansas City, Minneapolis, and Los Angeles) retain records. Records are backed up nightly onto magnetic tape in all locations except Minneapolis. Records are backed up weekly onto magnetic tape in the Minneapolis office. The most recent two weeks of tapes are kept in locked boxes in the Washington, DC, and Chicago locations. Tapes with information covering the prior two weeks are kept at an off-site storage facility in Washington, DC, and Chicago. Tapes with information covering the most recent four week period are kept on-site, in a secured area, in the New York, Kansas City, Los Angeles, and Minneapolis locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees and on-site contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on the use of the interoffice and Internet e-mail system, including address of sender and receiver(s), subject, date sent or received, name of attachment and certification status. On a restricted basis, records may include the contents of an individual's mailbox.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and section 12(b)(3) of the Commodity Exchange Act, 7 U.S.C. 16(b)(3).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used by CFTC network administrators who have a need for the records in the performance of their duties. See also the Commission's ''General Statement of Routine Uses,'' Nos. 1, and 2, Privacy Act Issuances, 1995 Comp. In addition, the records and data, other than the content of individual mailboxes, may also be disclosed as necessary to contractors as necessary for assessment, modification, or maintenance of the e-mail system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on the file servers in each CFTC location. Servers are backed up nightly and the information is transferred to magnetic tape. In Washington, DC, and Chicago, the most recent two weeks of magnetic tape are kept in a locked box in the Computer Room. The prior two weeks are kept at an off-site storage facility in Washington, DC, and Chicago. The entire four weeks of magnetic tape information is kept in unlocked boxes in a secured area in the New York, Kansas City, Los Angeles and Minneapolis locations.

RETRIEVABILITY:

The information can be retrieved by assigned interoffice or Internet mail address.

SAFEGUARDS:

Only network administrators have access to the e-mail information. This access is generally limited to the ''header'' information described under ''Categories of Records.'' The tapes are kept in locked storage boxes in Washington, DC, and Chicago, and only network administrators and OIRM management have keys to the locked boxes. In the New York, Kansas City, Los Angeles and Minneapolis locations, tapes are kept in unlocked boxes, either stored in a fireproof safe or vault. Only designated office personnel have access to the safe or vault.

RETENTION AND DISPOSAL:

Records on magnetic tape are retained for four weeks, then destroyed as the tape is written over with new information. Records are retained on the file server until the sender and receiver delete the information from the e-mail system. Internet e-mail information that is received by the postmaster due to an error in delivery is considered temporary and is destroyed after the problem is corrected.

SYSTEM MANAGER(S) AND ADDRESS:

Network Manager, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCESS:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Internet e-mail, interoffice e-mail.

CFTC 36

SYSTEM NAME:

Internet Web Site and News Group Browsing System.

SYSTEM LOCATION:

Firewall software, located on PC in the Washington, DC, office's computer room. Information on use of each personal computer is stored on that computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees and on-site contractors who are users of the Internet Web Site and News Group Browsing capability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on the web sites and news groups visited, as identified by the Internet protocol address assigned to each computer, as well as information on the date and time of the web site or news group access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and section 12(b)(3) of the Commodity Exchange Act, 7 U.S.C. 16(b)(3).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used by CFTC network administrators for maintenance of the firewall system that protects the CFTC from unauthorized access to its data. The network administrators may also use the information to evaluate the level of use of the agency's Internet browsing capability. See also the Commission's ''General Statement of Routine Uses,'' Nos. 1, and 2, Privacy Act Issuances, 1995 Comp. Records may also be disclosed as necessary to the agency's Internet service provider or agency contractor to the extent the information is necessary for maintenance of the agency's Internet access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept on the software maintained on the firewall gateway server in the headquarters computer room. In addition, a record of the Internet browsing done on each computer is maintained on that PC. The length of time of storage on the firewall gateway server is governed by available disk space on the server. At current levels of browsing usage, the information is stored on the server for approximately three days. Information on web sites visited by each PC is also stored in the PC's history file or cache directory. The information is stored on the individual PC until the cache directory consumes 1% of total disk space. Oldest items are then removed until the directory is equal to or less than 1% of the total disk space. History file records are maintained until 100 URLs are entered. (URL stands for ''Uniform Resource Locator'' and is the address of the site visited, for example, http://www.cftc.gov.) The oldest URLs are deleted until the total URL count is equal to or less than 100 entries.

RETRIEVABILITY:

The information can be retrieved by Internet protocol address. The network administrators have access to information about the office location and individuals assigned to each

computer, as identified by Internet protocol address.

SAFEGUARDS:

Network administrators, through use of a password protection, have access to the Internet web browsing system information that is stored on the firewall gateway server in the headquarters computer room. Access to the computer room is limited to OIRM employees. The Director of OIRM may grant the Commission's Internet service provider access to the Internet web browsing system information for maintenance purposes. However, the provider would not have access to the information that links Internet protocol addresses to particular computers, locations and individuals.

RETENTION AND DISPOSAL:

Records are retained on the Commission's firewall software for approximately three days, then over written.

SYSTEM MANAGER(S) AND ADDRESS:

Network Manager, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Internet, web site and news group browsing, web site access.

CFTC 37

SYSTEM NAME:

Lexis/Westlaw Billing Information System.

SYSTEM LOCATION:

Office of Information Resources Management, Three Lafayette Centre, 1155 21st Street NW., Washington DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees and on-site contractors who are users of the Lexis/Westlaw research system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on the name, search subject, database searched, date, elapsed time, type of charge, and total charge for a search in the Lexis/Westlaw automated research system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and section 12(b)(3) of the Commodity Exchange Act, 7 U.S.C. 16(b)(3).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used primarily by the Administrative Officer, OIRM, to monitor expenditures and to ensure the availability of funds. The records containing usage information are distributed monthly to the administrative officers in each office for their confirmation that Lexis/Westlaw use was authorized. See the Commission's ''General Statement of Routine Uses,'' Nos. 1 and 2, Privacy Act Issuances, 1995 Comp. Lexis/Westlaw can also access the information and uses it for statistical analysis and billing purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Billing information is maintained by the Administrative Officer, OIRM, in a locked file drawer.

RETRIEVABILITY:

By division, by month of use, by database accessed, by user name and user identification number. Retrieval is done manually.

SAFEGUARDS:

Billing information is kept in locked desks at all times. Information is provided only to the Administrative Officer, OIRM, and is circulated to the administrative officer for each office.

RETENTION AND DISPOSAL:

Hard copies of monthly billing statements are retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Office of Information Resources Management, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORDS ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORDS SOURCE CATEGORIES:

Lexis/Westlaw billing information.

CFTC 38

SYSTEM NAME:

Automated Library Circulation System.

SYSTEM LOCATION:

Library, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual CFTC employees who check out books and periodicals from the CFTC Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records showing the bar code assigned to employees who use the library, title, due date, and hold information on library materials checked-out by individual CFTC employees; records of overdue materials and of employee notification of overdue materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 41 CFR part 101–27.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Library staff uses the information to track the location of library materials, to provide users on request with a list of materials currently shown as in their possession, and to issue, as necessary, overdue notices for materials. See the Commission's ''General Statement of Routine Uses,'' Nos. 1 and 2, Privacy Act Issuances, 1995 Comp. The records may also be disclosed as necessary to agency contractors in connection with assessment, modification or maintenance of the automated circulation system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on the CFTC local area network file server. Records on the identifying bar codes assigned to individuals are stored in the file server and on rolodex cards.

RETRIEVABILITY:

Records are retrievable by employee name or by the employee's bar code number.

SAFEGUARDS:

Records may be accessed only by authorized CFTC staff members, who are principally staff of the Library or the Office of Information Resources Management. Staff members must use an individual password to gain access to the information stored in the computer.

RETENTION AND DISPOSAL:

Records in the system are considered temporary. The records of library transactions are destroyed when an item on loan is returned or reimbursement is made for replacement of the item.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Librarian, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORDS ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORDS PROCEDURES:

See ''Notification Procedures'' above.

RECORDS SOURCE CATEGORIES:

Library user bar code identifiers; library materials use; overdue notices.

Issued in Washington, DC, on August 14, 1997, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 97–22050 Filed 8–20–97; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Stars and Stripes Audience Survey; OMB Number 0704–0314.

Type of Request: Reinstatement.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Annual Responses: 3,000.

Average Burden per Response: 24 minutes.

Annual Burden Hours: 1,200.

Needs and Uses: This information collection requirement is necessary to evaluate current Stars and Stripes newspaper policies and practices, and provide information on demographics and consumer habits of Stars and Stripes readers for use in marketing initiatives. Respondents are Department of Defense civilian employees and their families living in areas served by the Stars and Stripes readership. As the last similar survey was conducted in 1990, no current information exists on reader demographics, preferences, opinions, and purchasing habits. This information will assist in evaluating current policies and practices, provide guidance on potential changes in current activities, and guide future activities in the areas of circulation and advertising.

Affected Public: Individuals or households.

Frequency: Triennially.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 15, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–22141 Filed 8–20–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for the Environmental Impact Statement (EIS) for Proposed Western Army National Guard Aviation Training Site Expansion, Arizona

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Record of Decision (ROD) was signed on July 31, 1997.

The decision made in the ROD was to implement the proposed action and a series of mitigation measures to minimize the environmental impacts of this action. The proposed action consists of three components: (1) Increase the size of the original Tactical Flight Training Area (TFTA) to improve training, enhance training safety through reduced training congestion, allowing limited ground training support activities, and to reduce noise and environmental impacts through closing some parts of the existing TFTA; (2) increase the number of helicopter gunnery training operations through construction of new ranges or modification to existing ranges; and (3) construct new facilities for housing, training, maintenance and to comply with changing environmental requirements.

ADDRESSES: Copies of the ROD will be mailed to individuals who participated in the public scoping process. Copies will also be sent to Federal, State, regional, and local agencies; interested organizations and agencies; and public libraries. Individuals not currently on the mailing list may obtain a copy by request.

FOR FURTHER INFORMATION CONTACT: The EIS Project Officer, Captain Ron Skaggs, Environmental Officer, Arizona Army National Guard, 5636 East McDowell Road, Phoenix, Arizona 85008–3495 or telephone (602) 267–2742.

Dated: August 14, 1997.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety, and Occupational Health), OASA (I, L&E).

[FR Doc. 97–22186 Filed 8–20–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by September 19, 1997. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before October 20, 1997.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

Written comments regarding the regular clearance and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708-9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506 (c)(2)(A)) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 15, 1997.

Linda C. Tague

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Emergency.

Title: Report of Children and Youth with Disabilities Receiving Special Education Under Part B of Individuals with Disabilities Education Act.

Abstract: This package provides instructions and forms necessary for States to report the number of children with disabilities served under IDEA-B receiving special education and related services. It serves as the basis for distributing Federal assistance, monitoring, implementing, and Congressional reporting.

Additional Information: This form provides instructions and information for States to submit a count of children and youth with disabilities receiving special education and related services. This information is used by the Office of Special Education Programs (OSEP) as the basis for providing Federal assistance to States. In addition, OSEP uses this information to assist in establishing programmatic priorities (such as expanding or adapting services for students with serious emotional disturbance), to monitor States to ensure compliance with Federal statute and regulations, and to disseminate data to Congress and the public.

Emergency clearance is requested on the basis of a statutory deadline. Revisions to the form were necessitated by the passage of P.L. 105–17, the Individuals with Disabilities Education Act Amendments of 1997. While the data collection requirements (Section 618) of this law do not go into effect until July 1, 1998, two sections of the law—Section 602 and Section 611—which impact the 1997 data collection went into effect on June 4, 1997. Therefore, this emergency clearance must be effective for the statutory collection of child count data on October 31 or December 1, 1997.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs

Annual Reporting and Recordkeeping Hour Burden:

Responses: 58.

Burden Hours: 15,196.

[FR Doc. 97–22123 Filed 8–20–97; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC–511]

Proposed Information Collection and Request for Comments

August 15, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments are due October 20, 1997.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael P. Miller, Information Services Division, ED–12.4, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael P. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–511 ''Application for Trasnfer of License'' (OMB No. 1902–0069) is used by the Commission to implement the statutory provisions of Part I, Sections 4(e) and 8 of the Federal Power Act (FPA) 16 U.S.C. 792–828c. Section 4(e) authorizes the Commission to issue licenses for the construction, operation and maintenance of reservoirs, power houses and transmission lines or other facilities necessary for development and improvement of navigation and for the development, transmission, and utilization of power from bodies of water Congress has jurisdiction over. Section 8 of the FPA provides that the voluntary transfer of any license can only be made with the written approval of the Commission. Any successor to the licensee may assign the rights of the original licensee but is subject to all of the conditions of the license. The information filed with the Commission is a mandatory requirement contained in the format of a written application for transfer of license, executed jointly by the parties to the proposed transfer. The transfer of a license may be occasioned by the sale or merger of a licensed hydroelectric project. It is used by the Commission's staff to determine the qualifications of the proposed transferee to hold the license, and to prepare the transfer of the license order. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 9.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
23	1	40	920

Estimated cost burden to respondents: 920 hours / 2,087 hours per year × $110,000 per year = $48,491. The cost per respondent is equal to $2,108.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22201 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC–515]

Proposed Information Collection and Request for Comments

August 15, 1997.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments are due October 20, 1997.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Information Services Division, ED–12.4, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–515 ''Hydropower License—Declaration of Intention'' (OMB No. 1902–0079) is used by the Commission to implement the statutory provisions of Part I, Section 23(b) of the Federal Power Act (FPA) 16 U.S.C. 817). This statutory provision requires the Commission to make a determination as to its jurisdiction over a proposed hydroelectric project. The information

to be submitted to the Commission is a mandatory requirement in the format of a written declaration of intention to develop a project at sites where Commission jurisdiction may be in question. These sites are generally on streams other than those defined as U.S. navigation waters, and over which Congress has jurisdiction under its authority to regulate foreign and interstate commerce. The information collected is used by the Commission's staff to research the jurisdictional aspects. This research consists of examining maps and land ownership records to establish whether there is Federal jurisdiction over the lands and waters affected by the proposed project. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 24.1.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
10	1	80	800

Estimated cost burden to respondents: 800 hours/2,087 hours per year × $110,000 per year = $42,166. The cost per respondent is equal to $4,217.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22202 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC–577]

Proposed Information Collection and Request for Comments

August 15, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments are due October 20, 1997.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Information Services Division, ED–12.4, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–577 ''Gas Pipeline Certificates: Environmental Impact Statement'' (OMB No. 1902–0128) is a filing requirement pertaining to environmental assessment of pipeline and Liquefied Natural Gas (LNG) facility construction projects. The filing collects data from all Natural Gas Act (NGA) jurisdictional pipeline companies as well as companies whose Natural Gas Policy Act projects are reviewed by the Commission. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Parts 2; 157; 284; 375 and 380. The information collected under the requirements of FERC–577 is used by the Commission to implement the statutory provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91–190) (1969). NEPA requires that all Federal agencies must include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of human environment, a detail statement on: the environmental impact of the proposed actions; any adverse environmental effects which cannot be avoided should the proposal be implemented; alternatives to the proposed action; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity; and any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented. The Commission uses the pipeline's data to evaluate the environmental aspects of construction proposals and may be used in the Commission staff's independent preparation of Environmental Assessments or Environmental Impact

Statements. The staff examines and projects potential effects on soils, geology, water resources, land use, recreation, aesthetics, air and noise quality, vegetation, wildlife, cultural resources and pipeline and liquefied natural gas (LNG) safety.

Action: The Commission is requesting a three-year extension of the current expiration date.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
70	16.9	154	182,182

Estimated cost burden to respondents: 182,182 hours divided by 2,087 hours per year times $110,000 per year equals $9,602,310. The cost per respondent is equal to $137,176.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22204 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–139–006]

Caprock Pipeline Company; Notice of Tariff Filing

August 15, 1997.

Take notice that on August 12, 1997, Caprock Pipeline Company (Caprock), tendered for filing the following revised sheets, to be effective June 1, 1997:

First Revised Volume No. 1
Second Revised Sheet No. 37
First Revised Sheet No. 38

In addition, Caprock tendered for filing the following revised tariff sheets, to be effective August 1, 1997:

First Revised Volume No. 1
Second Revised Sheet No. 29A
Substitute Second Revised Sheet No. 29A

Caprock states that these tariff sheets are being filed to comply with the Commission's order in Docket Nos. RP97–139–003, 004 and 005 issued July 29, 1997, directing Caprock to submit revised pagination for tariff sheets related to Order No. 587.

Caprock states that copies of the filing were served upon Caprock's jurisdictional customers, interested public bodies, and all parties to the proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22214 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1417; Project No. 1835]

Central Nebraska Public Power and Irrigation District; Nebraska Public Power District; Notice of Informal Settlement Conference

August 15, 1997.

An informal settlement conference will be convened on Tuesday and Wednesday, September 23 and 24, 1997, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, 20426. Subsequent meetings will be scheduled as necessary. The purpose of these off-the-record meetings is to explore which issues remain contested and to work toward achieving settlement on any contested issues. Discussion will cover any proposals for settlement that may be presented. Any person appearing at the conference in a representative capacity must be authorized to negotiate and, to the extent authorized by law, settle matters addressed at the conference.

Any party, as defined by 18 CFR 385.102(c), is invited to send a representative to the conference. Any party wishing to make a presentation or needing additional information should contact Merrill F. Hathaway at (202) 208–0825, or John A. Schnagl at (202)

219–2661. Initial presentations will be limited to 10 minutes duration.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22213 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–412–001]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

August 15, 1997.

Take notice that on August 6, 1997, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets with an effective date of August 1, 1997:

Sub. Twenty-Eighth Revised Sheet No. 32
Sub. Twenty-Eighth Revised Sheet No. 33

CNG states that the purpose of this filing is to comply with the July 22, 1997, letter order in the captioned proceeding, by which the Commission accepted CNG's July 1, 1997, quarterly Section 18.2.B surcharge filing effective August 1, 1997. The July 22 order specified that CNG's tariff accepted sheets were also subject to concurrent Commission action in CNG's pending general rate proceeding in Docket No. RP97–406. The Commission has suspended the rates in Docket No. RP97–406, until January 1, 1998. CNG proposes substitute Sheet Nos. 32 and 33 that reflect the updated Section 18.2.B surcharge, along with the pre-existing rates that will remain in effect during the suspension period in Docket No. RP97–406.

CNG states that copies of the filing are being mailed to CNG's customers and interested state commissions.

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 of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22217 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2970–000]

Consolidated Edison Company of New York; Notice of Filing

August 15, 1997.

Take notice that on July 11, 1997, Consolidated Edison Company of New York tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 27, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22210 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–3494–000, ER97–3497–000, ER97–3498–000, ER97–3500–000, ER97–3503–000, ER97–3515–000, and ER97–3517–000]

The Empire District Electric Company; Notice of Filing

August 15, 1997.

Take notice that on July 16, 1997, The Empire District Electric Company tendered for filing amendments in the above-referenced dockets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 27, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22212 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–690–000]

Florida Gas Transmission Company; Notice of Application

August 15, 1997.

Take notice that on August 8, 1997, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002 filed in Docket No. CP97–690–000 an application pursuant to Section 7(b) and 7(c) of the Natural Gas Act for permission and approval for FGT to reroute and/or relocate and abandon a portion a 24-inch mainline located in Calcasieu Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, FGT requests an order be issued authorizing one reroute and two relocations totaling approximately 18,370 feet of 24-inch mainline located in Calcasieu Parish, Louisiana. FGT states that the purpose of the reroute and/or relocation is to comply with the safety requirements of the U.S. Department of Transportation, which requires heavier wall pipe due to the proximity of new residential and commercial construction in the vicinity of FGT's mainline. FGT proposes to abandon in place, the three sections of 24-inch pipeline that will be taken out of service. FGT estimates the total cost of the proposal to be approximately $3,762,161.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 5, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for FGT to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22206 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–144–006]

K N Wattenberg Transmission Limited Liability Company; Notice of Tariff Filing

August 15, 1997.

Take notice that on August 12, 1997, K N Wattenberg Transmission Limited Liability Company (Wattenberg) tendered for filing the following revised tariff sheets, to be effective June 1, 1997:

Original Volume No. 1
First Revised Sheet No. 17A
Second Revised Sheet No. 18
First Revised Sheet No. 18B
Second Revised Sheet No. 33
First Revised Sheet No. 33A
Second Revised Sheet No. 34
First Revised Sheet No. 34A
First Revised Sheet No. 66A

In addition, Wattenberg submits for filing the following revised tariff sheets, to be effective August 1, 1997:

Original Volume No. 1
Second Revised Sheet No. 66A
Substitute Second Revised Sheet No. 66A

Wattenberg states that these tariff sheets are being filed to comply with an OPR Letter Order in Docket Nos. RP97–144–003, 004 and 005 issued July 28, 1997, directing Wattenberg to submit revised pagination for tariff sheets related to Order No. 587.

Wattenberg states that copies of the filing were served upon Wattenberg's jurisdictional customers, interested public bodies, and all parties to the proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22216 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–1–1–000]

Midcoast Interstate Transmission, Inc.; Notice of ACA Filing

August 15, 1997.

Take notice that on August 12, 1997, Midcoast Interstate Transmission, Inc. (formerly Alabama-Tennessee Natural Gas Company) (Midcoast), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet with a proposed effective date of October 1, 1997:

Fourteenth Revised Sheet No. 4

Midcoast states that the purpose of this filing is to reflect a $0.0001 per dekatherm increase in Midcoast's rates under its Annual Charge Adjustment (ACA) clause that results from a corresponding increase in the annual charge assessed Midcoast by the Commission.

Midcoast requests any waiver that may be required in order to accept and approve this filing as submitted.

Midcoast states that copies of the tariff filing have been served upon the Company's affected customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22218 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–693–000]

Mississippi River Transmission Corporation; Notice of Application

August 15, 1997.

Take notice that on August 12, 1997, Mississippi River Transmission Corporation (MRT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP97–693–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to return to service for a 3-year period a 93-mile segment of its 22-inch Main Line No. 1 and facilities appurtenant thereto in Missouri and Arkansas, all as more fully set forth in the application on file with the Commission and open to public inspection.

MRT states that it received authorization to abandon this mainline segment in Docket No. CP95–228–000 as part of its multiyear System Modernization Plan. It is stated that as part of MRT's rate case filing in Docket No. RP96–199–000 MRT has agreed to file this request to retain the mainline segment in service for a 3-year period to expire no later than April 30, 2001. It is

asserted that retention of the line will make available to MRT's customers additional capacity of 19,630 MMBtu equivalent of natural gas per day. It is explained that there are outstanding requests in MRT'a firm transportation queue establishing an unmet demand for additional capacity in MRT's market area.

MRT states that it has determined this proposal to be the most economical, efficient and timely alternative to providing the additional capacity required. It is asserted that the segment has remained in an operational ready state. It is further asserted that returning the segment to service would have no rate impact on MRT's existing customers, and that all costs would be absorbed by MRT during the limited period. MRT estimates that it will spend $2.1 million to operate the segment over the 3-year period.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for MRT to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22208 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3329–000]

NEPOOL Executive Committee; Notice of Filing

August 15, 1997.

Take notice that on July 23, 1997, The NEPOOL Executive Committee tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 26, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22211 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–301–000]

Overthrust Pipeline Company; Notice of Informal Settlement Conference

August 18, 1997.

Take notice that the informal settlement conference will be convened in this proceeding on Wednesday, August 27, 1997, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring a possible settlement of the above-referenced proceeding.

Any party, as defined by 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, please contact Sandra J. Delude at 208–0583 or Kathleen M. Dias at (202) 208–0524.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22203 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No CP97–691–000]

Southern Natural Gas Company; Notice of Application

August 15, 1997.

Take notice that on August 8, 1997, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP97–691–000 an application, pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate mainline looping and measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that it has executed contracts with three shippers, Alabama Power Company, Kimberly Clark Corporation, and Interconn Resources, Inc., to provide new firm transportation services under Southern's Rate Schedule FT. It is indicated that the shippers have subscribed a total of 34,125 Mcf per day (Mcfd) of new FT service.

To provide capacity to render the additional FT services, Southern proposes to construct and operate 3.3 miles of 30-inch pipeline loop extending from Mile Post 180.356 to Mile Post 183.659 on the South Main 3rd loop line in Dallas County, Alabama. In addition, Southern proposes to install a meter station at Mile Post 208.498 which would consist of two 6-inch meter runs and appurtenant facilities. Southern proposes to place the facilities in service by November 1, 1998. Southern estimates that the project would cost $4,191,300, which would be financed, initially, through short-term instruments and cash available from operations.

In addition to the basic project cost, Southern states that it has agreed to make a Contribution in Aid of

Construction to Alabama Gas Corporation (Alagasco) to cover the cost of construction of certain facilities necessary for Alagasco to provide a distribution service to Alabama Power Corporation for the volumes transported on Southern's system. Southern states that the cost of Alagasco facilities is estimated at $3,000,000. Southern explains that its cost of service calculations reflect the Alagasco contribution.

Southern requests that the Commission issue a predetermination that rolled-in rates are appropriate for the proposed facilities. Southern asserts that the facilities will be physically and operationally integrated with Southern's existing facilities and will be used for the benefit of all customers on the system. Specifically, Southern notes revenues generated by the project will exceed expenses and that the loop will enhance system reliability downstream of the Selma Compressor Station.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before September 5, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22207 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2757–000]

Southwestern Public Service Company; Notice of Filing

August 15, 1997.

Take notice that on July 22, 1997, Southwestern Public Service Company tendered for filing an amended quarterly report for the period January 1, 1997 through March 31, 1997.

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.W., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 27, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22209 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–143–006]

TCP Gathering Co.; Notice of Tariff Filing

August 16, 1997.

Take notice that on August 12, 1997, TCP Gathering Co. (TCP) tendered for filing as part of its FERC Gas Tariff, the following revised tariff sheets, to be effective June 1, 1997:

Original Volume No. 1
Second Revised Sheet No. 18
First Revised Sheet No. 18A
Second Revised Sheet No. 46
Second Revised Sheet No. 47
First Revised Sheet No. 47A
Second Revised Sheet No. 103

In addition, TCP submits for filing as part of its FERC Gas Tariff, the following revised tariff sheets to be effective August 1, 1997:

Original Volume 1
Third Revised Sheet No. 103
Substitute Third Revised Sheet No. 103

TCP states that these tariff sheets are being filed to comply with an OPR Letter Order in Docket Nos. RP97–143–003, 004 and 005 issued July 28, 1997, directing TCP to submit revised pagination for tariff sheets related to Order No. 587.

TCP states that copies of the filing were served upon TCP's jurisdictional customers, interested public bodies, and all parties to the proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in

Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–22215 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–647–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Availability of an Environmental Assessment for the Proposed 1998 Expansion Project

August 15, 1997.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Great Lakes Gas Transmission Limited Partnership in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed natural gas transmission facilities including:

a. Three 36-inch-diameter loops totaling about 71.5 miles of pipeline:

- Loop 1—about 22.0 miles long, extending from the existing St. Vincent Compressor Station at milepost (MP) 0.7 to MP 22.7 in Kittson County, Minnesota;
- Loop 2—about 26.7 miles long, extending from MP 132.5 to MP 159.2 in Clearwater, Beltrami, and Hubbard Counties, Minnesota; and
- Loop 3—about 22.8 miles long, extending from MP 283.5 to MP 306.3 in Carlton County, Minnesota and Douglas County, Wisconsin.

b. Install two NEMA-rated 7,400 horsepower (hp) compressor unit additions, one unit apiece and appurtenant facilities at the existing St. Vincent Compressor Station in Kittson County, Minnesota and at the existing Farwell Compressor Station in Clare County, Michigan;

c. Replacement of an existing aerodynamic assembly at the Thief River Falls Compressor Station in Marshall County, Minnesota; and

d. Construction of minor permanent aboveground ancillary facilities;

- Three crossover assemblies at the new loop ends at MPs 22.7, 159.2, and 306.3 in Kittson and Hubbard Counties, Minnesota, and Douglas County, Wisconsin, respectively;
- Expansion of five existing mainline valve sites at MPs 0.7 and 16.3 in Kittson County, Minnesota; MPs 150.0 and 283.5 in Beltrami and Carlton Counties, Minnesota, respectively; and MP 299.3 in Douglas County, Wisconsin; and
- Removal of the existing end-of-loop valve and crossover assembly at MP 132.5 in Clearwater County, Minnesota.

The purpose of the proposed facilities would be to provide an additional firm transportation service of 126,000 thousand cubic feet per day of gas between Emerson, Minnesota, and St. Clair, Michigan to serve its existing shippers and to provide increased system reliability and lower maintenance costs.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, State and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your comments to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, D.C. 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.2
- Reference Docket No. CP96–647–000; and
- Mail your comments so that they will be received in Washington, DC on or before September 15, 1997.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by Section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Linwood A. Watson, Jr.,

Actng Secretary.

[FR Doc. 97–22205 Filed 8–20–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Notice of Cases Filed With the Office of Hearings and Appeals

Week of July 21 Through July 25, 1997

During the Week of July 21 through July 25, 1997, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: August 14, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 21 through July 25, 1997]

Date	Name and location of applicant	Case No.	Type of submission
7/21/97	Egan & Associates, P.C. Washington, DC.	VFA–0318	Appeal of an Information Request Denial. If Granted: The July 9, 1997 Freedom of Information Act Request Denial issued by the Office of Executive Secretariat would be rescinded, and Egan & Associates, P.C. would receive access to all documentation submitted to or sent by any Department of Energy Headquarters office pertaining to Envirocare of Utah, Inc., or Waste Control Specialists LLC of Pasenda, Texas.
7/21/97	Los Alamos Study Group, Santa Fe, New Mexico.	VFA–0316	Appeal of an Information Request Denial. If Granted: The June 16, 1997 Freedom of Information Act Request Denial issued by the Albuquerque Field Office would be rescinded, and Los Alamos Study Group would receive access to lists of all Los Alamos National Laboratory's contractors, consultants, associates, and fellows for the calendar year l996 and the amount paid to them.
7/21/97	Ralph C. Elkins, Sugar Grove, Ohio ..	VFA–0317	Appeal of an Information Request Denial. If Granted: The June 27, 1997 Privacy Act Request Denial issued by the Office of Executive Secretariat would be rescinded, and Ralph C. Elkins would receive access to all of his records.
7/22/97	Willard Oil Company, Inc., Spartanburg, SC.	VEE–0047	Exception to the Reporting Requirements. If Granted: Willard Oil Company, Inc. would not be required to file Form EIA–782B ''Resellers'/Retailers' Monthly Petroleum Product Sales Report.''
7/21/97	William H. Payne, Albuquerque, NM ..	VFA–0315	Appeal of an Information Request Denial. If Granted: The June 23, 1997 Privacy Act Request Denial issued by the Office of Executive Secretariat would be rescinded, and a privacy record would be amended.
7/24/97	National Security Archive, Washington, DC.	VFA–0319	Appeal of an Information Request Denial. If Granted: The June 2, 1997, Freedom of Information Act Request Denial issued by the Department of Defense would be rescinded, and National Security Archive would receive access to information withheld from ''MIRV: A Brief History of Minuteman and Multiple Re-entry Vehicles,'' dated February 1976.
7/25/97	Personnel Security Hearing	VSO–0167	Personnel Security Hearing. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. part 710.
7/25/97	Personnel Security Hearing	VSO–0168	Personnel Security Hearing. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. part 710.
7/25/97	Personnel Security Hearing	VSO–0169	Personnel Security Hearing. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. part 710.

[FR Doc. 97–22188 Filed 8–20–97; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Cases Filed With the Office of Hearings and Appeals

Week of July 28 through August 1, 1997

During the Week of July 28 through August 1, 1997, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: August 14, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 28 Through August 1, 1997]

Date	Name and location of applicant	Case No.	Type of Submission
7/29/97	Citizen Action, Washington, DC	VFA–0320	Appeal of an Information Request Denial. If Granted: Citizen Action would receive a determination regarding its Freedom of Information Request and access to certain DOE information.
7/30/97	Curry Contracting Co., Inc., College Park, Georgia.	VFA–0321	Appeal of an Information Request Denial. If Granted: The June 30, 1997 Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and Curry Contracting Co., Inc. would receive access to (1) copies of OSHA Reports filed against the Department of Energy at the OSTI Building for the past three years; (2) copies of reports on Curry Contracting Co., Inc.; and (3) copies of Award Fee/Incentive Fee contracts for the past three years.
7/30/97	Vessels Gas Processing Co., Denver, Colorado.	VFX–0012	Supplemental Order. If Granted: The volumetric factor in the Vessels Gas Processing Co. Special refund proceeding will be changed from $0.0185 to $0.0261.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of July 28 Through August 1, 1997]

Date	Name and location of applicant	Case No.	Type of Submission
7/31/97	Personnel Security Review	VSA–0132	Request for Review of Opinion under 10 C.F.R. part 710. If Granted: The June 10, 1997 Opinion of the Office of Hearings and Appeals, Case No. VSO–0132, would be reviewed at the request of an individual employed by the Department of Energy.
8/1/97	Burlin McKinney, Oliver Springs, Tennessee.	VFA–0322	Appeal of an Information Request Denial. If Granted: The July 23, 1997 Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and Burlin McKinney would receive access to certain DOE information.

[FR Doc. 97–22189 Filed 8–20–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of July 21 Through July 25, 1997

During the week of July 21 through July 25, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: August 14, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

DECISION LIST NO. 43

Appeals

Barton J. Bernstein, 7/21/97, VFA–0117

Barton J. Berstein filed an Appeal from a denial by the Albuquerque Operations Office of a request for information that he filed under the Freedom of Information Act (FOIA). Because the withheld information was identified as classified under the Atomic Energy Act, the DOE withheld it under Exemption 3 of the FOIA. In considering the information that was withheld, the DOE determined on appeal that the majority of the information must continue to be withheld under Exemption 3. However, more precise redaction permitted the DOE to release a portion of the previously withheld material. Accordingly, the Appeal was granted in part.

Nevada Indian Environmental Coalition, 7/21/97, VFA–0303

The Nevada Indian Environmental Coalition (NIEC) filed an Appeal from a determination issued to it by the Director of the Office of the Executive Secretariat (Director) of the Department of Energy (DOE). In its Appeal, NIEC asserted that the Director failed to conduct an adequate search for documents, which were requested pursuant to the FOIA. The documents pertained to the transportation of spent nuclear fuel from foreign sources across the northern part of Nevada. After reviewing the search that was conducted, the DOE determined that additional responsive documents may exist which were not provided to NIEC. Consequently, NIEC's Appeal was granted.

Personnel Security Hearing

Personnel Security Hearing, 7/25/97, VSO–0138

A Hearing Officer recommended that access authorization be restored to an individual whose access was suspended when he entered a plea of no contest to a charge of having unlawful sexual intercourse with a minor. At the hearing, the individual brought forward testimony from a number of witnesses showing that he had not engaged in sexual intercourse with the underage complainant and had entered a plea of no contest to avoid the risks and burdens of a criminal trial.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Name	Case no.	Date
Garuda Indonesia Airways	RA272–77	7/24/97
Gulf Oil Corporation/Cox Brothers et al	RF300–13404	7/24/97
Gulf Oil Corporation/Phillips Gulf Service	RF300–20137	7/22/97
Lembke Construction Co., Inc. et al	RK272–04477	7/25/97
Polish Ocean Lines et al	RG272–195	7/21/97
Robert Defilippis et al	RK272–2000	7/25/97
The Byerlite Company	RF272–97060	7/25/97
West Penn Power Company	RG272–633	7/22/97
Wion Sales and Service	RK272–040	7/24/97
Wion Sales and Service	RC272–00365	.....

Dismissals

The following submissions were dismissed.

Name	Case No.
Buckeye Village Market, Inc	RF272–98782
Dealers Transit, Inc	RF272–98679
Linden Butane	RF300–18415
Linden Butane	RF300–18790
National Applicators, Inc	RK272–04463
The Times-News	VFA–0305
Wales Transportation, Inc	RR272–00296

[FR Doc. 97–22187 Filed 8–20–97; 8:45 am]

BILLING CODE 6450–01–U

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89–777 (46 U.S.C. § 817(d)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. part 540, as amended:

American Canadian Caribbean Line, Inc. and C.P. Leasing Corp., 461 Water Street, Warren, Rhode Island 02885
Vessel: Grande Caribe

Celebrity Cruises Inc. and Seabrook Maritime Inc., 5201 Blue Lagoon Drive, Miami, Florida 33126
Vessel: Mercury

Costa Crociere S.p.A. and Prestige Cruises N.V., World Trade Center, 80 S.W. 8th Street, Miami, Florida 33130–3097
Vessels: Costa Allegra and Costa Victoria

Costa Crociere S.p.A., Presitge Cruises N.V. and Italian Cruise Lines S.r.l., World Trade Center, 80 S.W. 8th Street, Miami, Florida 33130–3097
Vessel: Costa Classica

Costa Crociere S.p.A., Presitge Cruises N.V. and Mediterranean Cruise Lines S.r.l., World Trade Center, 80 S.W. 8th Street, Miami, Florida 33130–3097
Vessel: Costa Marina

Costa Crociere S.p.A., Presitge Cruises N.V. and Family Cruise of Italy S.r.l., World Trade Center, 80 S.W. 8th Street, Miami, Florida 33130–3097
Vessel: Costa Riviera

Costa Crociere S.p.A., Presitge Cruises N.V. and Interocean Italia S.r.l., World Trade Center, 80 S.W. 8th Street, Miami, Florida 33130–3097
Vessel: Costa Romantica

Cunard Line Limited (d/b/a Majesty Cruise Line) and Crown Dynasty Inc., 901 S. America Way, Pier 7, Miami, Florida 33132–2073
Vessel: Crown Majesty

Cunard Line Limited and Cunard Charter Hire Ltd., 555 Fifth Avenue, New York, New York 10017
Vessel: Vistafjord

Norweigian Cruise Line Limited (d/b/a Norwegian Cruise Line), Cunard Line Limited and Crown Dynasty, Inc., 7665 Corporate Center Drive, Miami, Florida 33126
Vessel: Norwegian Dynasty

Silversea Cruises, Ltd, and CO.I.MAR. S.p.A., 110 East Broward Blvd., Fort Lauderdale, Florida 33301
Vessels: Silver Cloud and Silver Wind.

Dated: August 18, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–22175 Filed 8–20–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (46 U.S.C. § 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Celebrity Cruises, Inc. and Seabrook Maritime Inc., 5201 Blue Lagoon Drive, Miami, Florida 33126
Vessel: Mercury

Costa Cruise Lines N.V., Costa Crociere S.p.A. and Prestige Cruises N.V., World Trade Center, 80 S.W. 8th Street, Miami, Florida 33130–3097
Vessels: Costa Allegra, Costa Classica, Costa Marina, Costa Riviera and Costa Romantica

Cunard Line Limited (d/b/a Majesty Cruise Line), 901 S. America Way, Pier 7, Miami, Florida 33132–2073
Vessel: Crown Majesty

Glacier Bay Parks Concessions, Inc. and Glacier Bay Marine Services, Inc., 520 Pike Street, Suite 1400, Seattle, Washington 98101
Vessel: Wilderness Discoverer

Norwegian Cruise Line Limited (d/b/a Norwegian Cruise Line), 7665 Corporate Center Drive, Miami, Florida 33126
Vessel: Norwegian Dynasty

Norwegian Cruise Line Limited (d/b/a Majesty Cruise Line), 901 S. America Way, Pier 7, Miami, Florida 33132–2073
Vessel: Royal Majesty.

Dated: August 18, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–22174 Filed 8–20–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications 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 part 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.

Worldwide Freight Services, Inc. d/b/a, Worldwide Freight Systems, 5 West 36th Street, Suite 304, New York, NY 10018, Office: Capitan Mohammed Tahir, President

S.A. Maritime International, Inc., 10333 Northwest Freeway, Suite 317, Houston, TX 77092–8217, Officers: Maria L. Flores, President, Ignacio Flores, Vice President

Challenge Warehousing, Inc., 1217 S.W. 1st Avenue, Ft. Lauderdale, FL 33315, Officer: Julie Elder-O'Driscoll, Vice President

Superior Link International Inc., 20547 E. Walnut Drive, Suite B1–G, Walnut, CA 91789, Officer: Lisa Wong, CEO.

Worldserv Transport Corporation, 5855 Naples Plaza, Suite 216, Long Beach, CA 90803, Officers: Bernardo F. Lim, President, Amelia G. Lim, Secretary

Nashnev International Shipping Inc., d/b/a Pro-Order, 333 Falkenburg Road N., Suite A101, Tampa, FL 33619, Officers: Gary John Nash, President, Peter L. Nevins, Vice President

Cincus, Inc., 2244 Luna Road, Suite 100, Carrollton, TX 75006, Officers: Jerry Ware, President, Ernest Conner, Vice President

Stevens Forwarders, Inc., 155 Diplomat Drive, Suite D, Columbia City, IN 46725, Officers: Morrison M. Stevens, President, John H. Stevens, Treasurer

Dated: August 18, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 97–22171 Filed 8–20–97; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission to OMB Under Delegated Authority

Background

Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). 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.

FOR FURTHER INFORMATION CONTACT:

Chief, Financial Reports Section—Mary M. McLaughlin—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860)

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

1. Report title: Report of Terms of Credit Card Plans
Agency form number: FR 2572
OMB Control number: 7100-0239
Effective Date: Reporting period ending January 31, 1998
Frequency: Semiannually
Reporters: Financial institutions
Annual reporting hours: 77
Estimated average hours per response: 0.25
Number of respondents: 153
Small businesses are not affected.

General description of report: This information collection is voluntary (15 U.S.C. 1646(b)) and is not given confidential treatment.

Abstract: The FR 2572 collects data on credit card pricing and availability from a sample of at least 150 financial institutions that offer credit cards. The information is reported to the Congress and made available to the public in order to promote competition within the industry. The revisions modify the report instructions to clarify the treatment of introductory or teaser rates and modify the reporting form to include an option to indicate the availability of such a rate. The general instructions now define more explicitly the nature of the credit card plan to be reported.

Board of Governors of the Federal Reserve System, August 14, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–22122 Filed 8–90–97; 8:45 am]

Billing Code 6210–01–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 4, 1997.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Lacy J. Harbor, Denison, Texas; to acquire an additional 89.6 percent, for a total of 100 percent, of the voting shares of Marble Falls National Bancshares, Inc., Marble Falls, Texas, and thereby indirectly acquire Marble Falls National Bank, Marble Falls, Texas.

Board of Governors of the Federal Reserve System, August 15, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22118 Filed 8–20–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 15, 1997.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Calvin B. Taylor Bankshares, Inc., Berlin, Maryland; to acquire 100 percent of the voting shares of Calvin B.Taylor Banking Company of Berlin Maryland, Berlin, Maryland, and thereby indirectly

acquire Calvin B. Taylor Bank of Delaware, Ocean View, Delaware.

2. Wachovia Corporation, Winston-Salem, North Carolina; to acquire 100 percent of the voting shares of 1st United Bancorp, Boca Raton, Florida, and thereby indirectly acquire First United Bank, Boca Raton, Florida.

In connection with this application, Applicant also has applied to acquire United Bancorp's subsidiary, Island Investment Service, Inc., Palm Beach, Florida, and thereby engage in securities brokerage activities, pursuant to § 225.28(b)(7)(i) of the Board's Regulation Y.

B. Federal Reserve Bank of San Francisco (Pat Marshall, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Zions Bancorporation, Salt Lake City, Utah; to merge with GB Bancorporation, San Diego, California, and thereby indirectly acquire Grossmont Bank, San Diego, California.

Board of Governors of the Federal Reserve System, August 15, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22119 Filed 8–20–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 4, 1997.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Union Planters Corporation, Memphis, Tennessee, and its wholly-owned bank holding company subsidiary, Capital Bancorporation, Inc., Memphis, Tennessee; to acquire Sho-Me Financial Corporation, Mt. Vernon, Missouri, and its wholly-owned savings association subsidiary, 1st Savings Bank, f.s.b., Mt. Vernon, Missouri, and thereby engage in operating a savings institution, pursuant to § 225.28(b)(4)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 15, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–22120 Filed 8–20–97; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Request for Comments on Revision of the Vessel Sanitation Program's Operations Manual (August 1989)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: Notice of request for comments.

SUMMARY: This notice solicits comments and suggestions for consideration and possible incorporation into a revision of the Vessel Sanitation Program's (VSP) Operations Manual. The document was last revised in August 1989. Input from the cruise line, interested industry, travel, consumer and other groups is critical to the revision of the manual. Input and participation from the cruise line industry and others will be requested throughout the revision process. This initial set of comments and suggestions will be used by the VSP to draft a revised and expanded Operations Manual to reflect CDC's and industry's current knowledge. This draft will form the basis for further discussions and opportunities for input.

DATES: To be considered, written comments must be received by October 6, 1997.

ADDRESSES: Requests for copies of the current Operations Manual must be made by calling (770) 488–7093. Written comments on the document should be sent by mail or facsimile to: Daniel Harper, VSP Program Manager, National Center for Environmental Health, CDC, 4770 Buford Highway, NE. (F–29), Atlanta, GA 30341–3724, facsimile (770) 488–4127, or e-mail DMH2@CDC.GOV.

SUPPLEMENTARY INFORMATION: The Vessel Sanitation Program (VSP) is a cooperative activity between the cruise ship industry and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services. The purpose and goals of the VSP are to achieve and maintain a level of sanitation that will lower the risk for gastrointestinal disease outbreaks and assist the passenger line industry in its effort to provide a healthful environment for passengers and crew.

Dated: August 15, 1997.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–22151 Filed 8–20–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Conversion of CDC Voice/Fax Information Service to Toll Free Access

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice announces the availability of disease and health risk information by voice and fax as a toll-free service to the public.

FOR FURTHER INFORMATION CONTACT: Dottie Knight, Information Resources Management Office, Office of Program Support, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mail/Stop C–04, Atlanta, GA 30333, Telephone: 404–639–2250.

SUPPLEMENTARY INFORMATION: Consistent with OMB A–130 circular, Section 8.a.(6)(j), Federal agencies are required to: ''Provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products * * *.''

The CDC Voice/Fax Information Service (VIS) allows any caller access to the most current health related information using a touch-tone telephone. The CDC VIS has been in operation for approximately 9 years and in the most recent 12 month period, it has received nearly 1 million telephone

calls, provided automated voice-response information to those callers, and provided 1.5 million pages of automated fax information. Information is provided in several levels of detail and complexity in order to reach a broad audience more effectively including the general public and health care professionals.

During August 1997, the Voice/Fax Information Service (VIS) will be converting to toll-free access for callers to ensure health and prevention information availability to all audiences. Callers will continue to be able to access information via voice-response and fax-on-demand. The new number for information via voice response is 1–888-CDC-FACTS (1–888–232–3228) and 1–888-CDC-FAXX (1–888–232–3299) for information via fax. In the future, CDC will be offering all of the information on health topics via TDD services for the hearing-impaired and several languages. In addition, much of this same information is available through the Internet on CDC's web site at: http://www.cdc.gov.

Dated: August 15, 1997.

Joseph R. Carter

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–22150 Filed 8–20–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Reallotment of Funds for FY 1996; Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice of determination concerning funds available for reallotment.

SUMMARY: In accordance with section 2607(b) of the Low Income Home Energy Assistance Act (the Act), Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 *et seq.*), as amended, a notice was published in the **Federal Register** on May 21, 1997 (62 FR 27768) announcing the Secretary's preliminary determination that $457,022 in Fiscal Year 1996 Low Income Home Energy Assistance Program (LIHEAP) funds may be available for reallotment to other LIHEAP grantees.

We received comments from the Tanana Chiefs Conference, Inc., and the Association of Village Council Presidents (Alaska) requesting that they be permitted to retain the funds that were in excess of the 10 per cent carryover, and thus, subject to reallotment.

Also under section 2607(b) of the Act, grantees are required to obligate funds available by the end of the fiscal year in which they are appropriated and may carry over no more than 10 per cent of funds available for obligation in the following fiscal year. We are not able to allow grantees to retain funds that were not obligated in a timely fashion and that exceed the 10 per cent carryover limit. HHS does not have the authority to waive the requirements of the Act regarding the reallotment of LIHEAP funds.

The Tanana Chiefs Conference, Inc., also informed HHS that it had $98,572 in funds for reallotment instead of $21,184 as originally reported.

In accordance with the requirements of section 2607(2)(C), a revised total of $534,410 will be reallotted to most current LIHEAP grantees based upon the allocation formula contained in section 2604 of the Act and under the terms of applicable State/Tribe agreements, except that HHS will not issue grants under $25 because the cost of issuing the grant for that amount is greater than the amount of the grant. These reallotted funds are being distributed by statutory formula to States, Indian Tribes and Tribal organizations, and insular areas that are currently grantees under the LIHEAP program for FY 1997. No other entities may apply for or receive the funds from HHS.

The reallotted funds must be treated by LIHEAP grantees receiving them as an amount appropriated for FY 1997. As FY 1997 funds, they will be subject to all of the requirements of the Act, including section 2607(b)(2), which requires that a grantee must obligate its total block grant allocation for a fiscal year by the end of the fiscal year for which the funds are appropriated, that is, by September 30, 1997.

FOR FURTHER INFORMATION CONTACT: Janet Fox, Director, Division of Energy Assistance, Office of Community Services, Administration for Children and Families, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447; telephone (202) 401–9351.

Dated: August 15, 1997.

Donald Sykes,

Director, Office of Community Services.

[FR Doc. 97–22177 Filed 8–20–97; 8:45 am]

BILLING CODE 4184–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97F–0339]

Eastman Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Eastman Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the expanded safe use of 2,2-dimethyl-1,3-propanediol as a polyhydric alcohol for use only in forming polyester resins for coatings to include contact with alcoholic foods.

DATES: Written comments on the petitioner's environmental assessment by September 22, 1997.

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

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 7B4552) has been filed by Eastman Chemical Co., P.O. Box 431, Kingsport, TN 37662. The petition proposes to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the expanded safe use of 2,2-dimethyl-1,3-propanediol as a polyhydric alcohol for use only in forming polyester resins for coatings to include contact with alcoholic foods.

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 September 22, 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: July 31, 1997.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 97–22265 Filed 8–20–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96E–0272]

Determination of Regulatory Review Period for Purposes of Patent Extension; INTEGRA® Artificial Skin

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for INTEGRA® Artificial Skin and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device INTEGRA® Artificial Skin. INTEGRA® Artificial Skin is indicated for the post-excisional treatment of life-threatening full-thickness or deep partial-thickness thermal injury where sufficient autograft is not available at the time of excision or not desirable due to the physiological condition of the patient. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for INTEGRA® Artificial Skin (U.S. Patent No. 4,947,840) from the Massachusetts Institute of Technology, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 12, 1997, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of INTEGRA® Artificial Skin represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office represented that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for INTEGRA® Artificial Skin is 4,477 days. Of this time, 3,173 days occurred during the testing phase of the regulatory review period, while 1,304 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: November 30, 1983. FDA has verified the applicant's claim that the date the investigational device exemption (IDE), required under section 520(g)of the Federal Food, Drug, and Cosmetic Act, for human tests to begin became effective on November 30, 1983.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e)*: August 6, 1992. The applicant claims May 4, 1990, as the date the premarket approval application (PMA) for INTEGRA® Artificial Skin (PMA P900033) was initially submitted. However, FDA records indicate that the PMA P900033, which was mailed May 4, 1990, was received by FDA on May 7, 1990. However, FDA notified the applicant that the PMA contained insufficient information for filing on June 22, 1990. After a number of additional documents were submitted to the PMA, the PMA was ultimately filed based on a document received August 6, 1992, which is considered the initially submitted date for the PMA.

3. *The date the application was approved*: March 1, 1996. FDA has verified the applicant's claim that PMA P900033 was approved on March 1, 1996.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 923 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before October 20, 1997, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before February 17, 1998, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30. Comments

and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 14, 1997.

Allen B. Duncan,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 97–22266 Filed 8–20–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Grass Roots Biotechnology Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

The Food and Drug Administration (FDA) is announcing the following meeting: Grass Roots Biotechnology Meeting. The topics to be discussed are product classification (Biologic/Device/Drug/Food), the preapproval inspection process, the inspectional environment after product approval, and overall communications with the field offices. This meeting, which is cosponsored by FDA's Office of External Affairs and the New England District, Northeast Region; the Massachusetts Biotechnology Council; and the Biotechnology Association of Maine, is being held to promote the President's initiative for a partnership approach between frontline regulators and the people affected by the work of the agency.

Date and Time: The meeting will be held on Tuesday, September 23, 1997 (8 a.m. to 8:30 a.m. registration), 8:30 a.m. to 4 p.m.

Location: The meeting will be held at Ramada Hotel, 15 Middlesex Canal Park, Woburn, MA, 617–279–1675.

Contact: Donald J. Johnson, Special Assistant to the District Director, New England District Office, Northeast Region, Food and Drug Administration (HFR–NE 252), Food and Drug Administration, One Montvale Ave., Stoneham, MA 02180, 617–279–1675, ext. 129, FAX 617–279–1733.

Registration: Send registration information (including name, title, firm name, address, telephone, and fax number) to Janice T. Bourque, Executive Director, Massachusetts Biotechnology Council, 245 First St., 14th Fl., Cambridge, MA 02142, 617–577–8198. Because attendance is limited to 100, preregistration is recommended. However, there is no cutoff date for registration.

If you need special accommodations due to a disability, please contact Donald J. Johnson at least 7 days in advance.

Supplementary Information: This meeting will feature a general session at which Federal regulations and procedures will be discussed, followed by four morning breakout sessions to identify problems or concerns in the topical areas, and four afternoon breakout sessions to recommend solutions to the problems or concerns identified previously.

A summary of the meeting will be provided to all registered participants. However, the public may request a summary of the meeting in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857.

Dated: August 15, 1997.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 97–22267 Filed 8–20–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–94]

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicaid Sterilization Regulations 45 CFR 96.73, 42 CFR 441 subpart F and Consent Form; *Form No.:* HCFA–R–94; *Use:* All Medicaid-eligible individuals seeking sterilization are required to sign the federally mandated consent form, acknowledging that they understand the benefits and risks of sterilization, and have received oral information concerning the sterilization operation from the provider. *Frequency:* Other (each time sterilization is sought); *Affected Public:* Individuals or Households; *Number of Respondents:* 112,526; *Total Annual Responses:* 112,526; *Total Annual Hours:* 140,658.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: John Rudolph, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 11, 1997.

John P. Burke III,

HCFA Reports Clearance Officer, Division of HCFA Enterprise Standards, Health Care Financing Administration.

[FR Doc. 97–22124 Filed 8–20–97; 8:45 am]

BILLING CODE 4120–03–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–216]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and

Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Organ Procurement Organization/ Histocompatibility Laboratory Statement of Reimbursable Costs, Manual Instructions and Supporting Regulations Contained in 42 CFR 413.20 and 413.24; *Form No.:* HCFA–216 (OMB No. 0938–0102); *Use:* This form is required by statute for participation in the Medicare program. The information is used to determine reasonable costs incurred to furnish treatment to End Stage Renal Disease (ESRD) patients by Organ Procurement Organizations and Histocompatibility Laboratories. *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, and State, Local or Tribal Government; *Number of Respondents:* 100; *Total Annual Responses:* 100; *Hours:* 4,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: August 14, 1997.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 97–22199 Filed 8–20–97; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Purpose/Agenda: To review and evaluate a request for application (RFA).

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date of Meeting: August 26, 1997.

Time: 8:00 A.M. to adjournment.

Place of Meeting: Radison Barcelo Hotel 2121 P Street, NW, Washington, DC 20037.

Contact Person: Mark Green, 6000 Executive Boulevard, Suite 409, Rockville, Md 20892–7003, 301–443–2860.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The proposal and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposal, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance, Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; National Institutes of Health)

Dated: August 13, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22162 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute on Drug Abuse (NIDA) Special Emphasis Panel meetings:

Purpose/Agenda: To evaluate and review contract proposals.

Name of Committee: NIDA Special Emphasis Panel (Controlled Release Parenteral Delivery System of Buprenorphine).

Date: August 18, 1997.

Time: 1:30 p.m.

Place: Office of Extramural Program Review, National Institute on Drug Abuse, NIH, 5600 Fishers Lane, Room 10–49, Rockville, MD 20857 (Telephone Conference).

Contact Person: Mr. Eric Zatman, Contract Review Specialist, Office of Extramural Program Review, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10–42, Rockville, MD 20857, Telephone (301) 443–1644.

Name of Committee: NIDA Special Emphasis Panel (Preparation of Standardized Nicotine and Cigarettes for Addiction).

Date: August 18, 1997.

Time: 2:30 p.m.

Place: Office of Extramural Program Review, National Institute on Drug Abuse, NIH, 5600 Fishers Lane, Room 10–49, Rockville, MD 20857 (Telephone Conference).

Contact Person: Mr. Eric Zatman, Contract Review Specialist, Office of Extramural Program Review, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10–42, Rockville, MD 20857, Telephone (301) 443–1644.

This notice is being published less than 15 days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

The meetings will be closed in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.277, Drug Abuse Scientist Development, Research Scientist Development, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health)

Dated: August 13, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22164 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting of the National Advisory Council for Nursing Research and its Subcommittee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council for Nursing Research, National Institute of Nursing Research, National Institutes of Health and its Planning Subcommittee on September 22–23, 1997, National Institutes of Health, William H. Natcher Building, 45 Center Drive, Conference Room E1 and E2, Bethesda, Maryland 20892.

The Council meeting will be open to the public on September 23 from 8:30 a.m. to 3:00 p.m. for discussion of program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. and section 10(d) of Public Law 92–463, the Council meeting will be closed to the public from 3:00 p.m. to adjournment on September 23. There will also be a meeting, closed to the public, of the Planning Subcommittee on September 22 from 3:00 p.m. to 5:00 p.m. in Building 31, Room 5B03. These meetings are closed for the review, discussion and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

A summary of the meetings, rosters of committee members, and other information may be obtained from the Executive Secretary, Dr. Lynn Amende, NINR, NIH, Building 45, Room 3AN–12, Bethesda, Maryland 20892, 301/594–5968. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.361, Nursing Research, National Institutes of Health)

Dated: August 14, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22165 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the National Institute of Neurological Disorders and Stroke.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of meetings, rosters of committee members, and other information pertaining to the meetings can be obtained from the Scientific Review Administrator indicated.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Subcommittee B.

Date: October 15–17, 1997.

Time:

October 15, 7:00 p.m.—recess
October 16, 8:00 a.m.—recess
October 17, 8:00 a.m.—adjournment

Place: The Clarion Hampshire Hotel, 1310 New Hampshire Avenue, N.W., Washington, DC 20036.

Contact Person: Dr. Paul Sheehy, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Subcommittee A.

Date: October 15–17, 1997.

Time:

October 15, 7:30 p.m.—recess
October 16, 8:30 a.m.—recess
October 17, 8:30 a.m.—adjournment

Place: Embassy Suites Hotel, 1250 22nd Street, N.W., Washington, DC 20037.

Contact Person: Dr. Katherine Woodbury, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

Name of Committee: Training Grant and Career Development Review Committee.

Date: October 23–24, 1997.

Time:

October 23, 8:00 a.m.—recess
October 24, 8:00 a.m.—adjournment

Place: Courtyard by Marriott, 124 St. Charles Avenue, New Orleans, Louisiana 70130.

Contact Person: Dr. Alfred W. Gordon, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

(Catalog of Federal Domestic Assistance Program No. 93.853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences)

Dated: August 14, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22166 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following advisory committee meeting of the National Institute of General Medical Sciences Special Emphasis Panel:

Committee Name: Biomedical Research and Research Training–4.

Date: November 7, 1997.

Time: 8:30 a.m.-5:00 p.m.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Bruce K. Wetzel, Ph.D., Scientific Review Administrator, NIGMS, Office of Scientific Review, 45 Center Drive, Room 1AS–19K, Bethesda, MD 20892–6200, 301–594–3907.

Purpose: To review and evaluate program project applications.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers [MARC]; and 93.375, Minority Biomedical Research Support [MBRS])

Dated: August 14, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22167 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting, Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke, Division of Intramural Research on October 5–7, 1997, at the National Institutes of Health, Building 31, Conference Room 6C6, 31 Center Drive, Bethesda, Maryland 20892.

This meeting will be open to the public from 8:30 a.m. to 12:05 p.m. and from 1:05 p.m. to 6:00 p.m. on October 6th, to discuss planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. section 10(d) of Public Law 92–463, the meeting will be closed to the public from 8:00 p.m.to 10:00 p.m. on October 5th, and from 8:30 a.m. until adjournment on October 7th, for the review, discussion and evaluation of individual programs and projects conducted by the NINDS. The programs and discussions include consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. John Seachrist, Federal Building, Room 1012, 7550 Wisconsin Avenue, Bethesda, MD 20892, telephone (301) 496–9231 or the Executive Secretary, Dr. Story Landis, Director, Division of Intramural Research, NINDS, Building 36, Room 5A05, National Institutes of Health, Bethesda, MD 20892, telephone (301) 435–2232, will furnish a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: August 14, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22168 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting of the National Advisory Council on Aging

Notice is hereby given of a change in the agenda for the meeting of the National Advisory Council on Aging, National Institute on Aging, September 25–26, 1997, to be held at the National Institutes of Health, Building 31, Conference Room 6, Bethesda, Maryland published in the **Federal Register** on July 18, 1997 (62 FR 38571). This meeting was scheduled to be open to the public on Thursday, September 25, from 9:00 a.m. to 3:00 p.m., and Friday, September 26, from 8:00 a.m. until adjournment. The meeting was scheduled to be closed on Thursday, September 25, from 3:00 p.m. to recess.

The meeting will now be open to the public on Thursday, September 25, from 1:00 p.m. until recess, and again on Friday, September 26, from 10:00 a.m. until adjournment. The meeting will be closed on Friday, September 26, from 8:00 to 10:00 a.m.

Dated: August 15, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22169 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: August 27, 1997.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5172, Telephone Conference.

Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Clinical Sciences.

Date: September 9–10, 1997.

Time: 7:00 p.m.

Place: Ana Hotel, Washington, DC.

Contact Person: Dr. J. Terrell Hoffeld, Scientific Review Administrator, 6701 Rockledge Drive, Room 4116, Bethesda, Maryland 20892, (301) 435–1781.

Name of SEP: Clinical Sciences.

Date: September 10, 1997.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 4128, Telephone Conference.

Contact Person: Dr. Anshumali Chaudhari, Scientific Review Administrator, 6701 Rockledge Drive, Room 4128, Bethesda, Maryland 20892, (301) 435–1210.

Name of SEP: Multidisciplinary Sciences.

Date: October 14, 1997.

Time: 8:00 a.m.

Place: Georgetown Inn, Washington, DC.

Contact Person: Dr. Eileen Bradley, Scientific Review Administrator, 6701 Rockledge Drive, Room 4182, Bethesda, Maryland 20892, (301) 435–1179.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93,893, National Institutes of Health, HHS)

Dated: August 13, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–22163 Filed 8–20–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4263–N–06]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 date: September 22, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 13, 1997.

David S. Cristy,

Acting Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection of OMB

Title of Proposal: Issuer's Monthly Accounting Report.

Office: Government National Mortgage Association.

OMB Approval Number: 2503–0004.

Description of the Need for the Information and Its Proposed Use: Issuers will use these forms to report monthly on their securities accounting. The information is necessary to assure issuers are performing pursuant to the guaranty agreement and investors are receiving all funds due them.

Form Number: HUD–11710A, 1710B, 1710C, 11710D, and 11710E.

Respondents: Business or Other For-Profit and the Federal Government.

Frequency of Submission: On Occasion and Monthly.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD–11710A	620		656		.012		4,877
HUD–1710B	10		12		.25		30
HUD–1710C	2		2		.16		1
HUD–11710D	620		12		.25		1,860
HUD–11710E	620		24		.16		2,381

Total Estimated Burden Hours: 9,149.

Status: Reinstatement, with changes.

Contact: Sonya K. Suarez, HUD, (202) 708–2772 x4975; Joseph F. Lackey, Jr. OMB, (202) 395–7316.

Dated: August 13, 1997.

[FR Doc. 97–22249 Filed 8–20–97; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4263–N–07]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 date: September 22, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone

numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 13, 1997.

David S. Cristy,

Acting Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Good Faith Estimate and Special Information Booklet.

Office: Housing.

OMB Approval Number: 2502–0265.

Description of the Need for the Information and Its Proposed Use: Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires lenders to provide borrowers the Special Information Booklet and the Good Faith Estimate of Settlement Costs that informs them of the nature and costs of real estate settlement services. Section 4 of RESPA requires settlement agents to provide the borrowers and the sellers with a HUD–1 form which sets forth all settlement costs.

Form Number: HUD–1.

Respondents: Business or Other For-Profit and Individuals or Households.

Frequency of Submission: On Occasion and Third Party Disclosure.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Good Faith Estimate and HUD–1	20,000		173.5		.17		491,006

Total Estimated Burden Hours: 491,006.

Status: Reinstatement, with changes.

Contact: Ivy M. Jackson, HUD, (202) 708–4560; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: August 13, 1997.

[FR Doc. 97–22250 Filed 8–20–97; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Kauai II: Addendum to the Recovery Plan for the Kauai Plant Cluster (USFWS 1995)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft Kauai II: Addendum to the Recovery Plan for the Kauai Plant Cluster (USFWS 1995). There are 19 taxa of plants included in this plan, 17 of which are listed as endangered and 2 as threatened. All 19 are known only from the island of Kauai. This draft plan addendum supplements the Recovery Plan for the Kauai Plant cluster finalized in 1995. A limited number of copies of the Kauai Plant Cluster Recovery Plan are available, although the Service is not seeking comments on that document.

DATES: Comments on the draft recovery plan received by October 20, 1997 will be considered by the Service.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following locations: U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, room 3108, P.O. Box 50088, Honolulu, Hawaii 96850 (phone 808/541–3441); Kauai Regional Library, 4344 Hardy Ave., Lihue, Hawaii 96766. Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Field Supervisor, Fish and Wildlife Office, at the above Honolulu address.

FOR FURTHER INFORMATION CONTACT: Christine Willis, Fish and Wildlife Biologist, at the above Honolulu address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised Recovery Plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

The Recovery Plan for the Kauai Plant Cluster, finalized in 1995, covered 37 plant species. This draft addendum to the Recovery Plan for the Kauai Plant Cluster covers 19 plant taxa, 17 of which are listed as endangered and 2 as threatened. All of these taxa are endemic to the island of Kauai, Hawaiian Islands. The plants listed as endangered are: *Alsinidendron lychnoides* (kuawawaenohu), *Alsinidendron viscosum* (no common name (NCN)), *Cyanea remyi* (haha), *Cyrtandra cyaneoides* (mapele), *Delissea rivularis* (oha), *Hibiscadelphus woodii* (hau kuahiwi), *Hibiscus waimeae* ssp. *hannerae* (koki o keokeo), *Kokia kauaiensis* (kokio), *Labordia tinifolia* var. *wahiawaensis* (kamakahala), *Phyllostegia knudsenii* (NCN), *Phyllostegia wawrana* (NCN), *Pritchardia napaliensis* (loulu), *Pritchardia viscosa* (loulu), *Schiedea helleri* (NCN), *Schiedea membranacea* (NCN), *Schiedea stellarioides* (laulihilihi), *Viola kauaensis* var. *wahiawaensis* (nani waialeale). The plants listed as threatened are: *Cyanea recta* (haha) and *Myrsine linearifolia* (kolea).

The 19 taxa included in this addendum grow mostly in the northern and northwestern portions of Kauai, and grow in a variety of vegetation communities (shrublands, forests, and mixed communities), elevational zones (lowland to montane), and moisture regimes (dry to wet). Only one species, *Pritchardia napaliensis,* is found in lowland dry communities. These taxa and their habitats have been variously affected or are currently threatened by one or more of the following: competition for space, light, water, and nutrients by introduced vegetation; habitat degradation by feral or domestic animals (axis deer, goats, pigs, sheep, and cattle); erosion of substrate produced by hurricane, weathering, human- or animal-caused disturbance; and predation by animals (goats, rats, and slugs). In addition, due to the small number of existing individuals and their very narrow distributions, these taxa and most of their populations are subject to an increased likelihood of extinction and/or reduced reproductive vigor from stochastic events.

The objective of the Addendum to the Recovery Plan for the Kauai Plant Cluster (USFWS 1995) is to provide a framework for the recovery of these 19 taxa so that their protection by the Endangered Species Act (ESA) is no longer necessary. The interim objective is to stabilize all existing populations of the Kauai II taxa. To be considered stable, each taxon must be managed to control threats (e.g., fenced) and be represented in an *ex situ* (such as a nursery or arboretum) collection. In addition, a minimum total of three populations of each taxon should be documented on Kauai, where they now occur or occurred historically. Each of these populations must be naturally reproducing and increasing in number, with a minimum of 25 mature individuals per population for long-lived perennials (*Hibiscadelphus woodii, Hibiscus waimeae* ssp. *hannerae, Kokia kauaiensis, Labordia tinifolia* var. *wahiawaensis, Myrsine linearifolia, Pritchardia napaliensis, Pritchardia viscosa*) and a minimum of 50 mature individuals per population for short-lived perennials (*Alsinidendron lychnoides, Alsinidendron viscosum, Cyanea recta, Cyanea remyi, Cyrtandra cyaneoides, Delissea rivularis, Phyllostegia knudsenii, Phyllostegia wawrana, Schiedea helleri, Schiedea membranacea, Schiedea stellarioides, Viola kauaensis* var. *wahiawaensis*). For downlisting, a total of five to seven populations of each taxon should be documented on Kauai where they now occur or occurred historically. Each of these populations must be naturally reproducing, stable or increasing in number, and secure from threats, with a minimum of 100 mature individuals per population for long-lived perennials and a minimum of 300 mature individuals per population for short-lived perennials. Each population should persist at this level for a minimum of 5 consecutive years before downlisting is considered. For delisting, a total of 8 to 10 populations of each taxon should be documented on Kauai where they now occur or occurred historically. Each of these populations must be naturally reproducing, stable or increasing in number, and secure from threats, with a minimum of 100 mature individuals per population for long-lived perennials and a minimum of 300 mature individuals per population for short-lived perennials. Each population should persist at this level for a minimum of 5 consecutive years.

Public Comments Solicited

The Service solicits written comments on the Addendum to the Recovery Plan described. All comments received by the date specified above will be considered prior to approval of this addendum.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 28, 1997.

Thomas J. Dwyer,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 97–22149 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Recovery Plan for the Pedate Checkermallow (Sidalcea Pedata) and the Slender-Petaled Mustard (Thelypodium Stenopetalum) for Review and Comment

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service announces the availability for public review of a draft recovery plan for two plant species endemic to montane meadow habitat in the San Bernardino Mountains of southern California. Both *Sidalcea pedata* (Pedate Checkermallow) and *Thelypodium stenopetalum* (Slender-petaled Mustard) were listed by the Service as endangered on August 31, 1984 (49 FR 34500). In addition, each species was listed as endangered by the State of California (California Department of Fish and Game) in 1989.

The Service solicits review and comment from the public on this plan.

DATES: Comments on the draft recovery plan received by October 20, 1997 will be considered by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor at the following address: Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Telephone requests may be made by calling 619/431–9440. Comments and material received are available for public inspection by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Douglas Krofta at the above address and telephone number.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species. Plans also establish criteria for the recovery levels necessary for downlisting or delisting the species. They also provide an estimation of time and cost of implementing the recovery measures needed.

The Endangered Species Act of 1973, as Amended (U.S.C. 1531 *et seq.*) (Act) requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice, to provide an opportunity for public review and comment, be given during plan development. The Service will consider all significant information presented during a public comment period prior to the approval of each new or revised Recovery Plan. The Service and other Federal agencies also will take these comments into account in the course of implementing approved recovery plans.

Both plant species addressed in the draft recovery plan are endemic to the Big Bear Valley region of the San

Bernardino Mountains, San Bernardino County, California. Each species occurs on Federal, State, and private lands. *Sidalcea pedata* is a several stemmed perennial 2–4 decimeters tall and *Thelypodium stenopetalum* is a simple-stemmed biennial 3–8 decimeters tall. The plant species occur as components in moist to wet montane meadow habitat associated with swales, drainages and the shores of Big Bear and Baldwin Lakes. Although commercial and residential development is considered the primary threat to the two species, changes in surface hydrology, recreational activities and livestock grazing also threaten these species. Protection and management of the species' habitat are the primary goals of the recovery effort.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All significant comments received by the date specified above will be considered prior to the approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533(f)).

Dated: August 15, 1997.

David L. McMullen,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97–22148 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–030–07–1820–00–1784]

Southwest Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Resource Advisory Council meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 USC), notice is hereby given that the Southwest Resource Advisory Council (Southwest RAC) will meet on Thursday, September 11, 1997, at the BLM Montrose District Office in Montrose, Colorado.

DATES: The meeting will be held on Thursday, September 11, 1997.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management, Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; telephone 970–240–5335; TDD 970–240–5366; e-mail r2alexan@co.blm.gov

SUPPLEMENTARY INFORMATION: The September 11, 1997 meeting will begin at 9:00 a.m. at the BLM Montrose District Office, 2465 South Townsend, Montrose, Colorado. The agenda will include introductions of new members, a presentation on BLM's budget process, an update on the activities of other RACs, and discussions on the Gunnison Gorge Fee Pilot, management of wilderness study areas, and the possibility of an all-Colorado RAC meeting. Time will be provided for public comments.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. If necessary, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for Council meetings are maintained in the Montrose District Office and on the World Wide Web at http://www.co.blm.gov/mdo/mdo__sw__rac.htm and are available for public inspection and reproduction within thirty (30) days following each meeting.

Dated: August 12, 1997.

Mark W. Stiles,

District Manager.

[FR Doc. 97–22196 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–990–1020–01]

Notice of Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council meeting location and time.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM) council meeting of the Upper Snake River Districts Resource Advisory Council will be held as indicated below. The agenda includes the review of the UCRB–EIS and implementation of the healthy rangeland standard and guidelines. All meetings are open to the public. The public may present written comments to the council. Each formal council meeting will have a time allocated for hearing public comments. The public comment period for the council meeting is listed below. Depending on the number of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Debra Kovar at the Shoshone Resource Area Office, P. O. Box 2–B, Shoshone, ID, 83352, (208) 886–7201.

DATE AND TIME: Date is September 11, 1997, starts at 9:00 a.m. at the Snake River Resource Area Office at 15 East 200 South, Burley, Idaho. Public comments received from 10:00 to 10:30 a.m.

SUPPLEMENTARY INFORMATION: The purpose of the council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the public lands.

FOR FURTHER INFORMATION: Contact Debra Kovar, Shoshone Resource Area Office, P. O. Box 2-B, Shoshone, ID 83352, (208) 886–7201.

Dated: August 12, 1997.

Howard Hedrick,

District Manager.

[FR Doc. 97–22198 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–921–41–5700; WYW135939]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW135939 for lands in Washakie County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral

Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW135939 effective April 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 97–22190 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–050–07–1430–01; AZA–25117]

Arizona: Notice of Realty Action; Lease of Public Lands for Airport Purposes in La Paz County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of public lands for Airport Purposes Lease.

SUMMARY: The following described public lands in La Paz County, Arizona, have been examined and found suitable for lease under the provisions of the Act of May 24, 1928 (49 U.S.C. Appendices 211–213). The Town of Quartzsite proposes to use the land for a community airport.

Gila and Salt River Meridian, Arizona

T. 4 N., R. 18 W.,
Sec. 19, those lands south of Interstate 10 within lot 4, SE¼SW¼, S½SE¼;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½.

The area described contains approximately 1,380 acres.

SUPPLEMENTARY INFORMATION: The land is not required for any Federal purposes. The lease is consistent with current Bureau planning for this area and would be in the public interest. The lease, when issued, would be subject to the following terms, conditions, and reservations:

1. Provisions of the Airport Act of May 24, 1928, and to all applicable regulations of the Secretary of the Interior.
2. A 15-foot-wide right-of-way (AZA 22287) for a buried communication cable.
3. A road right-of-way (AZPHX 086772) for a county road.
4. A 50-foot-wide right-of-way (AZA 21968) for a natural gas pipeline.

DATES: On or before August 21, 1997, the above described lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease under the Airport Act of May 24, 1928. The segregative effect will end upon issuance of the lease or 1 year from the date of this publication, whichever occurs first. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease of the lands to the Field Manager, Yuma Field Office, 2555 East Gila Ridge Road, Yuma, Arizona 85365.

EFFECTIVE DATE: In the absence of any objections, the decision to approve this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Realty Specialist Dave Curtis, Yuma Field Office, 2555 East Gila Ridge Road, Yuma, Arizona 85365, telephone (520) 317–3237.

Dated: August 11, 1997.

Maureen A. Merrell,

Program Manager.

[FR Doc. 97–22126 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–050–1430–01–24–1A]

Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public lands in Sevier and Piute Counties, Utah, have been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA). The land will not be offered for sale until at least 60 days after the date of this notice. Salt Lake Meridian, Utah. T. 30 S., R. 4 W. Section 23, SE¼ SW¼ SW¼ and T. 26 S., R. 1 W., Section 11, S½ NE¼ NE¼ SE¼, containing 15.0 acres.

SUPPLEMENTARY INFORMATION: Upon publication of this notice in the **Federal Register**, the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

The land is being offered to Circleville Town, Circleville, Utah, and Mr. Phillip Burr of Burrville, Utah, At not less than the appraised fair market value. All minerals in the lands would be reserved to the United States. Detailed information concerning the sale will be available to interested parties from the Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the sale of the lands to the District Manager, Richfield District at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Dated: August 13, 1997.

David R. Henderson,

Associate District Manager.

[FR Doc. 97–22191 Filed 8–20–97; 8:45 am]

BILLING CODE 4310–DQ–P–M

INTERNATIONAL TRADE COMMISSION

[Investigation 332–382]

The Likely Impact of U.S.–EU Sectoral Trade Liberalization

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: August 15, 1997.

SUMMARY: Following receipt on August 11, 1997, of a request from the Office of the U.S. Trade Representative (USTR), the Commission instituted investigation No. 332–382, The Likely Impact of U.S.–EU Sectoral Trade Liberalization, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION: Information on economic aspects of the investigation may be obtained from Joseph Flynn, Office of Economics (202–205–3251), Sandra Rivera, Office of Economics (202–205–3007), or William Donnelly, Office of Economics (202–205–3223), and on legal aspects, from William Gearhart, Office of the General Counsel (202–205–3091). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810).

BACKGROUND: The USTR's letter requesting the investigation was received on August 11, 1997. The letter noted that the United States and the European Union (EU) have agreed to conduct a joint study to consider the

potential effects of creating a closer economic integration between the U.S. and the EU. It also stated that the Office of the U.S. Trade Representative and the European Commission established an approach to the study involving focusing on sectors or issue areas that warrant analysis of the potential effects of the removal of barriers to U.S.–EU trade, while also assessing the broad economic impact of such liberalization.

As requested by USTR, the Commission in its report on the investigation will provide a study analyzing the likely impact on U.S. commerce of potential U.S.–EU sectoral trade liberalization. The sectors to be studied are (1) automobiles and light trucks, (2) biotechnology (utilized in the production of goods), (3) chemicals, (4) electronics, (5) non-ferrous metals, (6) paper and paper products, and (7) pharmaceuticals.

As requested, the Commission will conduct the analysis in two phases: (1) in phase I it will seek to identify and describe the most significant barriers to trade and investment in the U.S. and EU for each study sector; and (2) in phase II it will assess, wherever possible, the likely impact of removing these barriers on the individual study sectors and on the U.S. economy in general.

As requested, the phase I report will contain detailed descriptions of the most significant U.S. and EU barriers to trade and investment that the Commission has identified in the study sectors, as well as a brief profile of U.S. and EU trade and investment in each study sector. For each of the study sectors being examined, the Commission will provide, to the extent possible, the following information for each barrier:

- Description of barrier, including administrative basis, if any;
- Production and exports in the affected sector or products;
- Qualitative information on the effect of the barrier and its removal on U.S. producers, exporters, and investors;
- A summary of past or ongoing efforts to remove a particular barrier, e.g. the Uruguay Round;
- Relevant data on industry structure, performance, employment, etc.

The Commission will provide the phase I report by November 21, 1997.

The phase II analysis will provide trade liberalization model simulations that assess the impact of the removal of the barriers on the individual study sectors and the U.S. economy in general, including information on the effects on employment, output, trade, and prices. In addition, the Commission will conduct a liberalization simulation that encompasses, to the extent possible, all significant U.S. and EU trade barriers (including those in the zero-for-zero sectors identified in the Statement of Administration Action accompanying the Uruguay Round Agreements Act, but not listed above). The Commission will also provide, to the extent possible, an analysis of trade liberalization of global electronic commerce, consistent with the Administration's objectives, during phase II. The Commission will not include actions resulting from final antidumping or countervailing duty investigations in its analysis.

The Commission will provide the phase II report by April 30, 1998.

Public Hearing: A public hearing in connection with the investigation will be held in the Commission hearing room, 500 E Street, SW, Washington, DC 20436, beginning at 9:30 a.m. on September 23, 1997.

All persons have the right to appear by counsel or in person to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street, SW, Washington, DC 20436 no later than COB, September 17, 1997. Hearing statements should be filed not later than COB September 18, 1997. Any posthearing submissions must be filed not later than COB October 2, 1997.

In the event that, as of COB September 17, 1997, no witnesses have filed a request to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202–205–1816) after September 17, 1997, to determine whether the hearing will be held.

Written Submissions: Interested persons are invited to submit written statements (one original and 14 copies) concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. (Generally, submission of separate confidential and public versions of the submission would be appropriate.) All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested persons. To be assured of consideration by the Commission, written statements relating to the Commission's phase I report should be submitted at the earliest practical date and should be received no later than October 2, 1997, and written statements relating to the Commission's phase II report should be submitted at the earliest practical date and should be received no later than February 13, 1998. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E St SW, Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Issued: August 15, 1997.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–22095 Filed 8–20–97; 8:45 am]

BILLING CODE 7020–02–U

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

TIME AND DATE: August 29, 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: none
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–752 (Final) (Crawfish Tail Meat from China)—briefing and vote.
5. Outstanding action jackets:

1. Document No. GC–97–044: Approval of disposition of civil penalty, remedy, public interest, and bonding issues in Inv. No. 337–TA–372 (Certain Neodymium-Iron-Boron Magnets, Magnet Alloys, and Articles Containing Same (Enforcement)).

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.

Issued: August 18, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–22306 Filed 8–19–97; 8:45 am]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d)(2), notice is hereby given that on August 12, 1997, a proposed Consent Decree in *United States* v. *Consolidation Coal Company, et. al.,* Civil Action No. C2–94–785, was lodged with the United States District Court for the Southern District of Ohio, Eastern Division. The proposed Consent Decree resolves the United States pending cost-recovery claims under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607, as well as claims under CERCLA Section 106, 42 U.S.C. 9606, for implementation of remedial action relating to the Buckeye Reclamation Landfill Site (the ''Site''), located in Richland Township, Belmont County, Ohio.

The Site is a 658-acre property that was a disposal area for mine refuse until the early 1950s. In 1973, approximately 50 acres of the Site was licensed as a public sanitary landfill. The facility accepted municipal waste from local municipalities and villages, but also received industrial sludge and liquids. The estimated total volumes of industrial waste received are 4.7 million gallons of liquid and 3,300 tons of industrial solid wastes. The Site was listed on the National Priorities List on September 9, 1983.

The settling defendants (collectively, the ''Settlors'') are four owner/operators (Belmont County, Consolidation Coal Company, Cravat Coal Company, and Ohio Resources Corp.) and 10 generators (Allegheny Ludlum Corporation, Aristech Chemical Corporation, Ashland, Inc., Beazer East, Inc., National Steel Corporation, The Pullman Company, SKF USA, Inc., Triangle Wire & Cable, Inc., USX Corporation, and Wheeling-Pittsburgh Steel Corporation). The Settlors agree in the proposed Consent Decree to implement the clean up at the Site consistent with the Record of Decision dated August 19, 1991, as modified by the Explanation of Significant Differences dated July 17, 1997 (collectively, the ''ROD'') at an estimated cost of $26 million; and to reimburse EPA all future oversight costs in excess of $300,000.

The Department of Justice will receive comments concerning the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C., 20044, and should refer to *United States* v. *Consolidation Coal Company, et al.,* DOJ Number 90–11–2–1006. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at any of the following offices: (1) The Office of the United States Attorney, Southern District of Ohio, 280 N. High Street, 4th Floor, Columbus, OH (614) 469–5715; (2) the U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886–6842; (3) the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. Copies of the proposed Decree may be obtained by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. For a copy of the Consent Decree (without attachments), please enclose a check for $25.50 ($.25 per page reproduction charge) payable to ''Consent Decree Library.''

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources.

[FR Doc. 97–22194 Filed 8–20–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Oil Pollution Act of 1990

Notice is hereby given that a proposed Consent Decree in *United States* v. *UNOCAL* Civil Action #H–97–2678 was lodged on August 5, 1997, with the United States District Court for the Southern District of Texas, Houston Division. The parties to the Consent Decree are the United States, on behalf of the Secretary of the Department of the Interior (''DOI'' or ''Federal Trustee'') and the State of Texas on behalf of the Texas General Land Office (''TGLO''), the Texas Natural Resource Conservation Commission (''TNRCC''), and the Texas Parks and Wildlife Department (''TPWD'') (collectively, ''State Trustees'') and UNOCAL. Under the terms of the Consent Decree, UNOCAL agrees to pay $200,000 to create 3 acres of wetlands in the Neches River basin as compensation for natural resource damages suffered as a result of a discharge of crude oil from a UNOCAL air eliminator discharge line on April 20, 1993, plus $20,000 in future administrative costs.

Contemporaneously with lodging the Consent Decree, the United States and the State of Texas jointly filed a complaint alleging that UNOCAL is an owner or operator of the facility that released the crude oil within the meaning of the OPA.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *UNOCAL,* DOJ Reference Number 90–5–1–1–4340.

The proposed Consent Decree may be examined at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892.

A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $3.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97–22195 Filed 8–20–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Center for Manufacturing Sciences, Inc. (Spindles Project)

Notice is hereby given that, on July 8, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the National Center for Manufacturing Sciences, Inc. (''NCMS'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its

membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following company, ORSCO, Inc., Madison Heights, MI, is no longer a participant in the ''Spindles Project.''

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 17, 1987 (52 FR 8375).

On June 6, 1994, NCMS filed its original (''Spindle Project'') notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 1994 (59 FR 36218).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–22129 Filed 8–20–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed an/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Department of Labor is soliciting comments concerning the proposed new collection, the Applicant Background Questionnaire. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 20, 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 clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Anderson Glasgow, U.S. Department of Labor, Human Resources Services Center, 200 Constitution Ave. N.W. Room C–5516, Washington, D.C. 20210; Phone: 202–219–6555 ext. 115; fax: 202–219–5820; internet: aglasgow@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its obligation to provide equal employment opportunities, is charged with ensuring that qualified individuals in groups that have historically been underrepresented in various employments, are included in applicant pools for Department positions. See 5 U.S.C. 7201(c); 29 U.S.C. 791; 29 U.S.C. 2000e–16; 5 C.F.R. 720.204; 29 C.F.R. 1614.101(a). To achieve this goal, DOL employment offices have outreach to a variety of sources, including educational institutions, professional organizations, newspapers and magazines. DOL has also participated in career fairs and conferences, that reach high concentrations of Hispanics, African Americans, Native Americans, and persons with disabilities.

At the present, DOL does not have the ability to evaluate the effectiveness of any of these targeted recruiting strategies because collection of racial and national origin information only occurs at the point of hiring. DOL needs to collect data on the pools of applicants which result from the various targeted recruitment strategies listed above. After the certification and selection process has been completed, it is necessary to verify individual applications by name and social security number within a merit staffing file in order to analyze the data collected. With the information from this new collection, DOL can adjust and redirect its targeted recruitment to achieve the best result. DOL will also be able to respond to requests for information received from OPM in the course of OPM's evaluation and oversight activities.

II. Current Actions

This new collection will consist of a series of questions to be answered by all job applicants external to DOL, and submitted together with the job application. The collection will request the applicant's name, sex, race and/or national origin, whether or not disabled, and the source of information about the vacancy applied for (e.g., newspaper, school recruitment, internet, etc.)

Type of Review: New.

Agency: U.S. Department of Labor.

Title: Applicant Background Questionnaire.

Agency Number: 1225–0000.

Affected Public: Applicants for positions in the Department of Labor who are not current DOL employees.

Total Respondents: 5000 per year (estimate).

Frequency: one time per respondent.

Total Responses: 5000 per year (estimate).

Average Time per Response: 5 minutes.

Estimated Total Burden Hours: 417 hours.

Total Burden Cost (capital/startup): $2285.

Total Burden Cost (operating/maintaining): $2238.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 18, 1997.

Larry K. Goodwin,

Director of Human Resources.

[FR Doc. 97–22251 Filed 8–20–97; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (97–111)]

National Environmental Policy Act; Advanced Space Transportation Program

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of final environmental impact statement (FEIS) for the Engine Technology Support for NASA's Advanced Space Transportation Program.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and NASA policy and procedures (14 CFR part 1216, subpart 1216.3), NASA has prepared and issued a FEIS for the Engine Technology Support of NASA's Advanced Space Transportation Program. The proposed action by NASA is to test new and advanced engines, components, and to modify facilities to support the programmatic development of future launch vehicles. NASA is considering a wide variety of liquid-fueled engines to accommodate the propulsion requirements of new space vehicle(s). The primary sites being evaluated for the testing activities are NASA's Marshall Space Flight Center (MSFC) in Huntsville, Alabama, and John C. Stennis Space Center (SSC) in Hancock, Mississippi. In addition, Edwards Air Force Base near Lancaster County, California, is also being considered as a potential test site.

DATES: NASA will take no final action on the proposed testing of new and advanced engines, components, and modification of facilities for the Engine Technology Support for NASA's Advanced Space Transportation Program before September 22, 1997, or 30 days from the date of publication in the **Federal Register** of the U.S. Environmental Protection Agency's notice of availability of the Engine Technology Support for NASA's Advanced Space Transportation Program FEIS, whichever is later.

ADDRESSES: The FEIS may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street SW, Washington, DC 20546.

(b) Spaceport U.S.A., Room 2001, John F. Kennedy Space Center, FL 32899. Please call Lisa Fowler beforehand at 407–867–2497 so that arrangements can be made.

(c) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (828–354–5179).

(d) Huntsville Library, 915 Monroe Street, SW, Huntsville, AL 35801.

(e) Huntsville Library, Madison Branch, 181, Hughes Road, Suite 6, Madison, AL 35758.

(f) Triana Town Hall, 101 Main Street, Triana, AL 35758.

(g) Hancock County Library, 312, Highway 90, Bay St. Louis, MS 39520.

(h) Margaret Reed Crosby Memorial Library, 900 Goodyear Boulevard, Picayune, MS 39466

(i) St. Tammany Parish Library, 555 Robert Avenue, Slidell, LA 70458

(j) Palmdale City Library, 700 East Palmdale Boulevard, Palmdale, California 93550

In addition, the FEIS may be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(d) NASA, Ames Research Center, Moffett Field, CA 94035 (415–604–4190).

(e) NASA, Dryden Flight Research Center, Edwards, CA 93523 (805–258–3448).

(f) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–0730).

(g) NASA, Johnson Space Center, Houston, TX 77058 (713–483–8612).

(h) NASA, Langley Research Center, Hampton, VA 23665 (757–864–2497).

(i) NASA, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2222).

(j) NASA, Marshall Space Flight Center, AL 35812 (205–544–0031).

(k) NASA, Stennis Space Center, MS 39529 (601–688–2164).

Limited copies of the FEIS are available, on a first request basis, by contacting Dr. Rebecca McCaleb, Director, Environmental Engineering and Management Office, Code AE01, Marshall Space Flight Center, Alabama at the address or telephone number indicated below.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca McCaleb, Director, Environmental Engineering and Management Office, Code AE01, Marshall Space Flight Center, Huntsville, AL 35812; telephone 205–544–4367; or Mr. Ron Magee, Environmental Officer, Code GAOO, Stennis Space Center, MS 39529; telephone 601–688–7384.

SUPPLEMENTARY INFORMATION: To meet the technical and programmatic challenges of developing a new space vehicle(s), key advanced technologies in propulsion systems need to be explored. The activities would be designed to demonstrate the technology maturity levels necessary to reduce the development risk of the selected propulsion system(s) to an acceptable level and to produce a highly operable, high thrust-to-weight propulsion system(s). Therefore, NASA is proposing to develop and test liquid engines and components that could be used in the final configuration(s) of a new space vehicle(s). Engines under consideration would use liquid oxygen as the oxidizer. The fuel would be liquid hydrogen, kerosene, or a combination of the two. NASA's preferred alternative is to primarily conduct the propulsion testing at SSC with some engine system component testing at MSFC.

The reasonable alternative under consideration for testing these engines include, but are not limited to, those located at MSFC and SSC. Existing test facilities at these two NASA Centers may need to be upgraded to accommodate objectives. Modifications may include addition of a kerosene tank on the test stand(s), a common structural and functional interface, and an engine mounting adapter. Many aspects of the program would be similar to test activities of propulsion undertaken in the 1960's associated with the Apollo program.

All test facilities at MSFC are located in the southern portion of the Center and in the center of Redstone Arsenal's 15,400 hectares (38,000 acres). The closest private property is approximately 4 kilometers (2.4 miles) from the proposed MSFC test facilities. SSC occupies 5,585 hectares (13,800 acres) and is surrounded by 50,616 hectares (125,071 acres) of acoustical buffer zone primarily in western Hancock County, Mississippi and eastern St. Tammany Parish, Louisiana.

Alternatives for this proposal include, but are not necessarily limited to: (1) Alternative test sites; (2) test facility construction and modification options; (3) fuels, engines and components; (4) disapproval of the proposed activities (''no action'').

The FEIS considers potential environmental impacts associated with the proposed testing activities and any needed construction or modification of facilities. The areas of potential environmental concern include primarily impact on air quality and from noise. However, analyses indicate that air quality will remain within the National Ambient Air Quality Standards at both MSFC and SSC. If MSFC and or SSC were selected, no substantial environmental impact is anticipated on biological resources, threatened and

endangered species, cultural resources, wetlands, or recreational or scenic areas. No facilities would be constructed within the 100 year flood plain.

Comments on the draft environmental impact statement were solicited from Federal, State and local agencies, organizations, and members of the general public through: (a) Notices published in the **Federal Register**—NASA notice on November 14, 1996 (61 FR 58426), and U.S. Environmental Protection Agency notice on November 15, 1996 (61 FR 58548). Comments received have been addressed in the FEIS.

Benita A. Cooper,

Associate Administrator for Management Systems and Facilities.

[FR Doc. 97–22252 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–115]

NASA Advisory Council (NAC), Task Force on International Space Station Operational Readiness, Task Force on Shuttle-Mir Rendezvous and Docking Missions; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NAC Task Force on International Space Station Operational Readiness and Task Force on Shuttle-Mir Rendezvous and Docking Missions.

DATES: September 24, 1997, 2:00 p.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 7W31, 300 E Street, S.W., Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis McSweeney, Code IH, National Aeronautics and Space Administration, Washington, DC 20546–0001, 202/358–4556.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Review the readiness of the STS–86 Shuttle-Mir Rendezvous and Docking Mission;

—Review of Task Force Fact-Finding meeting held in Denver, Colorado, July 23–24, 1997;

—Review of Task Force Fact-Finding meeting held in Houston, Texas, August 25, 1997;

—Review of joint meeting with Russia's Advisory Expert Council, September 15–19, 1997, Moscow, Russia.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: August 14, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer.

[FR Doc. 97–22080 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–118]

NASA Advisory Council (NAC), Aeronautics and Space Transportation Technology Advisory Committee (ASTTAC); Propulsion Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a NAC, Aeronautics and Space Transportation Technology Advisory Committee, Propulsion System Subcommittee meeting.

DATES: September 15, 1997, 8:00 a.m. to 5 p.m., September 16, 1997. 8:00 a.m. to 5 p.m., and September 17, 1997, 8:00 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Lewis Research Center, Building 3, Room 215, 21000 Brookpark Road, Cleveland, OH 44135.

FOR FURTHER INFORMATION CONTACT: Dr. Carol J. Russo, National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135, 216/433–2965..

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—NASA Aeronautics Program Overviews

—NASA Lewis Aeropropulsion Overview

—Propulsion Systems Research Program Reviews

—Review of Aeroacoustics and Emissions Work

—Restructured Base Overview

It is imperative that the meeting beheld on these dates to accommodate the scheduling priorities of the key participants.

Dated: August 13, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer.

[FR Doc. 97–22098 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (97–121)]

NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Flight Research Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Flight Research Subcommittee meeting.

DATES: September 23, 1997, 8:00 a.m. to 5 p.m.; and September 24, 1997, 8:00 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Dryden Flight Research Center, Building 4800, Executive Council Room, Edwards, CA 93535.

FOR FURTHER INFORMATION CONTACT: Mr. Dwain A. Deets, National Aeronautics and Space Administration, Dryden Flight Research Center, Edwards, CA 93523, 805/258–3136.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

—Overview of Restructured Program

—Review of Flight Research R&T Base Program

—Review of Flight Projects

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: August 13, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer.

[FR Doc. 97–22101 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–116]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Life and Biomedical Sciences and Applications Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Life and Biomedical Sciences and Applications Advisory Subcommittee Meeting.

DATES: September 10, 1997, 8:30 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, Program Review Center, Room 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Frank M. Sulzman, Code UL, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0220.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public from 1:00 p.m. to 2:00 p.m. in accordance with 5 U.S.C. 522b (c)(6), to allow for discussion on Committee membership. The remainder of the meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Update: Office of Life & Microgravity Sciences and Applications, Life Sciences Division
—Radiation Update
—Interagency Update
—Changes in Shuttle/Station Manifest
—Biology Pillars Discussion
—Closed Session on Membership
—Discussion of Committee Findings and Recommendations
—Subcommittee Report Review

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be required to sign a visitor's register.

Dated: August 14, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–22096 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–117]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Aerospace Medicine and Occupational Health Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Aerospace Medicine and Occupational Health Advisory Subcommittee.

DATES: September 10, 1997, 8:30 a.m. to 5:00 p.m.

ADDRESSES: NASA Headquarters, Room MIC–6, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Sam L. Pool, Code SD, Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, TX 77058, 281–483–7109.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Ethics Briefing
—Report on the Status of Medical Support for Long Duration Missions
—Report on Occupational Health Transfer to Kennedy Space Center
—Status of National Space Biomedical Research Institute
—Status of Shuttle/Mir Missions
—International Space Station Strategies for Medical Operations
—Proposed Office of Life and Microgravity Sciences and Applications and Aerospace Medicine Division Budget
—Summary of Findings and Recommendations
—Discussion of Action Items

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 13, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–22097 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–119]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Commercial Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Commercial Advisory Subcommittee.

DATES: September 10, 1997, 8:30 a.m. to 5:30 p.m.

ADDRESSES: NASA Headquarters, Room 7H46, 300 E Street SW, Washington DC 20546

FOR FURTHER INFORMATION CONTACT: Ms. Candace Livingston, Code UX, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0697.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Advance notice of attendance to the Executive Secretary is requested. The agenda for the meeting will include:

—Overview of Space Development and Commercial Research Activities
—Overview of Commercial Space Center Activities
—Roles and Responsibilities of the Subcommittee
—Commercial Issues

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 13, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–22099 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–120]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee.

DATES: Monday, September 22, 1997, 8:30 a.m. to 5:00 p.m.; Tuesday, September 23, 1997, 8:30 a.m. to 5:00 p.m.; Wednesday, September 24, 1997, 8:30 a.m. to 2:30 p.m.

ADDRESSES: Room MIC 7, NASA Headquarters, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Guenter R. Riegler, Code SR, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1588.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Status of prior SScAC recommendations
—Subcommittee Business
—Results from the OSS Strategic Planning Meeting
—Current OSS Strategic Plan

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 13, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–22100 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–122]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS) Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, ORIGINS Subcommittee.

DATES: Tuesday, September 16, 1997, 8:30 a.m. to 5:00 p.m.; and Wednesday, September 17, 1997, 8:30 a.m. to 5:00 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC 6–A/B West, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Edward J. Weiler, Code SA, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public on Wednesday, September 17, 1997, from 8:30 a.m. to 9:00 a.m. in accordance with 5 U.S.C. 522b(c)(6), to allow for discussion on qualifications of individuals being considered for membership to the Committee. The remainder of the meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—ORIGINS Programmatic Update
—Institute Concepts/Status
  —Astrobiology-Underlying Concepts
  —Astrobiology-Management/CAN Status
  —ORIGINS Institutes
—OSS Strategic Plan/Status
—ORIGINS Roadmap: Issues & Implementation
—JPL Interferometry Program/Status

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 15, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 97–22253 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (97–123)]

Performance Review Board, Senior Executive Service

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Membership of SES Performance Review Board.

SUMMARY: The Civil Service Reform Act of 1978, Pub. L. 95–454 (Section 405) requires that appointments of individual members to a Performance Review Board be published in the **Federal Register.**

The performance review function for the Senior Executive Service in the National Aeronautics and Space Administration is being performed by the NASA Performance Review Board (PRB) and the NASA Senior Executive Committee. The latter performs this function for senior executives who report directly to the Administrator or the Deputy Administrator and members of the PRB. The following individuals are serving on the Board and the Committee:

Performance Review Board

Robert E. Whitehead, Chairperson, Associate Administrator for Aeronautics and Space Transportation Technology, NASA Headquarters
John T. Pennington, Executive Secretary, Chief, Agency Executive Personnel Branch, NASA Headquarters
Vicki A. Novak, Director, Personnel Division, NASA Headquarters
Robert M. Stephens, Deputy General Counsel, NASA Headquarters
Oceola S. Hall, Deputy Associate Administrator for Equal Opportunity Programs, NASA Headquarters
Michael A. Greenfield, Deputy Associate Administrator for Safety and Mission Assurance, NASA Headquarters
Gregory M. Reck, Deputy Chief Technologist, NASA Headquarters
Richard J. Wisniewski, Deputy Associate Administrator for Space Flight, NASA Headquarters
William F. Townsend, Deputy Associate Administrator for Mission to Planet Earth (Programs), NASA Headquarters
Earle K. Huckins, Deputy Associate Administrator for Space Science, NASA Headquarters
Geoffrey H. Vincent, Deputy Associate Administrator for Public Affairs, NASA Headquarters
Martin P. Kress, Deputy Director, NASA Lewis Research Center
James L. Jennings, Deputy Director for Business Operations, NASA Kennedy Space Center
William E. Berry, Acting Deputy Director, NASA Ames Research Center
Carolyn S. Griner, Deputy Director, NASA Marshall Space Flight Center

Senior Executive Committee

J.R. Dailey, Chairperson, Associate Deputy Administrator, NASA Headquarters

Vicki A. Novak, Executive Director, Personnel Division, NASA Headquarters
Michael I. Mott, Associate Deputy Administrator (Technical), NASA Headquarters
Robert E. Whitehead, Associate Administrator for Aeronautics and Space Transportation Technology, NASA Headquarters
Spence M. Armstrong, Associate Administrator for Human Resources and Education, NASA Headquarters

Daniel S. Goldin,

Administrator.

[FR Doc. 97–22254 Filed 8–20–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COMMUNICATIONS SYSTEM

Telecommunications Service Priority System Oversight Committee

AGENCY: National Communications System (NCS).

ACTION: Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Thursday September 25, 1997 from 9 a.m. to 12:00 a.m. The meeting will be held at Booz-Allen & Hamilton 8283 Greensboro Drive, McLean VA.

—Opening/Administrative Remarks
—Status of the TSP Program
—Working Group Reports
—CPAS Program Update

Anyone interested in attending or presenting additional information to the Committee, please contact LCDR Angela Abrahamson, Manager, TSP Program Office, (703) 607–4930, or Betty Hoskin (703) 607–4932 by September 15, 1997.

Frank M. McClelland,

Acting Federal Register Liaison Officer, National Communications System.

[FR Doc. 97–22125 Filed 8–20–97; 8:45 am]

BILLING CODE 3610–05–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335 and 50–389]

Florida Power and Light Company, et al., St. Lucie Plant, Units 1 and 2; Exemption

I

The Florida Power and Light Company, *et al.* (FPL or the licensee) is the holder of Facility Operating License Nos. DPR–67 and NPF–16, which authorize operation of the St. Lucie Plant, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of two pressurized-water reactors at the licensee's site located in St. Lucie County, Florida.

II

Section 70.24 of Title 10 of the Code of Federal Regulations, ''Criticality Accident Requirements,'' requires that each licensee authorized to possess special nuclear material (SNM) shall maintain a criticality accident monitoring system in each area where such material is handled, used, or stored. Subsections (a)(1) and (a)(2) of 10 CFR 70.24 specify detection and sensitivity requirements that these monitors must meet. Subsection (a)(1) also specifies that all areas subject to criticality accident monitoring must be covered by two detectors. Subsection (a)(3) of 10 CFR 70.24 requires licensees to maintain emergency procedures for each area in which this licensed SNM is handled, used, or stored and provides that (1) the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) the procedures must include drills to familiarize personnel with the evacuation plan, and (3) the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) of 10 CFR 70.24 requires licensees to have a means to identify quickly personnel who have received a dose of 10 rads or more. Subsection (b)(2) of 10 CFR 70.24 requires licensees to maintain personnel decontamination facilities, to maintain arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and to maintain arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Paragraph (c) of 10 CFR 70.24 exempts Part 50 licensees from the requirements of paragraph (b) of 10 CFR 70.24 for SNM used or to be used in the reactor. Paragraph (d) of 10 CFR 70.24 states that any licensee who believes that there is good cause why he should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

III

The SNM that could be assembled into a critical mass at St. Lucie, Units 1 and 2, is in the form of nuclear fuel; the quantity of SNM other than fuel that is stored on site is small enough to preclude achieving a critical mass. The Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at St. Lucie, Units 1 and 2, and has determined that it is extremely unlikely for such an accident to occur if the licensee meets the following seven criteria:

1. Only one fuel assembly is allowed out of a shipping cask or storage rack at one time.
2. The k-effective does not exceed 0.95, at a 95% probability, 95% confidence level in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water.
3. If optimum moderation occurs at low moderator density, then the k-effective does not exceed 0.98, at a 95% probability, 95% confidence level in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with a moderator at the density corresponding to optimum moderation.
4. The k-effective does not exceed 0.95, at a 95% probability, 95% confidence level in the event that the spent fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water.
5. The quantity of forms of special nuclear material, other than nuclear fuel, that are stored on site in any given area is less than the quantity necessary for a critical mass.
6. Radiation monitors, as required by General Design Criterion 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions.
7. The maximum nominal U-235 enrichment is limited to 5.0 weight percent.

By letter dated February 19, 1997, and supplemented July 10, 1997, the licensee requested an exemption from 10 CFR 70.24. In this request the licensee addressed the seven criteria given above. The Commission's technical staff has reviewed the licensee's submittals and has determined that St. Lucie, Units 1 and 2, meets the criteria for prevention of inadvertent criticality; therefore, the staff has determined that it is extremely unlikely for an inadvertent criticality to

occur in SNM handling or storage areas at St. Lucie, Units 1 and 2.

The purpose of the criticality monitors required by 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of SNM, personnel would be alerted to that fact and would take appropriate action. The staff has determined that it is extremely unlikely that such an accident could occur; furthermore, the licensee has radiation monitors, as required by General Design Criterion 63, in fuel storage and handling areas. These monitors will alert personnel to excessive radiation levels and allow them to initiate appropriate safety actions. The low probability of an inadvertent criticality, together with the licensee's adherence to General Design Criterion 63, constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24.

IV

The Commission has determined that, pursuant to 10 CFR 70.14, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the Florida Power and Light Company, et al., an exemption from the requirements of 10 CFR 70.24.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (62 FR 43363).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of August 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–22178 Filed 8–20–97; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–269, 50–270, and 50–287]

Duke Power Company; Oconee Nuclear Station, Units 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–38, DPR–47, and DPR–55, issued to Duke Power Company (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2, and 3 located in Oconee County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would amend the licenses to reflect the licensee's name change from ''Duke Power Company'' to ''Duke Energy Corporation.''

The proposed action is in response to the licensee's application dated June 12, 1997.

The Need for the Proposed Action

Duke Power Company changed its name to ''Duke Energy Corporation.'' The facility operating licenses for Oconee indicate the name of the licensee as ''Duke Power Company,'' and therefore need to be amended to substitute the new name of the licensee. The proposed action is purely administrative.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the amendments are granted. No changes will be made to the design and licensing bases, or procedures of the three units at the Oconee Nuclear Station. Other than the name change, no other changes will be made to the facility operating licenses.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the Oconee Nuclear Station.

Agencies and Persons Contacted

In accordance with its stated policy, on August 12, 1997, the staff consulted with the South Carolina State official, Virgil Autrey of the Bureau of Radiological Health, South Carolina Department of Health and Environmental Control, regarding the environmental impact of the proposed amendments. The State official had no comments.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed amendments will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendments.

For further details with respect to the proposed action, see the licensee's request for the amendments dated June 12, 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 Oconee County Library, 501 West South Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 14th day of August 1997.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–22180 Filed 8–20–97; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–280 and 50–281]

Virginia Electric and Power Company, Surry Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is

considering issuance of an exemption from certain requirements of its regulations for Facility Operating License No. DPR–32 and Facility Operating License No. DPR–37, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station located in Surry County, Virginia.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt Virginia Electric and Power Company from the requirements of 10 CFR 70.24(a), which requires a monitoring system that will energize clear audible alarms if accidental criticality occurs in each area in which special nuclear material is handled, used, or stored. The proposed action would also exempt the licensee from the requirements to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm, to familiarize personnel with the evacuation plan, and to designate responsible individuals for determining the cause of the alarm, and to place radiation survey instruments in accessible locations for use in such an emergency.

The proposed action is in accordance with the licensee's application for exemption dated January 28, 1997, as supplemented March 24, 1997.

The Need for the Proposed Action

The purpose of 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. At a commercial nuclear power plant the inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The special nuclear material that could be assembled into a critical mass at a commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of special nuclear material that is stored on site is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 4.1 weight percent Uranium-235 and because commercial nuclear plant licensees have procedures and features designed to prevent inadvertent criticality, the staff has determined that inadvertent criticality is not likely to occur due to the handling of special nuclear material at a commercial power reactor. The requirements of 10 CFR 70.24(a), therefore, are not necessary to ensure the safety of personnel during the handling of special nuclear materials at commercial power reactors.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemption is granted. Inadvertent or accidental criticality will be precluded through compliance with the Surry Power Station Technical Specifications (TS), the design of the fuel storage racks providing geometric spacing of fuel assemblies in their storage locations, and administrative controls imposed on fuel handling procedures. TS requirements specify reactivity limits for the fuel storage racks and minimum spacing between the fuel assemblies in the storage racks.

Appendix A of 10 CFR Part 50, ''General Design Criteria for Nuclear Power Plants,'' Criterion 62, requires that criticality in the fuel storage and handling system shall be prevented by physical systems or processes, preferably by use of geometrically safe configurations. This is met at Surry Units 1 and 2, as identified in the TS.

Surry TS Section 5.4, Fuel Storage, states that the new fuel assemblies are stored vertically in an array with a distance of 21 inches between assemblies to assure that the effective neutron multiplication factor, K_{eff}, will remain ≤ 0.95 if fully flooded with unborated water, and to assure $K_{eff} \leq 0.98$ under conditions of low-density optimum moderation. The spent fuel assemblies are stored vertically in an array with a distance of 14 inches between assemblies to assure $K_{eff} \leq 0.95$ if fully flooded with unborated water.

The proposed exemption would not result in any significant radiological impacts. The proposed exemption would not affect radiological plant effluents nor cause any significant occupational exposures since the TS, design controls, including geometric spacing of fuel assembly storage spaces, and administrative controls preclude inadvertent criticality. The amount of radioactive waste would not be changed by the proposed exemption.

The proposed exemption does not result in any significant nonradiological environmental impacts. The proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed exemption, the staff considered denial of the requested exemption. Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement for the Surry Power Station.''

Agencies and Persons Consulted

In accordance with its stated policy the NRC staff consulted with Mr. Foldesi of the Virginia Department of Health on August 15, l997, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment, Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 28, 1997, as supplemented March 24, 1997, which is available for public inspection at the Commission's Public Document Room, which is located at The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Swem Library, College of William and Mary, Williamsburg, Virginia.

Dated at Rockville, Maryland, this 15th day of August 1997.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–22179 Filed 8–20–97; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

Twenty-Fifth Water Reactor Safety Information Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Twenty-Fifth Water Reactor Safety Information Meeting will be held on October 20–22, 1997, 8:30 a.m. to 5:00 p.m., in the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

The Water Reactor Safety Information Meeting will be opened by NRC Chairman Shirley Ann Jackson as the keynote speaker for the plenary session on October 20, 1997, at 9:00 a.m. A panel discussion on Risk Informed Regulation will be held on Tuesday morning, October 21, 1997, at 8:30 a.m. There will be speakers after lunch on Monday, October 20, 1997, and Tuesday, October 21, 1997, and Dr. Herbert J.C. Kouts, a member of the Defense Nuclear Facilities Safety Board, will speak after lunch on Wednesday, October 22, 1997.

The meeting is international in scope and includes presentations by personnel from the NRC, U.S. Government laboratories, private contractors, universities, the Electric Power Research Institute, reactor vendors, and a number of foreign agencies. This meeting is sponsored by the NRC and conducted by the Brookhaven National Laboratory.

The preliminary agenda for this year's meeting includes 12 sessions, along with the panel discussions, on the following topics: Pressure Vessel Research, BWR Strainer Blockage & Other Generic Safety Issues, Environmentally Assisted Degradation of LWR Components, Update on Severe Accident Code Improvements and Applications, Human Reliability Analysis & Human Performance Evaluation, Technical Issues Related to Rulemakings, Risk Informed Performance Based Initiatives (including Risk Informed Regulation Activities, IPEEE Insights, Performance Based Regulation Initiatives), High Burnup Fuel, Thermal-Hydraulic Research and Codes (two sessions), Digital Instrumentation and Control, and Structural Performance.

Those who wish to attend may register at the meeting or in advance by contacting Susan Monteleone, Brookhaven National Laboratory, Department of Nuclear Energy, Building 130, Upton, NY 11973, telephone (516) 282–7235; or Christine Bonsby, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5838.

Dated at Rockville, Maryland, this 15th day of August, 1997.

For the Nuclear Regulatory Commission.

Alois J. Burda,

Deputy Director, Financial Management, Procurement and Administration Staff, Office of Nuclear Regulatory Research.

[FR Doc. 97–22181 Filed 8–20–97; 8:45 am]

BILLING CODE 7590–01–M

PRESIDENT'S COMMISSION ON CRITICAL INFRASTRUCTURE PROTECTION

Advisory Committee for the President's Commission on Critical Infrastructure Protection; Advisory Committee Meeting Notice

TIME AND DATE: 9:00 a.m.–6:00 p.m., Friday, September 5, 1997.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given for the first meeting of the Advisory Committee on the President's Commission on Critical Infrastructure Protection.

ADDRESSES: The Hyatt Arlington @ Key Bridge, 1325 Wilson Blvd., Arlington VA 22209, (703) 525–1234. This facility is accessible to persons with disabilities.

FOR FURTHER INFORMATION CONTACT: Carla Sims, Public Affairs Officer, (703) 696–9395, comments@pccip.gov. Hearing-impaired individuals are advised to contact the Virginia Relay Center [Text Telephone (800) 828–1120 or Voice (800) 828–1140], or their local relay system.

SUPPLEMENTARY INFORMATION: The Advisory Committee was established by the President to provide expert advice to the Commission as it develops a comprehensive national policy and implementation strategy for protecting the nation's critical infrastructures. The Committee is co-chaired by the Honorable Jamie Gorelick, Vice Chair of Fannie Mae, and the Honorable Sam Nunn, Partner with the Law Firm of King & Spaulding. The Committee currently consists of eight members representing various industry sectors.

PURPOSE OF THE MEETING: This is the first advisory meeting of the Committee. The Committee will receive information from the Commission and focus on Committee operations.

TENTATIVE AGENDA: The Advisory Committee meeting will focus on the findings of the Commission. Commissioners will present results of studies of the critical infrastructures to include the legal landscape and research and development.

PUBLIC PARTICIPATION: On September 5, 1997, from 9:00 a.m. to 12:00 p.m., the meeting will be open to the public. Written comments may be filed with the Committee after the meeting. Written comments may be given to the Designated Federal Officer, after the conclusion of the open meeting; sent to PCCIP, P.O. Box 46258, Washington, D.C., 20050–6258; or e-mailed to comments@pccip.gov.

CLOSED MEETING DELIBERATIONS: On September 5, 1997, from 1:00 p.m. to 6:00 p.m., the meeting will be closed to permit discussion of national security matters. (5 U.S.C. 552b(c)(1)(1982)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

James H. Kurtz,

Executive Secretary, President's Commission on Critical Infrastructure Protection.

[FR Doc. 97–22176 Filed 8–20–97; 8:45 am]

BILLING CODE 3110–$$–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22788; 812–10540]

Aetna Variable Fund, et al.; Notice of Application

August 15, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under (i) section 6(c) of the Investment Company Act of 1940 (the ''Act'') granting relief from sections 13(a)(2), 18(f)(1), 22(f), and 22(g) of the Act and rule 2a–7; (ii) sections 6(c) and 17(b) of the Act granting relief from section 17(a) of the Act; and (iii) section 17(d) of the Act and rule 17d–1 to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order to permit certain investment companies to enter into deferred compensation arrangements with certain of their directors, and the companies and participating directors to effect transactions incident to the deferred compensation arrangements.

APPLICANTS: Aetna Variable Fund; Aetna Income Shares; Aetna Variable Encore Fund; Aetna Investment Advisers Fund, Inc.; Aetna GET Fund; Aetna Variable Portfolios, Inc.; Aetna Generation Portfolios, Inc.; and Aetna Series Fund, Inc. (collectively, the ''Investment

Companies''); and Aetna Life Insurance and Annuity Company (the ''Adviser'').

FILING DATES: The application was filed on March 3, 1997, and an amendment was filed on July 11, 1997. Applicants have agreed to file an additional amendment, the substance of which is included in this notice, during the notice period.

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 September 9, 1997, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 151 Farmington Avenue, Hartford, Connecticut 06156, Attn: Amy R. Doberman, Esq.

FOR FURTHER INFORMATION CONTACT: Brian T. Hourihan, Senior Counsel, at (202) 942–0526, or Mercer E. Bullard, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Each Investment Company is a registered open-end management investment company. Four of the Investment Companies are Maryland corporations, and four are Massachusetts business trusts. Shares of the Investment Companies, other than the Aetna Series Fund, Inc., are sold solely to insurance company separate accounts to fund variable annuity contracts and variable life insurance policies. The Adviser, an investment adviser registered under the Investment Advisers Act of 1940, serves as the investment adviser and principal underwriter for each Investment Company.[1] Applicants request that the requested relief apply to the Investment Companies and any registered open-end management investment companies or their series (including ''successors in interest''), currently or in the future advised by the Adviser or its successors in interest, or any entity controlling, controlled by, or under common control with the Adviser (collectively with the Investment Companies, the ''Funds'').[2]

2. Aetna Money Market Fund, a series of Aetna Series Fund, Inc., and Aetna Variable Encore Fund are money market funds that compute current price per share using the amortized cost method in reliance on rule 2a–7 (together, and collectively with any future money market Funds, the ''Money Market Funds'').

3. Each director of a Fund who is not an employee of that Fund, of the Fund's distributor or administrator, of the Adviser, or of any affiliate of the Adviser, and who is not eligible to participate in the Retirement Plan for Employees of Aetna, Inc. will be eligible (''Eligible Director'') to participate in the Deferred Compensation Plan for Eligible Directors (the ''Plan''). Eligible Directors currently receive compensation paid proportionately by each Fund based on the net assets of the Fund as of the date the compensation is earned. The purpose of the Plan is to permit Eligible Directors to defer receipt of all or a portion of their compensation (the ''Deferred Fees'') to enable them to defer payment of income taxes or to accomplish other financial goals.

4. Each Fund will determine whether or not to adopt the Plan. With respect to each Fund, the Plan will become effective upon adoption of a written resolution by the Fund's board of directors or trustees, as applicable, after the issuance of the requested exemptive order. The Plan may be amended from time to time. The amendments will be limited to immaterial amendments, amendments made to conform to applicable laws, amendments approved by the SEC pursuant to an application, or amendments caused by an amendment of an exemptive order.

5. Each Fund will establish a bookkeeping account in the name of each Eligible Director (a ''Deferral Account'') and credit it with an amount equal to that Eligible Director's compensation at the time that compensation would otherwise have been paid. Eligible Directors may elect to participate in the Plan with each or any combination of Funds that adopt the Plan. An Eligible Director's election to participate will be made by execution of a deferral agreement that continues in effect for each subsequent calendar year (each such calendar year, including the fiscal year in which the election is first made effective, the ''Deferral Year''). Under the Plan, an Eligible Director will be able to elect to defer receipt of Deferred Fees with respect to any Deferral Year until the Director's retirement, death, or termination of services by reason other than retirement or death. Payments will be made in a lump sum or in installments over a period of twenty-five years as selected by the Eligible Director. In the event of death, amounts payable to the Eligible Director under the Plan will become payable in a lump sum (i) to a beneficiary designated by the Director, (ii) in the event no beneficiary was selected by the Director, to the Director's estate, (iii) in the event the beneficiary does not survive the period during which such payments are to be made, to the beneficiary's estate, or, (iv) in the event there is more than one beneficiary who does not survive the period during which such payments are to be made, proportionately to the surviving beneficiaries until the death of the last beneficiary, then to the estate of the last beneficiary to die. In all other events, the Eligible Director's right to receive Deferred Fees will be nontransferable.

6. Under the Plan, Deferred Fees credited to a Deferral Account will be deemed invested as soon as practicable in one or more of the Funds that the Plan administrator makes available under the Plan (collectively, the ''Investment Options'') that are selected by the Eligible Director. The Investment Options will be used to measure the notional investment performance of an Eligible Director's Deferral Account. The value of a Deferral Account, as of any date, will be equal to the value that Account would have had if the amount credited to it had been invested and reinvested in shares of the Investment Option(s) designated by the Eligible Director (the ''Designated Shares''). Each Deferral Account will be credited or charged with book adjustments

[1] On the effective date of the post-effective amendment to the Aetna Series Fund, Inc.'s registration statement that was filed with the SEC on July 9, 1997, Aetna Investment Services, Inc., an affiliate of the Adviser, will commence service as principal underwriter to the Aetna Series Fund, Inc.

[2] For purposes of this application, ''successors in interest'' are limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization. All existing Funds that currently intend to rely on the requested relief have been named as parties to the application. Any existing Funds that currently do not intend to rely on the relief but which may in the future, and any future Funds that subsequently rely on the relief, will do so only in accordance with the terms and conditions set forth in the application.

representing all interest, dividends and other earnings and all gains and losses that would have been realized had the amounts credited to such Account actually been invested in the Designated Shares from the date of original designation or subsequent change of the Investment Option. Each Fund intends generally to purchase and maintain Designated Shares in an amount equal to the deemed investments of the Deferral Accounts of its Eligible Directors. However, when Deferred Fees are owed by a Fund that serves as an Eligible Director's Investment Option, it is not anticipated that the Fund would purchase its own shares. Rather, monies equal to the amount credited to the Deferral Account will be invested as part of the general investment operations of that Fund.

7. A participating Fund's obligation to make payments with respect to a Deferral Account will be a general obligation of the Fund and each Eligible Director will be a general unsecured creditor. The Plan will not create an obligation of any fund to any Eligible Director to purchase, hold or dispose of any investments. If a Fund should choose to purchase investments in order to ''match'' exactly its obligations to credit or charge the Deferral Account with the earnings and gains or losses attributable to the Designated Shares, all such investments will continue to be part of the general assets and property of such Fund. The Plan will not obligate any Fund to retain the services of an Eligible Director, nor obligate any Fund to pay any (or any particular level of) compensation to any Eligible Director. The amount of compensation owed to Eligible Directors is expected to be insignificant in comparison to the total net assets of each Fund.

Applicants' Legal Analysis

1. Applicants request an order under (i) section 6(c) of the Act granting relief from sections 13(a)(2), 18(f)(1), 22(f) and 22(g) of the Act and rule 2a–7; (ii) sections 6(c) and 17(b) of the Act granting relief from section 17(a) of the Act; and (iii) section 17(d) of the Act and rule 17d–1 to the extent necessary to permit the Funds to enter into deferred compensation arrangements with Eligible Directors, and the Funds and Eligible Directors to effect transactions incident to the deferred compensation arrangements.

2. Section 6(c) provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that, for the reasons discussed below, the requested relief satisfies this standard.

3. Section 18(f)(1) generally prohibits a registered open-end investment company from issuing any class of senior security or selling any senior security of which it is the issuer. In addition, section 13(a)(2) requires that a registered investment company obtain authorization by the vote of a majority of its outstanding voting securities before issuing any senior securities not contemplated by the recitals of policy contained in its registration statement. Applicants state that the Plan will not give rise to the concerns underlying these provisions such as excessive borrowing by investment companies, confusing capital structures, and inappropriately speculative investments.

4. Section 22(f) prohibits restrictions on the transferability or negotiability of redeemable securities issued by an open-end investment company unless the restriction is disclosed in its registration statement and does not contravene SEC rules and regulations. Applicants state that the concerns underlying this provision are met because the restrictions on transferability of an Eligible Director's Deferred Fees under the Plan will be clearly set forth in the Plan and will not adversely affect the interests of the Eligible Directors, the Funds, or any shareholder of any Fund.

5. Section 22(g) generally prohibits registered open-end investment companies from using any of their securities for services or for property other than cash or securities.

Applicants assert that the legislative history of the Act suggests that Congress was primarily concerned with the dilutive effect on the equity and voting power of common stock of, or units of beneficial interest in, an investment company if the company's securities were issued for consideration not readily valued. Applicants contend that the Plan does not raise these concerns because it will provide solely for deferral of the payment of compensation and thus any rights issued under the Plan to the Eligible Directors should be viewed as issued not for services but in consideration of the Fund's not being required to pay the compensation on a current basis.

6. Rule 2a–7 provides that, notwithstanding the requirements of section 2(a)(41) of the Act and rules 2a–4 and 22c–1, the current price per share of any money market fund may be computed by use of the amortized cost method or the penny-rounding method, provided that the fund meets certain conditions. These conditions include, among others, that the money market fund will (i) limit its investments to securities that have remaining maturity of 397 days or less and that meet certain credit quality standards, and (ii) not maintain a dollar-weighted average portfolio maturity that exceeds 90 days. Applicants request relief from the rule to the extent required to permit the Money Market Funds to invest in Designated Shares (and to exclude Designated Shares from the calculation of such Funds' dollar-weighted average maturities). Applicants believe that the requested relief will permit the Money Market Funds to achieve an exact matching of Designated Shares with the deemed investments of the Deferral Account, thereby ensuring that the deferred compensation arrangements will not affect the Money Market Funds' net asset value. Applicants state that the Deferred Fees involved will in all cases be *de minimis* in relation to the total net assets of each Money Market Fund, and will have no effect on such Fund's per share net asset value.

7. Section 17(a) generally prohibits an affiliated person of a registered investment company, or any affiliated person of such person, from selling any security to or purchasing any security from the company. Section 2(a)(3)(C) defines the term ''affiliated person'' of another person to include any person controlling, controlled by, or under common control with such person. Because the Funds have the same investment adviser and the same directors and officers, each Fund could be deemed to be under common control with the other Funds and, therefore, might be deemed to be an affiliated person of the other Funds. Applicants assert that section 17(a) was designed to prevent sponsors of investment companies from using investment company assets as capital for enterprises with which they are associated or to acquire controlling interests in such enterprises and other types of ''overreaching.'' Applicants state that the purchase and sale of securities issued by the Funds pursuant to the Plan will not implicate the concerns underlying section 17(a), but merely will facilitate the matching of the liabilities for compensation deferrals with Designated Shares, the value of which determines the amount of such liabilities.

8. Section 17(b) authorizes the SEC to exempt a proposed transaction from section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid

or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policies of the registered investment company and the general purposes of the Act. Applicants believe that the relief requested satisfies the standards of sections 6(c) and 17(b).

9. Section 17(d) and rule 17d–1 prohibit affiliated persons from participating in joint arrangements with a registered investment company unless authorized by the SEC. In passing on applications for such orders, rule 17d–1 provides that the SEC will consider whether the participation of such investment company is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants acknowledge that the Plan may be deemed to constitute a joint arrangement within the meaning of rule 17d–1. Applicants state that an Eligible Director will neither directly nor indirectly receive a benefit that would otherwise inure to the Funds or any of their shareholders. Moreover, applicants note that the changes in value made to the Deferral Accounts to reflect the income, gain or loss with respect to the Designated Shares will be identical to the changes in share value experienced by the shareholders of the Funds during the same period.

Applicants' Condition

Applicants agree that any order of the SEC granting the requested relief will be subject to the following conditions that, with respect to the requested relief from rule 2a–7, any Money Market Fund that values its assets by the amortized cost method or penny-rounding method will buy and hold Designated Shares that determine the performance of Deferred Accounts to achieve an exact match between the liability of any such Fund to pay compensation deferrals and the assets that offset that liability.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–22185 Filed 8–20–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38937; File No. SR–CBOE–97–35]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Chicago Board Options Exchange, Inc. Relating to Trading Halts and Suspensions

August 14, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 25, 1997, the Chicago Board Options Exchange, Inc. (''CBOE'' 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 CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Rule 6.3 to remove the requirement that a halt declared by Floor Officials may continue for only two consecutive business days and to delete Rule 6.4 regarding the suspension of trading by the Board of Directors (''Board''). The CBOE also proposes to make certain conforming amendments to Rules 21.12 and 23.8 and to Interpretation .02 of Rule 21.19.

The text of the proposed rule change is available at the Office of the Secretary, the CBOE 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 CBOE 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 CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 amend Rule 6.3 to remove the requirement that a halt declared by Floor Officials may continue for only two consecutive business days, to delete Rule 6.4 regarding the suspension of trading by the Board, and to make certain conforming amendments to Rules 21.12 and 23.8 and to Interpretation .02 of Rule 21.19

Pursuant to existing Rule 6.3, any two Floor Officials may halt trading in any security in the interests of a fair and orderly market for a period not in excess of two consecutive business days. Pursuant to existing Rule 6.4, the CBOE's Board may suspend trading in any security in the interests of a fair and orderly market. The Exchange believes that there is no practical difference between a halt in trading and a suspension in trading, except for the present two-day limit for a halt and the fact that a halt is declared by two Floor Officials and a suspension is declared by the Board. The same factors are considered by the Board in deciding whether to ''suspend'' trading as are considered by Floor Officials in deciding whether to ''halt'' trading. Rules 6.3 and 6.4 require, however, that trading may be stopped for more than two consecutive business days only if the Board acts to ''suspend'' trading.

The CBOE believes it is not necessary to require the Board to decide whether trading in an options class may be stopped for more than two days. The Exchange believes that in practice, senior exchange officials would be aware of and would participate in any decision concerning a halt that continued in excess of two days. The Exchange believes this input from senior exchange officials is sufficient and that Board participation is not necessary. The Exchange also believes that it is unduly cumbersome and often, impractical, to convene the Board on short notice just to decide whether trading in an options class may be stopped for more than two days.

Pursuant to the proposed rule change, the duration of a halt declared by two Floor Officials pursuant to Rule 6.3 would not be limited to a particular number of days. The proposed rule change correspondingly would delete Rule 6.4, so that Board action no longer would be required before trading in an options class could be stopped for more than two consecutive business days. Instead, Floor Officials would determine whether to halt trading based upon the

factors set forth in Rule 6.3, which are the same factors currently considered by the Board in a suspension decision. This proposed approach is consistent with the procedure for index options under Rule 24.7, where trading halts or suspensions do not require action by the Board.

In addition, the proposed rule change would make clear that trading may resume only upon a determination by two Floor Officials that such a resumption is in the interests of a fair and orderly market. The present form of Rule 6.3(b) allows trading to resume when two Floor Officials determine either that the conditions that led to the halt no longer are present *or* that a resumption of trading would serve the interests of a fair and orderly market. The Exchange believes that taken literally, this would enable trading to resume if the conditions that led to the halt no longer are present, even if a resumption of trading would be contrary to the interests of a fair and orderly market, an interpretation that would conflict with the CBOE's practice and would be contrary to the policies under the Act: Accordingly, the Exchange believes that the proposed rule change would make clear that: (1) Option trading may resume after a halt if, and only if, two Floor Officials determine that such a resumption would be in the interests of a fair and orderly market; and (2) the fact that the conditions leading to the halt no longer are present is just one of the factors that Floor Officials may consider in determining whether the interests of a fair and orderly market would be served by a resumption of trading. The CBOE notes that the Exchange has proposed similar changes to Rule 24.7(b), which governs the resumption of trading after a trading halt in index options.[3]

Finally, because of the deletion of Rule 6.4, the Exchange believes that it also is necessary to make conforming deletions of certain non-substantive references to trading suspensions under Rule 6.4 that appear in Rule 21.12 and Interpretation .02 of Rule 21.19 (concerning government securities options) and in Rule 23.8 (concerning interest rate option contracts).

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act[4] in that it is designed to perfect the mechanism of a free and open market and to protect investors and the public interest by enabling Floor Officials to evaluate and to consider market conditions and circumstances and to halt trading for as long as necessary in the interests of a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the 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 all such filings will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–97–35 and should be submitted by September 11, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–22184 Filed 8–20–97; 8:45 am]

BILLING CODE 8010–01–M

[3] See File No. SR–CBOE–97–36.

[4] 15 U.S.C. 78f(b)(5).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38935; File No. SR–MSRB–97–04]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Its Arbitration Code

August 14, 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 May 22, 1997,[1] the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') 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 Board is filing a proposed rule change to amend Rule G–35, the Board's Arbitration Code. The proposed rule change would create two sections: Section 37 would state that the Board will not accept any new arbitration claims filed on or after January 1, 1998; and Section 38 would provide that, as of January 1, 1998, every bank dealer (as defined in Rule D–8) shall be subject to the Code of Arbitration Procedure of the National Association of Securities Dealers, Inc. (''NASD'') for every claim, dispute or controversy arising out of or in connection with the municipal securities activities of the bank dealer acting in its capacity as such. New Section 38 would further provide that each bank dealer shall be subject to, and shall abide by, the NASD's Code of Arbitration Procedure as if the bank dealer were a ''member'' of the NASD.

[1] The MSRB filed Amendment No. 1 to the proposed rule change on August 14, 1997, the substance of which has been incorporated into the notice. *See* letter from Jill C. Finder, Assistant General Counsel, MSRB, to Katherine A. England, Assistant Director, Market Regulation, Commission, dated August 14, 1997.

The text of the proposed rule change is as follows, with additions in italics:

Arbitration

Rule G–35. Every broker, dealer and municipal securities dealer shall be subject to the Arbitration Code set forth herein.

Arbitration Code

Section 1 through Section 36. No change.

Section 37. Arbitration Claims Filed On or After January 1, 1998. The Board will not accept any new arbitration claims filed on or after January 1, 1998.

Section 38. Arbitration Involving Bank Dealers. As of January 1, 1998, every bank dealer (as defined in rule D–8) shall be subject to the Code of Arbitration Procedure of the National Association of Securities Dealers, Inc. (''NASD'') for every claim, dispute or controversy arising out of or in connection with the municipal securities activities of the bank dealer acting in its capacity as such. For purposes of this rule, each bank dealer shall be subject to, and shall abide by, the NASD's Code of Arbitration Procedure as if the bank dealer were a ''member'' of the NASD.

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 Board 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 Board 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 Board's arbitration program, which is limited to the resolution of disputes involving municipal securities, has been in effect since December 1978. The Board's caseload grew steadily for a time; for example, 21 cases were received in 1980, 82 in 1986, and 115 in 1988. Between 1978 and 1993, the NASD automatically transferred to the Board's arbitration program any claims received involving municipal securities, and until approximately 1993 the majority of the Board's cases were received in this manner.[2] In 1993, the NASD amended its arbitration code to require a customer's consent before it could transfer a case to another self-regulatory organization (''SRO''). The practical effect of this amendment has been to virtually halt the transfer of municipal cases to the Board's arbitration program because customers choose to remain at the NASD. Consequently, the Board's caseload has declined dramatically from 115 cases received in 1988 to 10 cases received in 1996. For 1997, the Board has thus far received two cases.

The Board believes that its declining caseload makes it difficult to justify the cost of continuing to operate the arbitration program. Accordingly, the Board has determined that, effective January 1, 1998, it will no longer accept any new claims filed with its arbitration program. The Board will, however, continue to operate its program in order to administer its current, open cases and any new claims received prior to January 1, 1998, but will discontinue its arbitration program when all such cases have been closed.[3]

The Board notes that, currently, any customer or securities dealer with a claim, dispute, or controversy against a dealer involving its municipal securities activities may submit that claim to the arbitration forum of any SRO of which the dealer is a member, including the NASD. Bank dealers, however, are unique in that they are subject to the Board's rules but are not members of any other SRO. In light of the Board's decision not to accept any new arbitration claims on or after January 1, 1998, it is necessary to amend Rule G–35 to state this and to provide an alternative forum for claims involving the municipal securities activities of bank dealers. The proposed rule change accomplishes this by subjecting every bank dealer, as of January 1, 1998, to the NASD's Code of Arbitration Procedure for every claim, dispute or controversy arising out of or in connection with the municipal securities activities of the bank dealer acting in its capacity as such. In addition, the proposed rule change requires that bank dealers abide by the NASD's Code just as if they were ''members'' of the NASD for purposes of arbitration.

The Board notes that, pursuant to the proposed rule change, the enforcement mechanism for bank dealers would not be altered; the bank regulatory agencies (e.e., the Office of Comptroller of the Currency, the Federal Reserve Board, and the Federal Deposit Insurance Corporation) would continue to be responsible for the inspection and enforcement of bank dealers' municipal securities activities, including arbitration. Thus, for example, a bank dealer's failure to pay an arbitration award rendered pursuant to the NASD's Code of Arbitration Procedure would constitute a violation of Board Rule G–35; since it is that rule, as amended, that subjects bank dealers to the NASD's Code. Similarly, a bank dealer's refusal to submit to arbitration pursuant to the NASD's Code of Arbitration Procedure would constitute a violation of Board Rule G–35. The NASD would notify the Board Of any such violations and the Board, in turn, would contact the appropriate bank regulatory agency.

2. Statutory Basis

The Board believes that the proposed rule change is consistent with Sections 15B(b)(2) (C) and (D) of the Act, which provide, respectively, that the Board's rules shall:

> be designed* * *, in general, to protect investors and the public interest * * *. [and if the Board deems appropriate, provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities * * *.

As discussed above, the Board deems it no longer appropriate to operate an arbitration program. The Board believes that the proposed rule change provides for the protection of investors and the public interest, particularly those public investors who wish to pursue arbitration claims against bank dealers in connection with their municipal securities activities. The proposed rule change ensures that there is an arbitration forum available for those claims.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since the proposed rule change would make all bank dealers subject to the NASD's Code of Arbitration Procedure in connection with their municipal securities activities. Non-bank dealers already are subject to this Code by virtue of being NASD members.

[2] The NASD also transferred cases (other than those involving municipal securities) to other self-regulatory organizations (''SROs''), such as the New York Stock Exchange and the American Stock Exchange, if the particular claim arose out of a transaction in that SRO's market.

[3] At such time, the Board will submit a filing to the Commission to delete sections 1 through 36 of Rule G–35, as well as new Section 37, and to rescind Rule A–16 on arbitration fees and deposits.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In September 1996, the Board published a notice expressing its concern over the costs of operating the arbitration program in light of the decreasing number of cases filed with the Board.[4] The Board stated that the decline in its caseload makes it difficult to justify the cost of continuing to operate the arbitration program, and that it was considering discontinuing its arbitration program. The Board requested comment on the impact that such action would have on the public and the industry, and specifically requested comment on what effect, if any, the elimination of its arbitration program would have on bank dealers who are not NASD members.

In response to its request, the Board received comment letters from a dealer and from an individual who serves as an arbitrator for the Board. The dealer expressed its concern that arbitrators serving in other SRO arbitration programs do not have sufficient knowledge of the municipal securities industry. In an attempt to address this concern, the Board, in the next few months, plans to forward its list of arbitrators to the NASD.

With regard to bank dealers, the dealer stated that the Board's program should not be eliminated until an arbitration forum is established for these dealers, and suggested that the Board require bank dealers to use the NASD's arbitration program for resolving disputes involving municipal securities. The proposed rule change accomplishes this.

The other commentator expressed his belief that elimination of the Board's program will not impair the industry's arbitration process.

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.

[4] *MSRB Reports,* Vol. 16, No. 3 (Sept. 1996) at 25.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are 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 Board. All submissions should refer to File No. SR–MSRB–97–04 and should be submitted by September 11, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–22182 Filed 8–20–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38936; File No. SR–NASD–97–42]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Amend NASD Rule 2320(g) To Provide Authority to the Staff of NASD Regulation To Grant Exemptions From Such Provision

August 14, 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 June 17, 1997, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') 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

NASD Regulation is proposing to amend NASD Rule 2320(g) to provide authority to the staff of NASD Regulation to grant exemptions from such provision. Below is the text of the proposed rule change. Proposed new language is in italics.

Rule 2320. Best Execution and Interpositioning

(g) *(1)* In any transaction for or with a customer pertaining to the execution of an order in a non-Nasdaq security (as defined in the Rule 6700 Series), a member or person associated with a member, shall contact and obtain quotations from three dealers (or all dealers if three or less) to determine the best inter-dealer market for the subject security.

(g)(2) The staff, upon written request, after taking into consideration all relevant factors, may exempt any transaction or classes of transactions, either unconditionally or on specified terms from any or all of the provisions of this paragraph if it determines that such exemption is consistent with the purpose of this rule, the protection of investors, and the public interest. Any decision whether to grant such an exemption may be appealed to the National Business Conduct Committee.

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

NASD Rule 2320(g) (''The Three Quote Rule'' or ''Rule'') originally was adopted on May 2, 1988 [1] as an amendment to the NASD's best execution interpretation (''Interpretation of the Board of Governors—Execution of

[1] *See* Securities Exchange Act Release No. 25637 (May 2, 1988), 53 FR 16488 (May 9, 1988).

Retail Transactions in the Over-the-Counter Market'') under Article III, Section 1 of the NASD's Rules of Fair Practice (currently NASD Rules).[2] The amendment expanded a member's best execution obligation to customers by setting forth additional requirements for customer transactions in non-Nasdaq securities. In particular, the amendment requires members that execute transactions in non-Nasdaq securities on behalf of customers to contact a minimum of three dealers (or all dealers if three or less) and obtain quotations in determining the best inter-dealer market. Under the best execution interpretation, each member is generally required to use reasonable diligence to ascertain the best inter-dealer market for a security, and to buy or sell in that market so that the resultant price to the customer is as favorable as possible under prevailing market conditions.[3]

The Three Quote Rule was adopted in connection with the NASD's efforts to develop a nationwide automated market surveillance program for non-Nasdaq, over-the-counter (''OTC'') securities (commonly referred to as ''pink sheet'' stocks). Concurrent with these activities, the NASD proposed and the Commission approved new Schedule H to the NASD's By-Laws, which established an electronic system of mandatory price and volume reporting for the over-the-counter non-Nasdaq securities.[4] The Three Quote Rule was designed to create a standard to help assure that members would fulfill their best execution responsibilities to customers in non-Nasdaq securities, especially transactions involving relatively illiquid securities with non-transparent prices.

OTC Bulletin Board Developments: On May 1, 1990, the Commission issued an order approving the operation of the NASD's OTC Bulletin Board Display Service (''OTC Bulletin Board'') for a pilot term of one year.[5] The NASD introduced the OTC Bulletin Board to allow NASD eligible members to enter, update and retrieve quotation information on a real-time basis in non-Nasdaq securities.[6]

Since the establishment of the OTC Bulletin Board, significant market, regulatory and technology related improvements have occurred in the non-Nasdaq marketplace. In particular, the NASD has implemented enhancements to the OTC Bulletin Board to increase the reliability of information contained therein. These changes include: requiring that all priced quotations entered by market makers in domestic securities be firm for at least one trading unit;[7] calculating inside quotes for individual securities and disseminating this information through vendors; and establishing larger minimum-size requirements for market makers' quotes in domestic securities. Most recently, in July, 1993, the Commission approved an NASD rule change to implement real-time trade reporting for members' over-the-counter transactions in certain non-Nasdaq equity securities,[8] and in April, 1994, the NASD commenced real-time dissemination of transaction reports via the Nasdaq network and the networks of commercial vendors, providing member firms and their customers access to last-sale price and volume information for these securities throughout the business day.

The OTC Bulletin Board meets the requirements of an ''automated quotation system'' as the characteristics of such system are described in Section 17B of the Act.[9] As such, the OTC Bulletin Board has assisted member broker-dealer in complying with certain disclosure regulations under Section 15(g) of the Act (Penny Stock Rules),[10] and has deterred fraudulent and manipulative trading practices in Penny Stocks [11] due to, among other things, real-time transaction reporting. Due to the technological improvements to the OTC Bulletin Board, the NASD's surveillance capabilities have been enhanced, among other things, to permit computerized analyses of market makers' quotation entries and reported transactions.

Application of the Three Quote Rule

Some members who are active dealers in the non-Nasdaq market have questioned the value of the Three Quote Rule in various situations in which it is claimed that adherence to the requirement may not assure the satisfaction of the best execution obligation and, in fact, may hinder satisfaction of the obligation because of the time delays involved in contacting and collecting quotations from three separate dealers. Some member broker-dealers have questioned whether the Three Quote Rule should continue to apply to all customer transactions in non-Nasdaq securities due to the technological and regulatory improvements to the non-Nasdaq marketplace, and, in particular, to the OTC Bulletin Board, over the past seven years.

Certain Non-Nasdaq Securities Quoted on the OTC Bulletin Board

NASD Regulation believes that general exemptive authority under the Rule may be appropriate to provide some flexibility to respond to changing market conditions and respond to particular fact situations. NASD Regulation has not yet determined, however, whether any particular class of transactions should be exempted. Based on the technological and regulatory improvements made to the OTC Bulletin Board market, arguably certain classes of transactions on the OTC Bulletin Board may warrant an exemption from the requirements of the Three Quote Rule if it can be demonstrated that the Rule could serve as an impediment to satisfying the best execution obligation. For example, certain customer agency orders in domestic equity securities may pose different issues and concerns than trades in the same securities in which the member firm acts as principal in effecting a transaction with its customer. Facts to be considered in determining whether to grant an exemptive request could include: (1) The number of firms publishing firm quotations and the period of time during which such quotations were published; (2) the size of the customer order in relation to the minimum size of the market makers' quotations; (3) the transaction volume of the security in question; and (4) the number of dealers publishing quotations through an electronic quotation medium in comparison to dealers in the security that do not publish such quotes.

[2] The Best Execution Interpretation in Article III, Section 1 of the NASD's Rules of Fair Practice was converted into new NASD Rule 2320 in connection with the NASD's Manual revision project. *See* Securities Exchange Act Release No. 36698 (January 11, 1996), 61 FR 1419 (January 19, 1996).

[3] *See* NASD Rule 2320(a).

[4] New Schedule H of the By-laws required NASD members executing principal transactions in non-Nasdaq securities to report price and volume data for the days on which their sales or purchases exceeded 50,000 shares or $10,000. In 1993, member obligations under Schedule H were modified or eliminated as a result of the NASD adopting real-time reporting of transactions for non-Nasdaq securities. *See* Securities Exechange Act Release No. 32647 (July 16, 1993) , 58 FR 39262 (July 22, 1993).

[5] On March 31, 1997, the SEC granted permanent approval of the OTC Bulletin Board. *See* Securities Exchange Act Release No. 38456 (March 31, 1997), 62 FR 16635 (April 7, 1997) .

[6] *See* Securities Exchange Act Release No. 27975 (May 1, 1990), 55 FR 19123 (May 8, 1990).

[7] *See* Securities Exchange Act Release No. 29261 (May 31, 1991), 56 FR 29297 (June 26, 1991).

[8] *See* Securities Exchange Act Release No. 32647 (July 16, 1993), 58 FR 39262 (July 22, 1993).

[9] On October 15, 1990, the Securities Enforcement Remedies and Penny Stock Reform Act of 1990 (''Reform Act'') was signed into law. Among other things, the Reform Act amended the Exchange Act by adding new Section 17B, which requires the Commission to facilitate the development of one or more automated quotation systems for the collection and dissemination of information for all penny stocks.

[10] *See* Rules 15g–1 through 15g–9 under the Act, 17 CFR 240.15g–1 through 240.15g–90.

[11] Penny Stock is defined under Rule 3a51–1 of the Act, 17 CFR 240.3a51–1.

Certain Foreign Securities Listed on a Foreign Exchange

Questions have been raised about the application of the Three Quote Rule to the execution of customer transactions in securities that are traded on certain foreign exchanges, but not United States exchanges. Because the Three Quote Rule applies to transactions in all non-Nasdaq securities,[12] which are defined to exclude securities traded only on a ''national securities exchange,'' the rule by its terms applies to transactions effected on any foreign exchange.[13] For example, where a member firm's customer places an agency order to buy or sell a foreign security listed on a foreign exchange, the Three Quote Rule would require that the member broker-dealer contact at least three dealers and obtain quotations prior to executing the agency trade.[14] In some circumstances, it is argued, the exchange market may constitute the best market for the securities that are listed on that market, and the time delay involved in contacting three dealers in advance of a customer transaction could hinder obtaining the best execution for the customer.

Nature of Customer

The nature of particular classes of customers may be another factor in determining whether an exemption is appropriate. In some circumstances, for example, an institutional customer may prefer not to inform or broadcast to other intermediaries or market professionals its particular intent to buy or sell a particular non–Nasdaq security. Under these circumstances, when a member broker-dealer contacts three other dealers in collecting quotations, as required by the Rule, in certain markets, this activity may trigger or invite additional market activity by the parties contacted or others that may affect the market price of the subject security.

Procedures in Exercising Exemptive Authority

It is important to note that the grant of an exemption to the Three Quote Rule would not limit a member's best execution obligation. The staff expects that the range of circumstances in which exemptions may be granted would be limited to those circumstances in which it can be shown that the Three Quote Rule would in fact hinder a member's best execution obligation.

The Office of the General Counsel of NASD Regulation would be responsible for strict compliance with discharging this exemptive authority. Member broker-dealers would be instructed to submit all requests for exemptions to the Office of General Counsel, NASD Regulation, and would be required to limit the requests to actual contemplated transactions or situations. The staff will not provide exemptions in response to hypothetical situations or transactions. The request should be detailed and include all relevant information necessary for the staff to reach a determination on the request. If a particular exemption involves a particular class of transactions or class of customers that may be relevant to other member broker-dealers, the staff will also publish such results to the membership through a Notice to Members or similar publication or broadcast.

Staff determination will be subject to review by the National Business Conduct Committee.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with Sections 11A(a)(1)(C),[15] 15A(b) (6),[16] and 15A(b) (9) [17] of the Act. Section 11A(a) (1) (C) provides that it is in the public interest to, among other things, assure the economically efficient execution of securities transactions. Section 15A(b) (6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and 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. Section 15A(b) (9) requires that rules of an Association not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition.

NASD does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the 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. In particular, the Commission wishes to solicit comment on whether an exemption from the three quote rule should be available on an individual market maker basis, or whether an exemption should only be available for all market makers in a particular security or class of securities. Also, the Commission is soliciting comment on the ability of market makers to monitor and report on the quality of their customers' executions in securities that have been exempted from the Three Quote Rule. 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 NASD. All

[12] Non-Nasdaq security is defined in NASD Rule 6710 as ''any equity security that is neither included in the Nasdaq Stock Market nor traded on any national securities exchange * * *.''

[13] The term ''national securities exchange'' is not defined in NASD rules, but the requirements to qualify are set forth in Sections 6(a) and 19(a) of the Act.

[14] If a transaction is subject to the Three Quote Rule (NASD Rule 2320(g)), then for books and records purposes NASD Rule 3110(b)(2) requires that ''a person associated with a member shall indicate on the memorandum for each transaction in a non-Nasdaq security * * * the name of each dealer contacted and the quotation received to determine the best inter-dealer market.''

[15] 15 U.S.C. 78k–1(a)(1)(C).

[16] 15 U.S.C. 78*o*–3(b)(6).

[17] 15 U.S.C. 78*o*–3(b)(9).

submissions should refer to File No. SR–NASD–97–42 and should be submitted by September 11, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–22183 Filed 8–20–97; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Collection Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

1. Electronic Request for Replacement SSA–1099/SSA–1042—0960–NEW. The information requested will be used by the Social Security Administration (SSA) to provide replacement copies of Forms SSA–1099/SSA–1042 needed to prepare Federal tax returns. Over 700,000 requests are received annually for replacement forms from Social Security beneficiaries by SSA field offices and teleservice centers. We intend to offer the public the option to use the Internet to request that SSA mail to them a replacement SSA–1099/SSA–1042, eliminating the need for a phone call to a teleservice center or a visit to a field office. The respondents are Title II Social Security beneficiaries.

Number of Respondents: 7,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 583 hours.

2. Discrimination Complaint Form—0960–NEW. The information collected on form SSA–437 will be used by SSA to investigate and informally resolve complaints of discrimination based on race, color, national origin, sex, age, religion and retaliation in any program or activity conducted by SSA. A person who believes that he or she has been discriminated against on any of the above bases may file a written complaint of discrimination. The information will be used to identify the complainant; identify the alleged discriminatory act; ascertain the date of the alleged act; obtain the identity of the individual(s)/facility/component that allegedly discriminated; and ascertain other relevant information that would assist in the investigation and resolution of the complaints. The respondents are individuals who allege discrimination on the grounds described above.

Number of Respondents: 250.

Frequency of Response: 1.

Average Burden Per Response: 1 hour.

Estimated Annual Burden: 250 hours.

3. Beneficiary Recontact Report—0960–0536. SSA uses the information collected on form SSA–1587–OCR–SM to ensure that eligibility for benefits continues after entitlement is established for children ages 15 through 17. Studies show that children who marry fail to report the marriage (which is a terminating event). SSA asks children ages 15, 16 and 17 information about marital status to detect overpayments and to avoid continuing payments to those no longer entitled. The respondents are applicants for Title II benefits, ages 15 through 17.

Number of Respondents: 835,492.

Frequency of Response: 1.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 41,775 hours.

4. Waiver of Right to Appear, Disability Hearing—0960–0534. Form SSA–773–U4 is used by claimants to request waiver of their right to appear at a disability hearing. The information collected will be used to document that claimants understand their right to appear and the effects of their decision to waive that right. The respondents are claimants who wish to waive their right to appear at a disability hearing, under Titles II and XVI of the Social Security Act.

Number of Respondents: 194.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 48 hours.

Written comments and recommendations regarding the information collection(s) should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the Agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4125 or write to him at the address listed above.

Dated: August 15, 1997.

Nicholas E. Tagliareni,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 97–22170 Filed 8–20–97; 8:45 am]

BILLING CODE 4190–29–U

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Submission for OMB Review; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Submission for OMB review; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Acting Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street (WR 4Q), Chattanooga, Tennessee 37402–2801; (423) 751–2523.

Comments should be sent to OMB Office of Information and Regulatory Affairs, Attention: Desk Officer for Tennessee Valley Authority no later than September 22, 1997.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission, proposal to extend without revision a currently approved collection of information (OMB control number 3316–0019).

Title of Information Collection: Energy Right Residential Program.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Business or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 12,000.

Estimated Total Annual Burden Hours: 3,600.

Estimated Average Burden Hours Per Response: .3.

This information is used by distributors of TVA power to assist in identifying and financing energy

improvements for their electrical energy customers.

William S. Moore,

Senior Manager, Administrative Services.

[FR Doc. 97–22192 Filed 8–20–97; 8:45 am]

BILLING CODE 8120–08–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 95–041]

Propeller Injury Prevention Involving Rented Boats

AGENCY: Coast Guard, DOT.

ACTION: Notice; extension of comment period.

SUMMARY: In a notice published April 28, 1997 [62 FR 22991] the Coast Guard solicited comments on the effectiveness of specific devices and interventions which have been suggested for reducing the numbers of recreational boating accidents involving rented power boats in which individuals are injured by the propeller. In response to the notice, the Coast Guard received only two comments and a request from an organization called Stop Propeller Injuries Now (SPIN) for an extension of the comment period. This notice extends the comment period.

DATES: Comments must be received by February 17, 1998.

ADDRESSES: You may mail comments to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 95–041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or deliver them to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–1477.

The Executive Secretary maintains the public docket for this notice. Comments, and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Randolph Doubt, Project Manager, Recreational Boating Product Assurance Division, (202) 267–6810. You may obtain a copy of this **Federal Register** Notice and the original **Federal Register** Notice by calling the Coast Guard Customer Infoline at 1–800–368–5647, or on the Office of Boating Safety internet website at URL address: http://www.uscgboating.org.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to comment by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this docket (CGD 95–041) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no longer than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Background Information

Based on comments received, other research efforts and after consultation with the National Boating Safety Advisory Council in November 1996, several potential devices and interventions have been suggested to aid in propeller injury prevention.

For complete descriptions of each suggested potential device or intervention, see the Notice published in the **Federal Register** on April 28, 1997 (62 FR 22991). Persons submitting comments should do as directed under ''Request for Comments'', and reply to the following specific suggested devices and interventions. Form letters simply citing anecdotal evidence and stating support for or opposition to regulations, without providing substantive data or arguments do not supply support for regulations.

1. *Swimming ladders.*
   (a) Location (b) Interlocks
2. *Large Warning Notices.*
3. *Clear Vision Aft.*
4. *Propeller Shaft Engagement Alarm.*
5. *Kill Switch/Auto Throttle and Neutral Return.*
6. *Education.*

Comments and information regarding propeller guards, pump jet (jet drives), alternatives to propeller guards, and any other devices that might reduce the likelihood of an accident or the severity of an injury are also solicited.

The Coast Guard will consider all relevant comments in determining what action may be necessary to address recreational boating accidents involving rented power boats in which individuals are injured by the propeller.

Dated: August 8, 1997.

A.S. Tangeman,

Captain, U.S. Coast Guard, Director of Operations Policy, Acting.

[FR Doc. 97–22134 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 97–054]

Chemical Transportation Advisory Committee; Subcommittee on Prevention Through People

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Prevention Through People (PTP) Subcommittee of the Chemical Transportation Advisory Committee (CTAC) will meet to commerce its work on reviewing the content of a tank barge's Certificate of Inspection (COI). The group will also meet to discuss current initiatives to develop a PTP Internet Web Site. The meeting will be open to the public.

DATES: The PTP Subcommittee will meet on Tuesday, August 26, 1997, from 9 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Coast Guard on or before August 22, 1997.

ADDRESSES: The PTP Subcommittee will meet in the training academy conference room, ABS Plaza, 16855 Northchase Drive, Houston, TX 77060. For directions to the meeting, please contact Lieutenant Rick Raksnis, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. Send written material and requests to make oral presentations to Lieutenant Rick Raksnis, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rick Raksnis, telephone 202–267–0084, fax 202–267–4570 or Mr. Calvin A. Bancroft, Ocean Shipholdings, Inc., 16211 Park Ten Place, Houston, TX 77084; telephone 281–579–3700, fax 281–579–3329.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meetings

The agenda includes the following:

(1) Assess the value to a tankerman-person in charge of the written requirements on a tank barge's COI to include, but not limited to, stability/loading information and cargo names.

(2) Review/discuss current initiatives by the Coast Guard to develop a PTP Internet Web Site.

Procedural

This meeting is open to the public. At the Chair's discretion, members of the

public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify Lieutenant Raksnis no later than August 22, 1997. Written material for distribution at the meeting should reach the Coast Guard no later than August 22, 1997. If you would like a copy distributed to each member of the subcommittee in advance of the meeting, please submit 25 copies to Lieutenant Raksnis no later than August 22, 1997.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Lieutenant Raksnis as soon as possible.

Dated: August 8, 1997.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 97–22133 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 97–052]

Chemical Transportation Advisory Committee; Subcommittee on the Review/Update of Vapor Control System Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Vapor Control System (VCS) Regulations Review/Update Subcommittee of the Chemical Transportation Advisory Committee (CTAC) will meet to finalize its work on developing recommended revisions to the marine vapor control regulations found in Title 33, Code of Federal Regulations, part 154 and Title 46, Code of Federal Regulations, part 39. The meeting will be open to the public.

DATES: The VCS Subcommittee will meet on Wednesday, August 20, 1997, from 9 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Coast Guard on or before August 15, 1997.

ADDRESSES: The VCS Subcommittee will meet in Salon 2, Wyndham Greenspoint Hotel, 12400 Greenspoint Drive, Houston, TX 77060. For directions to the meeting, please contact Lieutenant J.J. Plunkett, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington DC 20593–0001. Send written material and requests to make oral presentations to Lieutenant J.J. Plunkett, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Lieutenant J.J. Plunkett, telephone 202–267–0087, fax 202–267–4570 or Mr. Paul J. Book, American Commercial Barge Line Company, 1701 East Market Street, Box 610, Jeffersonville, IN 47131–0610; telephone 812–288–0220, fax 812–288–0478.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given as required by the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

(1) Discussion and summary of the subcommittee's final draft report for the Facility and Vessel Work Groups.

(2) Discussion of joint facility/vessel opportunities for improvements to the VCS program.

Procedural

This meeting is open to the public. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify Lieutenant Plunkett no later than August 15, 1997. Written material for distribution at the meeting should reach the Coast Guard no later than August 15, 1997. If you would like a copy distributed to each member of the subcommittee in advance of the meeting, please submit 25 copies to Lieutenant Plunkett no later than August 15, 1997.

Information on Services for Individuals With Disabilities

For information on facilities or services with disabilities or to request special assistance at the meeting, contact Lieutenant Plunkett as soon as possible.

Dated: August 7, 1997.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 97–22135 Filed 8–18–97; 3:42 pm]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–97–029]

Houston/Galveston Navigation Safety Advisory Committee Meetings

AGENCY: Coast Guard, DOT.

ACTION: Notice of full meeting and subcommittee meetings.

SUMMARY: The two Subcommittees (Waterways and Navigation) and the full committee of the Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) will meet to discuss waterway improvements, aids to navigation, current matters, and various other navigation safety matters affecting the Houston/Galveston area. All meetings will be open to the public.

DATES: The meeting of the Navigation Subcommittee will be held on Thursday, September 4, 1997 at 9 a.m. and immediately following, the Waterways Subcommittee will meet. The meeting of HOGANSAC full committee will be held on Thursday, September 11, 1997 from 9 a.m. to approximately 1 p.m. Members of the public may present written or oral statements at the meetings.

ADDRESSES: The subcommittee meetings will be held at the Port of Houston Authority, 111 East Loop North, Houston, Texas. The HOGANSAC full committee meeting will be held in the conference room of the Houston Pilots Office, 8150 South Loop East, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Captain Kevin Eldridge, Executive Director of HOGANSAC, telephone (713) 671–5199, or Commander Paula Carroll, Executive Secretary of HOGANSAC, telephone (713) 671–5164.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of the Meetings

Subcommittee on Waterways. The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future, including permanent VTS deviations, aids to navigation knockdown discrepancies and the Hurricane Plan.

(2) Review and discuss the work completed by each work group.

Subcommittee on Navigation. The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future, including ACOE dredging projects, current meters, National Weather Service and Baytown Tunnel removal.

(2) Review and discuss the work completed by each work group.

Houston/Galveston Navigation Safety Advisory (full) Committee (HOGANSAC). The tentative agenda includes the following:

(1) Opening remarks by the Executive Director (Capt. Eldridge) and chairman (Tim Leitzell).

(2) Approval of the May 15, 1997 minutes.

(3) Report from the Waterways Subcommittee.

(4) Report from the Navigation Subcommittee.

(5) Status reports on Committee membership, VTS rules deviations, Galveston anchorages, Bayport Tunnel removal, Army Corps of Engineers' dredging projects, and comments and discussions from the floor.

Procedural

All meetings are open to the public. Members of the public may make oral presentations during the meetings.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: August 4, 1997.

T.W. Josiah,

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

[FR Doc. 97–22138 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Amendment to Approved Noise Compatibility Program and Request for Review for Greater Pittsburgh International Airport, Pittsburgh, PA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed amendment to the approved noise compatibility program that was submitted for Greater Pittsburgh International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as ''the Act'') and 14 CFR Part 150 by the Allegheny County Department of Aviation (ACDA). This program was submitted subsequent to a determination by the FAA that the associated noise exposure maps submitted under CFR Part 150 for Greater Pittsburgh International Airport were in compliance with applicable requirements effective December 10, 1992. The Noise Compatibility Program for Greater Pittsburgh International Airport was approved by the FAA on June 8, 1993. The proposed amendment to the approved noise compatibility program will be approved or disapproved on or before February 13, 1998.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is August 13, 1997. The public comment periods ends September 13, 1997.

FOR FURTHER INFORMATION CONTACT: Frank Squeglia, Environmental Protection Specialist, AEA–610, Planning and Programming Branch, Eastern Region, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430. Telephone 718 553–3325. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed amendment to the approved noise compatibility program for Greater Pittsburgh International Airport which will be approved or disapproved on or before February 13, 1998. This notice also announces the availability of this program for public review and comment. The proposed amendment to the sole remedial land use measure included in the approved noise compatibility program (a voluntary sound insulation program) is to allow persons willing to convey an aerial easement to the County to elect either to participate in the sound insulation program or receive cash compensation. The amendment also will eliminate the requirement that participants in the program be non-litigants. Litigants will then be permitted to participate in the program and receive sound insulation or cash compensation and related fees in exchange for the conveyance of an aerial easement.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the proposed amendment to the approved noise compatibility program for Greater Pittsburgh International Airport, effective on August 13, 1997. It was requested that the FAA review this material and that the noise mitigation measures to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before February 13, 1998.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the proposed amendment, the FAA's evaluation of the data presented, and its effect on the approved noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, 800 Independence Avenue SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Eastern Region Office, AEA–610 Federal Building, JFK International Airport, Jamaica, NY 11430

Mr. Gary L. Bishop, Director, Allegheny County Department of Aviation, Pittsburgh International Airport, Pittsburgh, PA 15231–0370

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Jamaica, New York, on August 13, 1997.

Harvey DeGraw,

Acting Manager, Airports Division, Eastern Region, AEA–600.

[FR Doc. 97–22103 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Nashville International Airport, Nashville, Tennessee

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Metropolitan Nashville Airport Authority for Nashville International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is August 5, 1997.

FOR FURTHER INFORMATION CONTACT: Charles L. Harris, 2851 Directors Cove, Suite 3, Memphis, TN 38131–0301, 901–544–3495.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Nashville International Airport are in compliance with applicable requirements of Part 150, effective August 5, 1997.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Metropolitan Nashville Airport Authority. The specific maps under consideration are entitled Noise Exposure Map—1996 and Noise Exposure Map—2001 in the submission. The airport owner has verified that the existing and forecast conditions presented in the 1996 and 2001 noise exposure maps are considered to be representative of 1997 and 2002 conditions, respectively. The FAA has determined that these maps for Nashville International Airport are in compliance with applicable requirements. This determination is effective on August 5, 1997. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, D.C. 20591

Federal Aviation Administration, 2851 Directors Cove, Suite 3, Memphis, TN 38131–0301

General William G. Moore, President, One Terminal Drive, Suite 501, Nashville, TN 37214–4114.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, Tennessee, August 5, 1997.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 97–22260 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–97–43]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 10, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket

and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Heather Thorson (202) 267–7470 or Angela Anderson (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C., on August 14, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28946.

Petitioner: Construcciones Aeronauticas, S.A.

Sections of the FAR Affected: 14 CFR 25.571(e)(1).

Description of Relief Sought: to permit exemption, for the CASA C–295 airplane, from the bird strike provisions of § 25.257(e)(1) to allow compliance with the requirement using bird impact velocity of Vc at sea level or 0.85Vc at 8,000 feet, whichever is more critical.

Docket No.: 28963.

Petitioner: Wiggins Airways, Inc.

Sections of the FAR Affected: 14 CFR 43.3.

Description of Relief Sought: In the event of an ignition box failure, permit appropriately trained certificated pilots employed by Wiggins to change the electrical leads from the ignition box to the spare ignition box on Wiggins' Cessna C208B caravan aircraft used in operations conducted under 14 CFR part 135.

Docket No.: 28954.

Petitioner: Heart of Georgia Technical Institute.

Sections of the FAR Affected: 14 CFR 65.17(a), 65.19(b), 65.75 (a) and (b), 183.11(b).

Description of Relief Sought: To allow HGTI to: (1) Administer the Federal Aviation Administration (FAA) oral and practical mechanic tests to students at times and places identified in HGTI's FAA-approved Aviation Maintenance Technology Policies, Procedures, and Curriculum Handbook; (2) conduct oral and practical mechanics tests as an integral part of the education process rather than conducting the tests after students successfully complete the mechanics written tests; (3) allow applicants to apply for retesting within 30 days after failure without presenting a signed statement certifying additional instruction in the failed area; and (4) administer the aviation mechanic written test to students immediately after they successfully complete the general curriculum but before they meet the experience requirements of § 65.77.

Dispositions of Petitions

Docket No.: 27998.

Petitioner: Petroleum Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 43.3.(g).

Description of Relief Sought/ Disposition: To permit appropriately trained pilots employed by PHI to remove and reinstall the copilot's ''quick release'' cyclic and collective controls (copilot's controls) and the tail rotor pedal shield (shield panel) on Bell Model 230 helicopters owned and operated by PHI.

Denial, 7/30/97, Exemption No. 6663.

Docket No.: 28638.

Petitioner: U.S. Department of Justice, Immigration and Naturalization Service.

Sections of the FAR Affected: 14 CFR 91.111(b), 91.159(a), and 91.209(a).

Description of Relief Sought/ Disposition: To permit INS to conduct in-flight identification, surveillance, and pursuit operations consistent with the assigned mission of INS.

Grant, 8/6/97, Exemption No. 1533D.

Docket No.: 26326.

Petitioner: T.B.M., Inc., and Butler Aircraft Co.

Sections of the FAR Affected: 14 CFR 91.611.

Description of Relief Sought/ Disposition: To permit T.B.M. and Butler to conduct ferry flights with one engine inoperative on its Lockheed C–130A aircraft without obtaining a special flight permit for each flight.

Grant, 8/6/97, Exemption No. 6667.

[FR Doc. 97–22104 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–97–44]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 2, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. 28998, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Heather Thorson (202) 267–7470 or Angela Anderson (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 14, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28998.

Petitioner: Trans Continental Airlines, Inc.

Sections of the FAR Affected: 14 CFR 21.93(b)(2)(2)(iii).

Description of Relief Sought: To permit petitioner to continue the operation of a DC–8–62 aircraft for an additional 60 days without its Stage III

Burbank Aeronautical Corporation hush kit.

[FR Doc. 97–22105 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc., Special Committee 172; Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz)

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 172 meeting to be held September 9–12, 1997, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: Tuesday, September 9: (1) Plenary Convenes at 9:00 a.m. for 30 minutes: (2) Introductory Remarks; (3) Review and Approval of the Agenda; (4) Working Group (WG)–2, VHF Data Radio Signal-in-Space MASPS, Continue Work on VDL Modes 2 and 3. Wednesday, September 10: (a.m.) (5) WG–2 Continues; (p.m.) (6) WG–3, Review of Activities in VHF Digital Radio MOPS Document Program. Thursday, September 11: (7) WG–3 Continues. Friday, September 12: (8) Plenary Reconvenes at 9:00 a.m.: (9) Review and Approval of the Minutes of the Previous Meeting; (10) Reports from WG's 2 & 3 Activities; (11) Report on VDL Activities; (12) Reports on TDMA Industry Users Session; (13) EUROCAE WG–47 Report and Discussion of Schedule for Joint Meeting with WG–3; (14) Review Issues List and Address Future Work; (15) Other Business (Address FAA Request for Possible Revisions to DO–186A); (16) Dates and Places of Next Meetings.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 14, 1997.

Janice L. Peters,

Designated Official.

[FR Doc. 97–22261 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on the Phase 1A Extension of Tren Urbano

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration and the Puerto Rico Highway and Transportation Authority intend to prepare a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) for transportation improvements in the city of San Juan, Puerto Rico, as part of the Tren Urbano rail rapid transit project in the San Juan metropolitan area. The SEIS is intended to be a supplement to the Final Environmental Impact Statement (FEIS) for the Tren Urbano, San Juan Metropolitan Area, issued in November 1995.

The SEIS for the Phase 1A project covers the extension of the original line past its currently approved eastern terminus at Segrado Corazón station to a new terminus at Minillas, a distance of approximately 1,500 meters. In addition to the No Action Alternative, two remaining ''Build'' alternatives for the extension will be considered, designated as Alternatives A and B. Each includes an underground station at Minillas and a station between Segrado Corazón and Minillas. The intermediate station in Alternative A is located on an aerial structure, while in Alternative B the intermediate station is underground.

DATES: Written comments on the scope of alternatives to be considered and impacts to be studied should be sent to the Puerto Rico Highway and Transportation Authority's Tren Urbano Project Office by October 6, 1997. See **ADDRESSES** below.

ADDRESSES: Written comments on the project scope should be sent to Carlos A. Colón, Deputy Executive Director, Puerto Rico Highway and Transportation Authority, P.O. Box 42007, San Juan, PR 00940–2007, FAX (787) 722–1321.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Schruth, Regional Administrator, Federal Transit Administration, Region IV, (404) 562–3500.

SUPPLEMENTARY INFORMATION:

Description of Study Area and Project Need

The Tren Urbano project now under construction will provide rail transit facilities along a 17.2-km route connecting the areas of Bayamón, Guaynabo, Río Piedras, Hato Rey and Santurce in the San Juan metropolitan area. The double-tracked transit line will include segments at grade, on aerial structures and in a subway, depending on right-of-way and physical and urban factors. The Phase 1A extension of the line will bring rail transit facilities further into the Santurce residential, business and government district by connecting the Minillas area to the rest of the Tren Urbano system.

Alternatives

The No Action alternative, which includes the committed Tren Urbano line already under construction, will serve as the baseline for the evaluation of the ''Build'' alternatives below, and any additional alternatives generated through public comments or other sources. Several alignments were considered for the expansion before the final two were selected for formal analysis in the Draft SEIS. The alternatives eliminated were dropped due to their adverse consequences on estimated project costs, their contribution to excessive urban disruption or design and engineering difficulties. The remaining two ''Build'' options proposed for further analysis have been designated Alternative A and Alternative B. They each encompass a route extension of approximately 1,500 meters and include an underground station in the Minillas area, although in differing configurations. Each alternative also includes an intermediate station between the current terminal station at Sagrado Corazón and the proposed Minillas station.

Alternative A: Elevated Alignment along PR–1 and PR–22

This alternative would extend the elevated structure west from the end of the tail tracks at Sagrado Corazón station along the north service road of PR–1 from Segrado Corazón Street to the interchange of PR–1 and PR–22. The alignment would cross over the roadway of PR–22 turning to the north to be parallel with PR–22 on the west side of the roadway. The elevated guideway would descend into a depressed cut south of Fernández Juncos Avenue and continue in an open cut to an

underground station south of Ponce de León Avenue. Tail tracks would extend underground parallel to PR–22 north, beyond Ponce de León to approximately Latimer Street. In addition to the center platform station at Ponce de León, an intermediate stop would be built along PR–1 at Los Angeles Street. This station would be elevated and have side platforms.

Alternative B: Underground Alignment along Ponce de León Avenue

This alternative is the currently approved alignment by the Puerto Rico Planning Board, and has been in the Plan Vial for the San Juan Metropolitan Region since the Board and the Governor approved it in 1982. Under this alternative, the extension of Tren Urbano would be via an underground alignment beneath Ponce de León Avenue. Similar to the previous alternative, two stations would be constructed. As part of this alternative, both stations would be underground. The alignment would extend west from the Sagrado Corazón station along the north marginal road of PR–1 until west of Pedro de Castro Street. At this point, the alignment would curve northwest and descend to a tunnel portal south of Fernández Juncos Avenue. The Minillas station would be located immediately west of PR–22 under Ponce de León and have a center platform. The tail tracks would extend to a point west of Dos Hermanos Street. An intermediate center platform station would be located at or near the corner of Fidalgo Díaz Avenue.

Issued On: August 18, 1997.

Susan E. Schruth,

Regional Administrator.

[FR Doc. 97–22257 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–57–U

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PS–142; Notice 8]

Pipeline Risk Management Demonstration Program; Electronic Update

AGENCY: Office of Pipeline Safety, DOT.

ACTION: Notice.

SUMMARY: On Wednesday, September 17, 1997, the Office of Pipeline Safety (OPS) will sponsor the second in a series of satellite-based video presentations on the status of the Pipeline Risk Management Demonstration Program. The broadcast will show how communities can learn about demonstration projects in their area, and the potential benefits that may result. It will be aired as part of the Federal Emergency Management Agency's (FEMA) Emergency Education Network (EENET) 150th broadcast, from 2:00 p.m. to 3:30 p.m., Eastern Daylight Time, and will be easily accessible nationwide. Meaningful community involvement and effective communication are critical elements in the success of the Demonstration Program.

DATE: The electronic update broadcast will be aired on September 17, 1997, from 2:00 p.m. to 3:30 p.m., Eastern Daylight Time.

FOR FURTHER INFORMATION CONTACT: Eben M. Wyman, (202) 366–0918, or by e-mail (eben.wyman@rspa.dot.gov), regarding the subject matter of this Notice. Contact the Dockets Unit, (202) 366–5046, for other material in the docket.

SUPPLEMENTARY INFORMATION: The Demonstration Program tests an innovative regulatory approach to achieving superior safety performance by allowing pipeline operators to customize safety activities. OPS aired an electronic town meeting on June 5, 1997, to discuss the risk management program and candidate projects. Based on feedback received from this effort, OPS is using this method as a regular feature of risk management communication efforts. During the June 5th live broadcast, viewers had an opportunity to pose questions and voice concerns to OPS, State, industry and community representatives. OPS is seeking ways to expand the audience to include local safety and environmental protection officials as well as other community representatives. These broadcasts are also available via new Internet technology, which provided the information via linkage to properly equipped personal computers. Links to the show and necessary software to view it are found at the Town Meeting Homepage. The Internet address is: http://ops.dot.gov/tmvid.htm. Videotapes of these broadcasts are available to loan to interested parties from their State pipeline safety office, or from OPS Headquarters. Individuals can request to borrow a copy of the June 5th videotape via the OPS Homepage (http://ops.dot.gov), or by contacting OPS by e-mail (pipeline.safety@rspa.dot.gov). During the coming months while OPS is evaluating candidate projects, stakeholders are encouraged to ask questions and provide information they feel is relevant.

OPS programs will be broadcast via EENET, which has been broadcasting for more than ten years and has an extensive audience in the emergency services and emergency management communities. By using EENET, OPS has the opportunity to involve thousands of public safety and emergency management officials who routinely receive these programs. EENET sites use the widely available ''backyard satellite dish'' technology.

Here are the ways you can watch this broadcast:

—View the broadcast via Internet (address http://ops.dot.gov/tmvid.htm.

—Contact your local television cable company and ask if they will carry this EENET video broadcast.

—Contact your local government cable access office for specific information. Many local governments have dedicated internal cable systems which carry programs such as these to their offices and other facilities.

—Use a local facility which has a TeleVision Receive-Only (''dish''). Many schools (elementary, secondary, and community colleges), hospitals, or local hotels and motels have these facilities.

—Rent a portable TeleVision Receive-Only (''dish'') and have it set up at your viewing place.

—Set up a TeleVision Receive-Only (''dish'') at your viewing facility.

The technical information necessary to align the receiver dish with one of the satellites is:

C-Band

Galaxy 6
Transponder 11
Downlink Freq: 3920 MHz
Audio Frequency: 6.2/6.8
Location: 74 degrees West
Polarity: Horizontal

KU-Band

SBS 6
Transponder 14
Downlink Freq: 12043.5 MHz
Audio Frequency: 6.2/6.8
Location: 74 degrees West
Polarity: Vertical

A technical test will be shown 15 minutes before broadcast. For additional information, call EENET at 1–800–527–4893.

Issued in Washington, D.C. on August 15, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97–22142 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–167 (Sub-No. 1179X)]

Consolidated Rail Corporation—Discontinuance Exemption—in Suffolk County, MA

On July 31, 1997, Consolidated Rail Corporation (Conrail) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue, for a period of approximately 3 years, all rail transportation over a line of railroad known as the Boston Terminal Running Track (also sometimes known as ''Track 61''), lying between the west side of Summer Street at approximately railroad milepost 0.85 and the end of the track at Boston Harbor Pier, a distance of approximately 0.50 mile, traversing U.S. Postal Service ZIP Code 02127, in the City of Boston, Suffolk County, MA.

The right-of-way and track on this line are owned and maintained by the Massachusetts Port Authority and operated by Conrail. The Massachusetts Highway Department has requested Conrail to seek authority to discontinue service over the line for a period of approximately 3 years, to facilitate construction of a portion of the Central Artery/Tunnel highway project, including the South Boston Interchange. After the projected completion of this project in July 2000, the line will have been restored to operating condition, and Conrail will be able to resume common carrier rail freight service on the line. Pending issuance of a decision in this matter, Conrail has placed an embargo on the line.

Conrail states that it does not believe that this line contains any federally granted rights-of-way. To the extent there may be any documentation in Conrail's possession in this regard, it will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Company—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 18, 1997.

Any offer of financial assistance (OFA) to subsidize continued rail service [1] under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by the filing fee, which is currently set at $900. See 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to STB Docket No. AB–167 (Sub-No. 1179X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) John J. Paylor, 2001 Market Street—16A, Philadelphia, PA 19101–1416.

Persons seeking further information concerning abandonment or discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

Decided: August 13, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–22108 Filed 8–20–97; 8:45 am]

BILLING CODE 4915–00–U

[1] OFAs to acquire the line for continued rail service, public use and trail use requests, and environmental reporting requirements do not apply when only a discontinuance is sought. Under the circumstance described by Conrail, an OFA to subsidize continued service over the line would appear to be inconsistent with local construction plans, but Conrail has not sought an exemption from the applicable provisions of section 10904.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 97–71]

Revocation of Customs Broker Licenses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Notice is hereby given that on July 15, 1997, the Secretary of the Treasury, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Part 111.74 of the Customs Regulations, as amended (19 CFR 111.74), ordered the revocation of the following Customs broker licenses due to the failure of the broker to file the status report as required by 19 CFR 111.30(d). These licenses were issued in the Los Angeles District. The list of affected brokers is as follows:

Valerie J. Abe	11778
Ruth Ardette Abejon	10485
Joan Virginia Allen	10482
June Amaral	10484
David Lee Coggin	11138
Lana Boyd Cohen	10726
Clive R. Costley	04153
Aaron Ralph Davidson	14085
George Dobovanszky	14244
Regina M. Farin	11771
Muir Ferdun	11096
Linda Solveig Gerwig	09336
Lisa L. Giuletti	11144
William Crayton Haynes	11942
Candace T. Hickman	05627
Duk Ee Hong	15247
Julia Marie Hurley	10727
Barbara Jacobs	13173
Vinh Nguyen Le	15111
Morgan Libby	11194
James R. Linnehan	05413
Caslav S. Maksimevic	11087
James Boyd McIntyre, Jr	13067
Karinina Mareia Mitts	14525
Timothy Morales	06655
Robert Nolan Murphy	13426
Bruce E. Peterson	03871
Aleksandar Dusan Protic	13882
Pamela Louise Schnetter	13140
Gordon Stevens	07192
Ronald W. Wall	12203
Evelyn Y. Williams	12228
James Shigeru Yamashiro	09787

Dated: August 11, 1997.

Philip Metzger,

Director, Trade Compliance.

[FR Doc. 97–22132 Filed 8–20–97; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register

Vol. 62, No. 162

Thursday, August 21, 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 COMMMERCE

Economic Development Administration

[Docket No. 950302065-7163-08]

RIN 0610-ZA03

Economic Development Assistance Program for Disaster Recovery Activities, Availability of Funds

Correction

In notice document 97–18695 beginning on page 38200 in the issue of Wednesday, July 16, 1997 make the following correction:

On page 38201, in the third column, under the heading ''**Other Information**'', the table is corrected to read as follows:

Philadelphia region	States covered
R. Byron Davis, Economic Development Representative, 405 Capitol Street, Room 411, Charleston, West Virginia 25201, Telephone: (304) 347–5252, Internet Address: bdavis3@doc.gov.	West Virginia.
William J. Day, Jr., Regional Director, Atlanta Regional Office, 401 West Peachtree Street, NW., Suite 1820, Atlanta, GA 30308–3510, Telephone: (404) 730–3002, Internet Address: wday@doc.gov	
Atlanta Region	
Bobby D. Hunter, Economic Development Representative, 771 Corporate Drive, Suite 200, Lexington, Kentucky 40503–5477, Telephone: (606) 224–7426, Internet Address: bhunter@doc.gov.	Kentucky.
Mitchell Parks, Economic Development Representative, 261 Cumberland Bend Drive, Nashville, Tennessee 37228, Telephone: (615) 736–5911, Internet Address: mparks@doc.gov.	Tennessee.
John D. Woodward, Regional Director, Denver Regional Office, 1244 Speer Boulevard, Room 670, Denver, CO 80204, Telephone: (303) 844–4714, Internet Address: jwoodwa3@doc.gov	
Denver Region	
Paul Hildebrandt, Economic Development Representative, 608 East Cherry Street, Room B–2, Columbia, Missouri 65201, Telephone: (573) 442–8084, Internet Address: phildeb1@doc. gov.	North Dakota.
Robert I. Cecil, Economic Development Representative, Federal Building, Room 593A, 210 Walnut Street, Des Moines, Iowa 50309, Telephone: (515) 284–4746, Internet Address: bcecil@doc.gov.	South Dakota.
Robert Turner, Regional Contact, 1244 Speer Boulevard, Room 670, Denver, Colorado 80204, Telephone: (303) 844–4474, Internet Address: rturner2@doc.gov	North Dakota and South Dakota.
C. Robert Sawyer, Regional Director, Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, Illinois 60606–7204, Telephone: (312) 353–7706, Internet Address: csawyer@doc.gov	
Chicago Region	
John B. Arnold, Economic Development Representative, 515 West First Street, Room 104, Duluth, Minnesota 55802, Telephone: (218) 720–5326, Internet Address: jarnold@doc.gov.	Minnesota and Illinois.
Robert F. Hickey, Economic Development Representative, 200 North High Street, Federal Building, Room 740, Columbus, Ohio 43215, Telephone: (614) 469–7314, Internet Address: rhickey@doc.gov.	Ohio and Indiana.
Pedro Garza, Regional Director, Austin Regional Office, Homer Thornberry Building, Suite 121, 903 San Jacinto Boulevard, Austin, Texas 78701–2450, Telephone: (512) 916–5595, Internet Address: pgarza@doc.gov	
Austin Region	
Ava J. Lee, Homer Thornberry Building, Suite 121, 903 San Jacinto Boulevard, Austin, Texas 78701–2450, Telephone (512) 916–5824, Internet Address: alee@doc.gov..	Arkansas.

BILLING CODE 1505-01-D

federal register

Thursday
August 21, 1997

Part II

General Services Administration

48 CFR Part 504, et al.

GSA Acquisition Regulations; Acquisition of Commercial Items and Small Entity Compliance Guide; Final Rules

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 504, 507, 510, 511, 512, 514, 515, 538, 539, 543, 546, 552, and 570

[APD 2800.12A, CHGE 76]

RIN 3090–AF86

General Services Administration Acquisition Regulation; Acquisition of Commercial Items

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Interim rule adopted as final with changes.

SUMMARY: On February 16, 1996, GSA published an interim rule revising the General Services Administration Acquisition Regulation (GSAR) to implement Items I and III of Federal Acquisition Circular 90–32 which amended the Federal Acquisition Regulation (FAR) to implement the portions of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355) dealing with the Truth in Negotiations Act and with the acquisition of commercial items (61 FR 6164 and corrections published at 61 FR 10846 and 61 FR 14032). The interim rule revised the GSAR to conform to the FAR as revised by FAC 90–32 and to implement portions of the FAR where necessary to provide agency procedures. The interim rule also canceled the Multiple Award Schedule (MAS) Policy Statement of October 1, 1982 (47 FR 50242, November 5, 1982). This final rule modifies certain portions of the interim rule and adopts the balance of rule as final.

DATES: *Effective Date:* August 21, 1997. *Applicability Date:* For solicitations issued on or after August 21, 1997, use of the new policies, provisions and clauses is optional for solicitations issued before December 19, 1997, and mandatory for solicitations issued on or after December 19, 1997. (See **SUPPLEMENTARY INFORMATION** for further guidance.)

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION: All new solicitations for commercial items and open season solicitations issued under the multiple award schedule program after August 21, 1997 may use the policies, provisions and clauses in this final rule on an optional basis and solicitations issued on or after December 19, 1997 shall conform to this final rule. To the maximum extent practical, solicitations for commercial items and open season solicitations, that have been issued but where no contract has been awarded shall be amended to conform to this final rule. However, offerors shall not be required to resubmit information on commercial sales practices and any requests for additional information shall be limited to the minimum needed. Existing MAS contracts that will expire more than three (3) years after the effective date of this rule shall be modified to conform to the requirements of this final rule.

A. Background

Recently, GSA has made a number of changes in the MAS program. This final rule represents a continuation of GSA's efforts to reinvent the MAS program in order to move the program to a future environment of greater use of commercial practices, increased competition, and greater responsibility for making smart buying decisions within the framework of the MAS program by contracting personnel at the front-line closest to the need. In moving toward this new environment, GSA is continuing to promote policies regarding the solicitation, award, and administration of MAS contracts that will allow GSA to continue to use the collective leverage of the Federal Government to set up MAS contracts, that will be easy for our customers to use and that will provide a wide variety of quality supplies and services at competitive prices.

GSA initiated this rule in order to simplify and streamline the process for awarding and administering MAS contracts and to bring GSA's policies and procedures for the MAS program in line with the Federal Acquisition Regulation (FAR) as amended to implement the Federal Acquisition Streamlining Act of 1994 and the Clinger-Cohen Act of 1996.

This final rule makes changes in the program by:

(1) Reducing the information/data required of offerors seeking to obtain MAS contracts and focusing whenever possible on the offeror's written pricing policies, or standard commercial sales practices if the offeror has no written policies, instead of on transactional sales data.

(2) Emphasizing the use of pre-award audits of information submitted in support of price negotiations and expressly limiting the contractual right to conduct post-award audits of proposal information.

(3) Eliminating requirements for offerors to certify sales data as current, accurate and complete while putting offerors on notice of the Government's expectations for data submissions.

(4) Maintaining the Government's ability to make price adjustments so that, in the event the Government learns that inaccurate, not current or incomplete information was submitted, the Government will have a contractual remedy to recover any overcharges.

(5) Maintaining a post-award audit provision for monitoring compliance with specific contract provisions such as the Price Reduction clause, the Industrial Funding Fee clause and for overbillings.

GSA's Office of Acquisition Policy will continue to work with procurement officials in GSA's Federal Supply Service and the Department of Veterans Affairs (VA) and the Inspectors General of GSA and VA to ensure that contracting personnel and contract auditors fully understand the new rules, work together to protect the Government's interests, and put the new policies into effective operation.

Contractors and prospective contractors have long expressed their view that their participation in the Multiple Award Schedule (MAS) Program is hampered by rules they believe are unduly burdensome and difficult to implement. GSA believes that by making the changes embodied in this final rule it has removed many of the barriers to participation or full participation by both large and small business concerns, including small disadvantaged and women-owned small business concerns. By employing procedures that are more consistent with commercial practice, GSA expects to increase competition and thereby provide a wider range of choices at competitive prices to customer agencies.

On February 16, 1996, GSA published an interim rule revising the GSAR to implement Items I and III of Federal Acquisition Circular 90–32 which amended the FAR to implement the portions of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355) dealing with the Truth in Negotiations Act and with the acquisition of commercial items (61 FR 6164). The interim rule revised the GSAR to conform to the FAR as revised by FAC 90–32 and to implement portions of the FAR where necessary to provide agency procedures. The interim rule also canceled the Multiple Award Schedule (MAS) Policy Statement of October 1, 1982 (47 FR 50242, November 5, 1982).

On September 4, 1996, a notice was published in the **Federal Register** to familiarize the public with the status of finalizing the interim rule. The notice also extended the period for public

comment and provided notification of a public meeting to be held September 19, 1996. GSA provided the public commentors with the proposed final rule, a line-in-line out of the interim rule to illustrate the specific changes reflected in the final rule, the reconciliation of public comments, and an option paper that discussed the options being considered on the issue of post-award audit rights relating to information other than cost and pricing data submitted in connection with the contract or modification. GSA made revisions to the interim rule to address public comments and to take into account the enactment of the Federal Acquisition Reform Act of 1996 (renamed the Clinger-Cohen Act). Others in the public who did not comment during the public comment period were invited to request a copy of the information.

Comments on the interim rule were received from the American Bar Association (ABA), AT&T, Canon U.S.A., Inc., the Coalition for Government Procurement (CGP), the Council of Defense and Space Industry Associations (CODSIA), the Department of Justice (DOJ), the Department of Veterans Affairs (VA), the Federal Bar Association (FBA), Federal Schedules Incorporated, Hewlett Packard (HP), the Information Technology Association of America (ITAA), the Information Technology Industry Council (ITI), the Office of Inspector General for GSA, the Square D Company, and the Xerox Corp.

The major issues raised and GSA's resolution of those issues are outlined below.

Most Favored Customer Pricing Goal

Several commentors suggested that the negotiation objective of ''most favored customer'' should be eliminated in favor of a goal of ''fair and reasonable'' prices. The commentors indicated that GSA's pricing policy is inconsistent with the FAR and the goals of Congress and the Administration. They also assert that the most favored customer discount objective is inconsistent with FASA which defined fair and reasonable pricing as the objective for the Federal Government. Commentors argue that a fair and reasonable price does not have to be an offeror's most favored price and GSA's insistence on this policy runs counter to numerous actions that have been taken by Congress and the Administration. Industry commentors indicate that such a policy is not appropriate for an agency which has a history of pursuing civil fraud settlements and judgments. They suggest that as long as this policy remains, commercial companies must make a significant investment in risk aversion infrastructure.

The final rule provides for GSA to continue to seek to obtain the offeror's best price (most favored customer) based on its evaluation of discounts, terms, conditions, and concessions offered to commercial customers for similar purchases.

The suggestion that FASA created a new standard by referring to ''fair and reasonable pricing'' is not accurate. A ''fair and reasonable'' price has long been the goal of the Federal procurement system and has been reflected in regulations for years. The pursuit of ''most favored customer'' pricing as a goal is consistent with commercial practice and totally consistent with the objective of negotiating a fair and reasonable price. In fact, the GAO specifically recommended that the GSA Administrator ''amend MAS policies to clearly state that the price analysis GSA does to establish the Government's MAS negotiation objective should start with the best discount given to any of the vendor's customers but that GSA must consider legitimate differences in terms and conditions identified and valued by the offeror when negotiating the Government's MAS discount.'' (GAO/GGD–93–123, Multiple Award Schedule Contracting, August 1993). The final rule is consistent with GAO's recommendation.

GSA agrees that to be fair and reasonable a price does not have to be the offeror's most favored price and the final rule reflects that position. The final rule expressly states that the Government recognizes that the terms and conditions of commercial sales vary and that there may be legitimate reasons why the best price is not achieved. The final rule also states that the contracting officer may award a contract containing pricing which is less favorable than the best price the offeror extends to any commercial customer making similar purchases when the contracting officer determines that the prices offered to the Government are fair and reasonable even though comparable discounts were not negotiated, and award of a contract is otherwise in the best interest of the Government.

GSA and its contracting officers have a fiduciary responsibility to the taxpayers and to customer agencies to take full advantage of the Government's leverage in the market in order to obtain the best price (most favored customer) based on an evaluation of discounts, terms, conditions and concessions offered to commercial customers for similar purchases.

Pricing Disclosure/Information Submission Requirements

Industry commentors suggested the interim rule requires disclosures of singular transactions at lower prices than those offered the Government unless they involved erratic, ad hoc discounting. Commentors also found the provisions on ad hoc discounting to be confusing and subject to a wide range of interpretations. In addition, industry commentors suggested that the requirement to distinguish ad hoc discounts would require establishment of a database.

In addition, some commentors suggested that the requirement to disclose information on discounts other than those given to commercial, large volume end user customers was inappropriate.

Some commentors suggested the statement in the instructions for the Commercial Sales Practices Format, which indicated that GSA expects information submitted to be current, accurate, and complete, is an implied or constructive (de facto) certification.

The interim rule has been revised to clarify GSA's intent to obtain information on the offeror's written pricing policies, or standard commercial sale practices if the offeror has no written policies, and a general explanation of the circumstances and frequency of deviations from those policies or standard practices. Generally, only in cases where the offeror is deviating from its policies or practices to such an extent that the policies or practices alone cannot be relied upon by the contracting officer to make a determination that the prices offered are fair and reasonable, will the contracting officer ask for transactional information. In cases where information is requested, the request will be targeted to limit the submission of sales data to that needed by the contacting officer to establish whether the price is fair and reasonable.

In the final rule, the use of the terminology ''ad hoc discounting'' is eliminated. If the offeror deviates from its written discount policies or standard commercial sales practices, the offeror is requested to explain the circumstances surrounding the deviations and to explain how often the deviations occur. The offeror is also asked to describe the controls employed to assure the integrity of the offeror's pricing. Generally, only in cases where the offeror is deviating from its policies or practices to such an extent that the policies or practices alone cannot be relied upon by the contracting officer to make a determination that the prices

offered are fair and reasonable, will the contracting officer ask for transactional information.

The final rule provides for GSA to continue to seek information on the customer(s) or category of customer(s) that receives the offeror's best discount as well as customers or categories of customers that receive better prices (discounts and concessions in any combination) than those offered to the Government. Contracting officers cannot negotiate the best price for MAS products and services unless they consider the discounts that MAS offerors give to their best customers. Discounts offerors give to dealers, distributors, and original equipment manufacturers (OEMs) should not be considered ''off limits'' simply because the Government does not perform certain functions that those types of customers perform. GSA believes that an offeror's best discount should generally be the starting point of the price analysis GSA uses to establish the Government's MAS negotiation objective. GSA, however, recognizes the need to consider legitimate differences in the terms and conditions of sale between the Government's MAS purchases and vendor's other customers.

The final rule maintains the statement regarding GSA's expectation of receiving current, accurate, and complete data. GSA does not view a statement putting offeror/contractors on notice of its expectations as a de facto certification.

Post-Award Audit Rights

Industry commentors vigorously opposed the portions of GSA's interim rule and proposed final rule made available in August 1996 which maintained authority for post-award audits of data provided in support of price negotiations prior to award or contract modification. The commentors argued that the post-award access to pre-award data presented to support price negotiations is directly in conflict with the intent of Congress as contained in the Federal Acquisition Reform Act of 1996 (FARA) (renamed the Clinger-Cohen Act of 1996). In addition, industry commentors suggested that it is not a commercial practice to allow post-award audits of information provided during negotiations concerning pricing. Contractors have also expressed the view that the MAS contracts provide a relatively low profit margin and make it difficult for contractors to justify the investment in infrastructure required.

On the other hand, the Department of Justice (DOJ), GSA and VA Inspectors General (IG's) argued for retention of the post-award audit rights for data provided in support of price negotiations prior to award or contract modification. DOJ and the IGs believe that retention of the post-award audit is necessary to protect the Government from fraudulent and inaccurate disclosures.

Some comments also were received on the post-award compliance audit rights. The Information Technology Association of America indicated that they agree that GSA needs to have access to records to determine compliance with the administration of the contract; i.e., price reductions, billing, etc. The Coalition for Government Procurement expressed a willingness to work with GSA on ways to give GSA the ability to check for billing errors if the post-award audit rights of information submitted in support of price negotiations prior to award or contract modification were eliminated.

The final rule deletes the contract clause that automatically provides post-award audit rights for pricing information in every schedule contract. GSA expects to shift its emphasis to use of pre-award audits of information submitted in support of price negotiations. In addition to other contract pricing tools, this shift will provide the contracting officer a mechanism for verifying information submitted by offerors and will help avoid the potential problem of overpricing by revealing inaccurate, incomplete or defective data before the contract is awarded. This approach is designed to avoid problems instead of uncovering problems after contract award. Notwithstanding this shift to pre-award audits, GSA recognizes that there may be circumstances which warrant a contractual right to access in order to conduct post-award audits of information provided during negotiations. However, GSA anticipates such instances will involve a limited number of schedules. Therefore, the final rule allows the contracting officer to modify the Examination of Records by GSA (Multiple Award Schedule) clause to provide for post-award access to records to verify the pre-award/modification pricing, sales or other data submitted related to the supplies or services offered under the contract which formed the basis for award or modification was accurate, current, and complete. Such a modification can only be made after the contracting officer makes a determination that there is a likelihood of significant harm to the Government without access to verify the information and obtains the Senior Procurement Executive's approval. In such cases, the right to access expires 2 years after the award or modification. Such determinations must be made on a schedule-by-schedule basis. This approach is expected to enhance the Government's relationship with its contractors because it more nearly approximates commercial practice.

This change reflects a policy decision to make post-award audit provisions for information submitted in support of price negotiations prior to award or modification the exception rather than the general rule. GSA believes, as a legal matter, that GSA can conduct post-award audits of information submitted in support of price negotiations prior to award or contract modification. Expressly limiting the contractual post-award audit access for information provided during negotiations concerning pricing does not impact the Inspector General's independent authority under the Inspector General Act; nor would it preclude a contractor from voluntarily providing audit access should circumstances so warrant. It also does not impact independent authority granted by virtue of other statutes, for example 38 U.S.C. 8126.

Post-award compliance audits for overbillings, billing errors, compliance with the Price Reduction clause and the Industrial Funding Fee clause are maintained for all schedule contracts in the final rule.

Price Adjustment Clause

Industry commentors suggest that GSA's inclusion of a price adjustment clause, which covers situations after award in which incomplete, not current, or inaccurate pricing information is discovered, is not consistent with the spirit and intent of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act (renamed the Clinger-Cohen Act), and is more restrictive than similar provisions used in commercial practice.

The final rule retains the Price Adjustment clause. Even though GSA has limited post-award audits of information submitted in support of price negotiations, there are other circumstances that may result in the Government discovering that the offeror/contractor submitted inaccurate, not current or incomplete information. For example, the IG may perform an audit based on its authority under the Inspector General Act. The IG may not find fraud but may find that incomplete, not current or inaccurate information was provided GSA and that the lack of information impacted the price the contracting officer negotiated. Without a clause, GSA has no recourse other than to try and convince the contractor to

negotiate an equitable settlement. The contractor would be under no contractual or legal obligation to do so.

B. Executive Order 12866

This final rule was submitted to the Office of Management and Budget (OMB) under Executive Order 12866, Regulatory Planning and Review. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

A Final Regulatory Flexibility Analysis (FRFA) has been prepared and may be obtained from the Office of Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405. A copy of the FRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. The analysis is summarized as follows:

This rule revises the GSAR to bring it into conformance with the Federal Acquisition Regulation (FAR) as amended by Items I and III of Federal Acquisition Circular 90–32 which implemented portions of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355) dealing with the acquisition of commercial items and the Truth in Negotiations Act. The two Final Regulatory Flexibility Analyses (one for Commercial Items, FAR Case 94–790, and the other for TINA, FAR Case 94–721) that support the FAR changes serve the same purpose for this implementation. This regulatory flexibility analysis focuses on the GSAR changes relating to the Multiple Award Schedule (MAS) Program.

MAS solicitations will require the submission of information from each offeror on its pricing and discount policies, business practices, commercial terms and conditions, and commercial pricelists. This submission is in accordance with FAR 15.804–5, which provides for submission of information other than cost or pricing data. Such information is considered to be the least burdensome for offerors, yet still provide sufficient information to determine price reasonableness.

This rule will apply to all offerors responding to MAS solicitations and to MAS contractors. Of the estimated 4,000 offers submitted annually in response to the various MAS solicitations, approximately 75 percent are received from small businesses. Thus, this rule is expected to have an impact on approximately 3,000 small businesses.

This rule will not have a significant economic impact on small businesses. As noted above, the commercial item and TINA changes merely bring the GSAR into conformance with recent FAR changes. For the MAS element, the policies and procedures are deemed to be the least onerous and least intrusive ones for offerors and contractors, but still provide GSA with sufficient information to fully evaluate offers and determine price reasonableness.

Since the establishment of the MAS Improvement Project in 1990, GSA has considered and tested numerous alternative data submissions under the MAS Program. Of note are the pilot test solicitations conducted in accordance with the **Federal Register** notice dated February 18, 1992, two National Performance Review Reinvention Pilot test solicitations issued by GSA's Information Technology Service, and the pilot test solicitations issued pursuant to FSS Acquisition Letter FC–94–3. The conduct of those procurement actions has been fully evaluated and considered in developing this final rule. All public comments also have been considered. The policies and procedures set forth herein are deemed to be the least onerous and least intrusive ones for potential contractors, but still provide GSA with sufficient information to fully evaluate offers and determine price reasonableness.

This final rule is expected to have a beneficial impact on small entities because the rule simplifies procedures for the MAS program, reduces the amount of information provided to support price negotiations and limits post-award audits of contractors records.

D. Paperwork Reduction Act

The Paperwork Reduction Act applies to this final rule. The information collection requirements in 515.804–6 and related provisions and clauses have been approved by the Office of Management and Budget (OMB) under OMB Control Number 9000–0013. The information collection requirements in 552.212–70, Preparation of Offer (Multiple Award Schedule), represent customary commercial practice and are approved under OMB Control Number 3090–0250.

List of Subjects in 48 CFR Parts 504, 507, 510, 511, 512, 514, 515, 538, 539, 543, 546, 552, and 570

Government procurement.

Accordingly, the interim rule amending 48 CFR Parts 504, 507, 510, 511, 512, 514, 515, 538, 539, 543, 546, and 552 and 570 published at 61 FR 6164, February 16, 1996, and corrections published at 61 FR 10846 (March 15, 1996) and 61 FR 14032 (March 29, 1996) is adopted as a final rule with the following changes:

1. The authority citation for 48 CFR Parts 504, 507, 510, 511, 512, 514, 515, 538, 539, 543, 546, 552 and 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 515—CONTRACTING BY NEGOTIATION

2. Section 515.106–70 is revised to read as follows:

515.106–70 Examination of records by GSA clause.

(a) The contracting officer shall insert the clause at 552.215–70, Examination of Records by GSA, in solicitations and contracts, other than multiple award schedule contracts, that

(1) Involve the use and disposition of Government-furnished property,

(2) Provide for advance payments, progress payments based on cost, or guaranteed loan,

(3) Contain a price warranty or price reduction clause,

(4) Involve income to the Government where income is based on operations that are under the control of the contractor,

(5) Include an economic price adjustment clause,

(6) Are requirements, indefinite-quantity, or letter type contracts as defined in FAR part 16,

(7) Are subject to adjustment based on a negotiated cost escalation base, or

(8) Contain the provision at FAR 52.223–4, Recovered Material Certification. The contracting officer may modify the clause to define the specific area of audit (e.g., the use or disposition of Government-furnished property, compliance with the price reduction clause). Counsel and the Assistant Inspector General—Auditing or Regional Inspector General—Auditing, as appropriate, must concur in any modifications to the clause.

(b) The contracting officer shall insert the clause at 552.215–71, Examination of Records by GSA (Multiple Award Schedule), in solicitations and multiple award schedule contracts. With the Senior Procurement Executive's approval, the contracting officer may modify the clause to also provide for post-award access to and the right to examine records to verify that the pre-award/modification pricing, sales or other data related to the supplies or services offered under the contract which formed the basis for the award/modification was accurate, current, and complete. Such a modification of the clause shall provide for the right of access to expire 2 years after award or modification. Before modifying the clause, the contracting officer shall make a determination that absent such access there is a likelihood of significant

harm to the Government and submit it to the Senior Procurement Executive for approval. Such determinations must be made on a schedule-by-schedule basis.

3. Section 515.804–6 is revised to read as follows:

515.804–6 Instructions for submission of cost or pricing data or information other than cost or pricing data.

(a) Contracting officers should use Alternate IV of the FAR provision at 52.215–41, Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data, to provide the format for submission of information other than cost or pricing data for multiple award schedule (MAS) contracts. To provide for uniformity in requests under the MAS program, contracting officers should insert the following in paragraph (b) of the provision.

(1) An offer prepared and submitted in accordance with the clause at 552.212–70, Preparation of Offer (Multiple Award Schedule);

(2) Commercial sales practices. The Offeror shall submit information in the format provided in this solicitation in accordance with the instructions at Table 515–1 of the GSA Acquisition Regulation; or submit information in the Offeror's own format.

(3) Any additional supporting information requested by the Contracting Officer. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether the price(s) offered is fair and reasonable.

(4) By submission of an offer in response to this solicitation, the Offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before initial award, books, records, documents, papers, and other directly pertinent records to verify the pricing, sales and other data related to the supplies or services proposed in order to determine the reasonableness of price(s). Access does not extend to Offeror's cost or profit information or other data relevant solely to the Offeror's determination of the prices to be offered in the catalog or marketplace.

(b) Contracting officers shall insert the following format for commercial sales practices in the exhibits or attachments section of the solicitation (see FAR 12.303).

COMMERCIAL SALES PRACTICES FORMAT

Name of Offeror _____ SIN(S) _____

Note: Please refer to clause 552.212–70, PREPARATION OF OFFER (MULTIPLE AWARD SCHEDULE), for additional information concerning your offer. Provide the following information for each SIN (or group of SINs or SubSIN) for which information is the same.

(1) Provide the dollar value of sales to the general public at or based on an established catalog or market price during the previous 12 month period or the offerors last fiscal year. $_____. State begining and ending of the 12 month period. Beginning _____ Ending _____. In the event that a dollar value is not an appropriate measure of the sales, provide and describe your own measure of the sales of the item(s).

(2) Show your total projected annual sales to the Government under this contract for the contract term, excluding options, for each SIN offered. If you currently hold a Federal Supply Schedule contract for the SIN the total projected annual sales should be based on your most recent 12 months of sales under that contract. SIN _____ $ _____; SIN _____ $ _____; SIN _____ $ _____

(3) Based on your written discounting policies (standard commercial sales practices in the event you do not have written discounting policies), are the discounts and any concessions which you offer the Government equal to or better than your best price (discount and concessions in any combination) offered to any customer acquiring the same items regardless of quantity or terms and conditions? YES ____ NO ____. (See definition of ''concession'' and ''discount'' in 552.212–70).

(4)(a) Based on your written discounting policies (standard commercial sales practices in the event you do not have written discounting policies), provide information as requested for each SIN (or group of SINs for which the information is the same) in accordance with the instructions at Table 515–1 which is provided in this solicitation for your convenience. The information should be provided in the chart below or in an equivalent format developed by the offeror. Rows should be added to accommodate as many customers as required. See definition of ''concession'' and ''discount'' in 552.212–70.

Column 1 Customer	Column 2 discount	Column 3 quantity/volume	Column 4 FOB term	Column 5 concessions

(b) Do any deviations from your written policies or standard commercial sales practices disclosed in the above chart ever result in better discounts (lower prices) or concessions than indicated? ____YES ____NO. ____. If YES, explain deviations in accordance with the instructions at Table 515–1 which is provided in this solicitation for your convenience.

(5) If you are a dealer/reseller without significant sales to the general public, you should provide manufacturers' information required by paragraphs (1) through (4) above for each item/SIN offered, if the manufacturer's sales under any resulting contract are expected to exceed $500,000. You must also obtain written authorization from the manufacturer(s) for Government access, at any time before award or before agreeing to a modification, to the manufacturer's sales records for the purpose of verifying the information submitted by the manufacturer. The information is required in order to enable the Government to make a determination that the offered price is fair and reasonable. To expedite the review and processing of offers, you should advise the manufacturer(s) of this requirement. The contracting officer may require the information be submitted on electronic media with commercially available spreadsheet(s). The information may be provided by the manufacturer directly to the Government. If the manufacturer's item(s) is being offered by multiple dealers/resellers, only one copy of the requested information should be submitted to the Government. In addition, you must submit the following information along with a listing of contact information regarding each of the manufacturers whose products and/or services are included in the offer (include the manufacturer's name, address, the manufacturer's contact point, telephone number, and FAX number) for each model offered by SIN:

(a) Manufacturer's Name
(b) Manufacturer's Part Number
(c) Dealer's/Reseller's Part Number
(d) Product Description
(e) Manufacturer's List Price
(f) Dealer's/Reseller's percentage discount from List Price or net prices

(End of Format)

(c) The contracting officer should include the instructions for completing

the commercial sales practices format in Table 515–1 in solicitations issued under the multiple award schedule program.

TABLE 515–1—INSTRUCTIONS FOR COMMERCIAL SALES PRACTICES FORMAT

If you responded ''YES'' to question (3), on the COMMERCIAL SALES PRACTICES FORMAT, complete the chart in question (4)(a) for the customer(s) who receive your best discount. If you responded ''NO'' complete the chart in question (4)(a) showing your written policies or standard sales practices for all customers or customer categories to whom you sell at a price (discounts and concessions in combination) that is equal to or better than the price(s) offered to the Government under this solicitation or with which the Offeror has a current agreement to sell at a discount which equals or exceeds the discount(s) offered under this solicitation. Such agreement shall be in effect on the date the offer is submitted or contain an effective date during the proposed multiple award schedule contract period. If your offer is lower than your price to other customers or customer categories you will be aligned with the customer or category of customer that receives your best price for purposes of the Price Reduction clause at 552.238–76. The Government expects you to provide information required by the format in accordance with these instructions that is, to the best of your knowledge and belief, current, accurate, and complete as of 14 calendar days prior to its submission. You must also disclose any changes in your price list(s), discounts and/or discounting policies which occur after the offer is submitted, but before the close of negotiations. If your discount practices vary by model or product line, the discount information should be by model or product line as appropriate. You may limit the number of models or product lines reported to those which exceed 75% of actual historical Government sales (commercial sales may be substituted if Government sales are unavailable) value of the special item number (SIN).

Column 1—Identify the applicable customer or category of customer. A ''customer'' is any entity, except the Federal Government, which acquires supplies or services from the Offeror. The term customer includes, but is not limited to original equipment manufacturers, value added resellers, state and local governments, distributors, educational institutions (an elementary, junior high, or degree granting school which maintains a regular faculty and established curriculum and an organized body of students), dealers, national accounts, and end users. In any instance where the Offeror is asked to disclose information for a customer, the Offeror may disclose information by category of customer if the offeror's discount policies or practices are the same for all customers in the category. (Use a separate line for each customer or category of customer.)

Column 2—Identify the discount. The term ''discount'' is as defined in solicitation clause 552.212–70 Preparation of Offer (Multiple Award Schedule). Indicate the best discount (based on your written discounting policies or standard commercial discounting practices if you do not have written discounting policies) at which you sell to the customer or category of customer identified in column 1, without regard to quantity; terms and conditions of the agreements under which the discounts are given; and whether the agreements are written or oral. Net prices or discounts off of other price lists should be expressed as percentage discounts from the price list which is the basis for your offer. If the discount disclosed is a combination of various discounts (prompt payment, quantity, etc.), the percentage should be broken out for each type of discount. If the price lists which are the basis of the discounts given to the customers identified in the chart are different than the price list submitted upon which your offer is based, identify the type or title and date of each price list. The contracting officer may require submission of these price lists. To expedite evaluation, offerors may provide these price lists at the time of submission.

Column 3—Identify the quantity or volume of sales. Insert the minimum quantity or sales volume which the identified customer or category of customer must either purchase/order, per order or within a specified period, to earn the discount. When purchases/orders must be placed within a specified period to earn a discount indicate the time period.

Column 4—Indicate the FOB delivery term for each identified customer. (See FAR 47.3 for an explanation of FOB delivery terms.)

Column 5—Indicate concessions regardless of quantity granted to the identified customer or category of customer. Concessions are defined in solicitation clause 552.212–70 Preparation of Offers (Multiple Award Schedule). If the space provided is inadequate, the disclosure should be made on a separate sheet by reference.

If you respond ''YES'' to question 4(b) in the Commercial Sales Practices Format, provide an explanation of the circumstances under which you deviate from your written policies or standard commercial sales practices disclosed in the chart on the Commercial Sales Practices Format and explain how often they occur. Your explanation should include a discussion of situations that lead to deviations from standard practice, an explanation of how often they occur, and the controls you employ to assure the integrity of your pricing. Examples of typical deviations may include, but are not limited to, one time goodwill discounts to charity organizations or to compensate an otherwise disgruntled customer; a limited sale of obsolete or damaged goods; the sale of sample goods to a new customer; or the sales of prototype goods for testing purposes.

If deviations from your written policies or standard commercial sales practices disclosed in the chart on the Commercial Sales Practices Format are so significant and/or frequent that the Contracting Officer cannot establish whether the price(s) offered is fair and reasonable, then you may be asked to provide additional information. The Contracting Officer may ask for information to demonstrate that you have made substantial sales of the item(s) in the commercial market consistent with the information reflected on the chart on the Commercial Sales Practice Format, a description of the conditions surrounding those sales deviations, or other information that may be necessary in order for the Contracting Officer to determine whether your offered price(s) is fair and reasonable. In cases where additional information is requested, the Contracting Officer will target the request in order to limit the submission of data to that needed to establish the reasonableness of the offered price.

(d) The contracting officer shall insert the clause at 48 CFR 552.215–72, Price Adjustment—Failure to Provide Accurate Information, in solicitations and contracts to be awarded under the multiple award schedule program.

(e) The contracting officer should use Alternate IV of the FAR clause at 52.215–42, Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data—Modifications, to provide for submission of information other than cost and pricing data for MAS contracts. To provide for uniformity in requests under the MAS program, the contracting officer should insert the following in paragraph (b) of the clause.

(1) Information required by the clause at 552.243–72, Modifications (Multiple Award Schedule);

(2) Any additional supporting information requested by the Contracting Officer. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether the price(s) offered is fair and reasonable.

(3) By submitting a request for modification, the Contractor grants the Contracting Officer or an authorized representative the right to examine, at any time before agreeing to a modification, books, records, documents, papers, and other directly pertinent records to verify the pricing, sales and other data related to the supplies or services proposed in order to determine the reasonableness of price(s). Access does not extend to Contractor's cost or profit information or other data relevant solely to the Contractor's determination of the prices to be offered in the catalog or marketplace.

PART 538—FSS SCHEDULE CONTRACTING

4. Section 538.270 is revised to read as follows:

538.270 Evaluation of multiple award schedule offers.

(a) The Government will seek to obtain the offeror's best price (the best price given to the most favored customer). However, the Government recognizes that the terms and conditions of commercial sales vary and that there may be legitimate reasons why the best price is not achieved.

(b) The contracting officer will establish negotiation objectives based on a review of relevant data and determine price reasonableness.

(c) When establishing negotiation objectives and determining price reasonableness, contracting officers will compare the terms and conditions of the MAS solicitation with the terms and conditions of agreements with the offeror's commercial customers. The contracting officer will consider the following factors when determining the Government's price negotiation objectives:

(1) Aggregate volume of anticipated purchases;

(2) The purchase of a minimum quantity or a pattern of historic purchases;

(3) Prices taking into consideration any combination of discounts and concessions offered to commercial customers;

(4) Length of the contract period;

(5) Warranties, training and/or maintenance included in the purchase price or provided at additional cost to the product prices;

(6) Ordering and delivery practices; and

(7) Any other relevant information including differences between the MAS solicitation and commercial terms and conditions that may warrant differentials between the offer and the best prices offered to the most favored commercial customer(s). For example, if it is more expensive for an offeror to sell to the Government than to the customer who receives the offeror's best price or if the customer (e.g., dealer, distributor, OEM, other reseller) who receives the best price performs certain value-added functions for the offeror that the Government does not perform, then some reduction in the discount given to the Government may be appropriate. In cases where the best price is not offered to the Government, the contracting officer should ask the offeror to identify and explain the reason for any differences. Offerors shall not be required to provide detailed cost breakdowns.

(c) The contracting officer may award a contract containing pricing which is less favorable than the best price the offeror extends to any commercial customer for similar purchases, when the contracting officer makes a determination that:

(1) The prices offered to the Government are fair and reasonable even though comparable discounts were not negotiated, and

(2) Award of a contract is otherwise in the best interest of the Government.

5. Section 538.271 is amended by revising paragraph (a) to read as follows:

538.271 MAS contract awards.

(a) MAS awards will be for commercial items as defined in FAR 2.101. Contracts will be negotiated as a discount from established catalog prices.

* * * * *

PART 543—CONTRACT MODIFICATIONS

6. Section 543.205 is amended by revising paragraph (c) to read as follows:

543.205 Contract clauses.

* * * * *

(c) The contracting officer shall insert the clause at 48 CFR 552.243–72, Modifications (Multiple Award Schedule), in solicitations and multiple award schedule contracts.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Section 552.212–70 is revised to read as follows:

552.212–70 Preparation of Offer (Multiple Award Schedule)

As prescribed in 48 CFR 512.301(a)(1), insert the following clause:

PREPARATION OF OFFER (MULTIPLE AWARD SCHEDULE) (AUG 1997)

(a) *Definitions. Concession*, as used in this solicitation, means a benefit, enhancement or privilege (other than a discount), which either reduces the overall cost of a customer's acquisition or encourages a customer to consummate a purchase. Concessions include, but are not limited to freight allowance, extended warranty, extended price guarantees, free installation and bonus goods.

Discount, as used in this solicitation, means a reduction to catalog prices (published or unpublished). Discounts include, but are not limited to, rebates, quantity discounts, purchase option credits, and any other terms or conditions other than concessions) which reduce the amount of money a customer ultimately pays for goods or services ordered or received. Any net price lower than the list price is considered a ''discount'' by the percentage difference from the list price to the net price.

(b) For each Special Item Number (SIN) included in an offer, the Offeror shall provide the information outlined in paragraph (c). Offerors may provide a single response covering more than one SIN, if the information disclosed is the same for all products under each SIN. If discounts and concessions vary by model or product line, offerors shall ensure that information is clearly annotated as to item or items referenced.

(c) Provide information described below for each SIN:

(1) Two copies of the offeror's current published (dated or otherwise identified) commercial descriptive catalogs and/or price list(s) from which discounts are offered. If special catalogs or price lists are printed for the purpose of this offer, such descriptive catalogs or price lists shall include a statement indicating the special catalog or price list represent a verbatim extract from the Offeror's commercial catalog and/or price list and identify the descriptive catalog and/or price list from which the information has been extracted.

(2) Next to each offered item in the commercial catalog and/or price list, the Offeror shall write the special item number (SIN) under which the item is being offered. Unless a special catalog or price list is submitted, all other items shall be marked ''excluded,'' lined out, and initialed by the offeror.

(3) The discount(s) offered under this solicitation. The description of discounts offered shall include all discounts, such as prompt payment discounts, quantity/dollar volume discounts (indicate whether models/products can be combined within the SIN or whether SINs can be combined to earn discounts), blanket purchase agreement discounts, or purchase option credits. If the terms of sale appearing in the commercial catalogs or price list on which an offer is based are in conflict with the terms of this solicitation, the latter shall govern.

(4) A description of concessions offered under this solicitation which are not granted to other customers. Such concessions may include, but are not limited to, an extended warranty, a return/exchange goods policy, or enhanced or additional services.

(5) If the Offeror is a dealer/reseller or the Offeror will use dealers to perform any aspect of contract awarded under this solicitation, describe the functions, if any, that the dealer/reseller will perform.

(End of Clause)

8. Section 552.212–71 is amended by revising the date of the provision and revising the title of provision number 552.215–72 in the body of the provision to read as follows:

552.212–71 Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items.

* * * * *

CONTRACT TERMS AND CONDITIONS APPLICABLE TO GSA ACQUISITION OF COMMERCIAL ITEMS (AUG 1997)

* * * * *

552.215–72 Price Adjustment—Failure to Provide Accurate Information

* * * * *

9. Section 552.212–73 is revised to read as follows:

552.212–73 Evaluation—Commercial Items (Multiple Award Schedule).

As prescribed in 48 CFR 512.301(a)(4), insert the following provisions:

EVALUATION—COMMERCIAL ITEMS (MULTIPLE AWARD SCHEDULE) (AUG 1997)

(a) The Government may make multiple awards for the supplies or services offered in response to this solicitation that meet the definition of a ''commercial item'' in FAR 52.202–1. Awards may be made to those responsible offerors that offer reasonable pricing, conforming to the solicitation, and will be most advantageous to the Government, taking into consideration the multiplicity and complexity of items of various manufacturers and the differences in performance required to accomplish or produce required end results, production and distribution facilities, price, compliance with delivery requirements, and other pertinent factors. By providing a selection of comparable supplies or services, ordering activities are afforded the opportunity to fulfill their requirements with the item(s) that constitute the best value and that meet their needs at the lowest overall cost.

(b) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

(End of Provision)

Alternate I (AUG 1997):

When anticipating competition of identical items, add the following paragraph after paragraph (b) of the basic provision.

(c) The Government reserves the right to award only one contract for all or a part of a manufacturer's product line. When two or more offerors (e.g., dealers/resellers) offer the identical product, award may be made competitively to only one offeror on the basis of the lowest price. (Discounts for early payment will not be considered as an evaluation factor in determining the low offeror). During initial open season for an option period, any offers that are equal to or lower than the current contract price received for identical items will be considered. Current contractors will also be allowed to submit offers for identical items during this initial open season. The current contractor which has the identical item on contract will be included in the evaluation process. The Government will evaluate all offers and may award only one contract for each specified product or aggregate group.

10. Section 552.215–71 is revised to read as follows:

552.215–71 Examination of records by GSA (Multiple Award Schedule).

As prescribed in 48 CFR 515.106–70, insert the following clause:

EXAMINATION OF RECORDS BY GSA (MULTIPLE AWARD SCHEDULE) (AUG 1997)

The Contractor agrees that the Administrator of General Services or any duly authorized representative shall have access to and the right to examine any books, documents, papers and records of the Contractor involving transactions related to this contract for overbillings, billing errors, compliance with the Price Reduction clause and compliance with the Industrial Funding Fee clause of this contract. This authority shall expire 3 years after final payment. The basic contract and each option shall be treated as separate contracts for purposes of applying this clause.

(End of Clause)

11. Section 552.215–72 is revised to read as follows:

552.215–72 Price adjustment—Failure to provide accurate information.

As prescribed in 48 CFR 515.804–6(d), insert the following clause:

PRICE ADJUSTMENT—FAILURE TO PROVIDE ACCURATE INFORMATION: (AUG 1997)

(a) The Government, at its election, may reduce the price of this contract or contract modification if the Contracting Officer determines after award of this contract or contract modification that the price negotiated was increased by a significant amount because the Contractor failed to:

(1) provide information required by this solicitation/contract or otherwise requested by the Government; or

(2) submit information that was current, accurate, and complete; or

(3) disclose changes in the Contractor's commercial pricelist(s), discounts or discounting policies which occurred after the original submission and prior to the completion of negotiations.

(b) The Government will consider information submitted to be current, accurate and complete if the data is current, accurate and complete as of 14 calendar days prior to the date it is submitted.

(c) If any reduction in the contract price under this clause reduces the price for items for which payment was made prior to the date of the modification reflecting the price reduction, the Contractor shall be liable to and shall pay the United States—

(1) The amount of the overpayment; and

(2) Simple interest on the amount of such overpayment to be computed from the date(s) of overpayment to the Contractor to the date the Government is repaid by the Contractor at the applicable underpayment rate effective each quarter prescribed by the Secretary of the Treasury under 26 U.S.C. 6621(a)(2).

(d) Failure to agree on the amount of the decrease shall be resolved as a dispute.

(e) In addition to the remedy in paragraph (a) of this clause, the Government may terminate this contract for default. The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law or under this contract.

(End of Clause)

12. Section 552.243–72 is amended by revising the date of the clause, by revising paragraphs (a), (b)(1) introductory text, (b)(1) (i), (ii) and (viii), (b)(3), and by deleting paragraph (b)(4) and Alternate I to read as follows:

552.243–72 Modifications (Multiple Award Schedule).

* * * * *

MODIFICATIONS (MULTIPLE AWARD SCHEDULE) (AUG 1997)

(a) General. The Contractor may request a contract modification by submitting a request to the Contracting Officer for approval, except as noted in paragraph (d) of this clause. At a minimum, every request shall describe the proposed change(s) and provide the rationale for the requested change(s).

(b) * * *

(1) Additional items/additional SIN's. When requesting additions, the following information must be submitted:

(i) Information requested in paragraphs (1) and (2) of the Commercial Sales Practice Format to add SIN's.

(ii) Discount information for the new item(s) or new SIN(s). Specifically, submit the information requested in paragraphs 3 through 5 as applicable of the Commercial Sales Practice Format. If this information is the same as the initial award, a statement to that effect may be submitted instead.

* * * * *

(viii) Any information requested by 52.212–3(f), Offerors Representations and Certifications—Commercial Items, that may be necessary to assure compliance with 552.225–9, Trade Agreements Act.

* * * * *

(3) Price Reduction. The Contractor shall indicate whether the price reduction falls under the item (i), (ii), or (iii) of subparagraph (c)(1) of the Price Reduction clause at 552.238–76. If the Price reduction falls under item (i), the Contractor shall submit a copy of the dated commercial price list. If the price reduction falls under item (ii) or (iii), the Contractor shall submit a copy of the applicable price list(s), bulletins or letters or customer agreements which outline the effective date, duration, terms and conditions of the price reduction.

* * * * *

PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

13. Section 570.308–2 is amended by revising paragraph (e) to read as follows:

570.308–2 Cost or pricing data.

* * * * *

(e) If the proposed lessor refuses to provide data when required, the contracting officer shall follow the procedures in FAR 15.804–6(e).

Dated: August 15, 1997.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 97–22144 Filed 8–20–97; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

48 CFR Chapter V

General Services Administration Acquisition Regulation; Small Entity Compliance Guide

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Small Entity Compliance Guide.

SUMMARY: This Small Entity Compliance Guide has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121). It summarizes Change 76 which amended the General Services Administration Acquisition Regulation (GSAR) concerning the Multiple Award Schedule (MAS) program. Further information regarding the change may be obtained by referring to Change 76 which precedes this notice.

FOR FURTHER INFORMATION CONTACT: Marjorie Ashby, GSA Acquisition Policy Division, (202) 501–1224.

SUPPLEMENTARY INFORMATION: This final rule adopts the interim rule which amended the GSAR as a final rule with changes. The interim rule was published in the **Federal Register** on February 16, 1996, at (61 FR 6164). The final rule affects both GSA contracting personnel and commercial entities submitting offers under the MAS program.

The following is a summary of the most significant provisions of the final rule as it applies to the Multiple Award Schedule (MAS) program:

- GSA will continue to seek to obtain the offeror's best price (the best price given to the most favored customer).
- The Government recognizes that conditions may exist where terms, conditions, and provisions of the Government contract may differ substantially from those of the offeror's commercial customers and there may be legitimate reasons why the best price is not achieved.
- In most cases, the Government will no longer have post-award audit rights for information provided during negotiations relating to price, but retains post-award audit authority in order to ensure compliance with the Price Reduction and Industrial Funding Fee clauses of the contract and to identify overbillings and billing errors.
- GSA's Office of Inspector General maintains independent authority under the Inspector General Act.
- The Price Reduction Clause will continue to apply.

The final rule stipulates that offerors responding to an MAS solicitation must:

- Complete the Commercial Sales Practices Format to disclose written discounting policies or standard discounting practices and sales information relative to the products/services being offered to the Government. The Format replaces the previously used ''Discount Schedule and Marketing Data'' sheets.
- Discuss deviations from written discounting policies or standard discounting practices.
- If requested by the contracting officer, provide additional information necessary for the Contracting Officer to establish whether the offered price is fair and reasonable.
- Ensure that any data submitted is current, accurate, and complete.
- Submit two copies of their current published commercial catalog and/or price list, annotated as defined to indicate what is and is not being offered to the Government.
- Describe all discounts and concessions offered to the Government.
- If a dealer or if dealers will participate in the contract, describe the functions to be performed by the dealers.
- Agree to make available to GSA's Administrator or authorized representative any books, documents, papers, or records involving transactions related to a resulting contract for overbillings, billing errors, and compliance with the Price Reduction and Industrial Funding Fees Clauses.

Dated: August 15, 1997.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 97–22145 Filed 8–20–97; 8:45 am]

BILLING CODE 6820–61–M

federal register

Thursday
August 21, 1997

Part III

The President

Proclamation 7017—Women's Equality Day, 1997

Executive Order 13059—Prohibiting Certain Transactions With Respect to Iran

Federal Register
Vol. 62, No. 162
Thursday, August 21, 1997

Presidential Documents

Title 3—

The President

Proclamation 7017 of August 19, 1997

Women's Equality Day, 1997

By the President of the United States of America

A Proclamation

Each year, on Women's Equality Day, we reflect on how far we have traveled on our journey to make America live up to the ideals of justice and equality articulated so powerfully in the Declaration of Independence, the Constitution, and the Bill of Rights. Few constitutional amendments have affected that progress more profoundly than the 19th, which guarantees American women the right to vote.

Looking back from today's vantage point, where women hold positions of authority and responsibility at almost every level of government, it is hard to imagine that, for almost a century and a half, women were barred from exercising the most fundamental right of every democracy. There are women still living among us who can remember a time when they were prevented, by law, from having a role in shaping the destiny of their country and the impact of government on their own and their families' lives. But thanks to women and men of extraordinary courage and conviction, who waged for years a determined campaign for women's suffrage, the 19th Amendment was ratified in August of 1920 and opened the door for generations of American women to add their vision and voices to our national discourse.

This year, we mark another milestone in the life of our democracy: the 25th anniversary of the enactment of Title IX of the Education Amendments of 1972. Title IX, building on the spirit of the 19th Amendment, prohibits discrimination against women in education and sports programs. For a quarter-century, it has enabled American girls and women to make the most of their abilities, to dream big dreams, and, more important, to achieve those dreams. In large measure, because of the 19th Amendment and Title IX, our Nation has reaped the rewards of women's talents, accomplishments, wisdom, and perspective. In every activity and profession, in the home and outside—as astronauts and professional athletes, as teachers and university presidents, as farmers and firefighters, as caregivers, Cabinet members, and Supreme Court Justices—women have made lasting contributions to the quality of our lives and the strength of our democracy.

Today, as Americans engage in a serious and profoundly important dialogue on the future of our multiracial, multiethnic, multicultural society, we do well to remember that we are all immeasurably enriched when we choose the path of inclusion and empowerment. Women's Equality Day and the anniversary of Title IX remind us that by demanding an equal opportunity for every American, we ensure a brighter future for all Americans.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 1997, as Women's Equality Day. I call upon the citizens of our great Nation to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of August, in the year of our Lord nineteen hundred and ninety-seven, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[FR Doc. 97–22481
Filed 8–20–97; 11:16 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13059 of August 19, 1997

Prohibiting Certain Transactions With Respect to Iran

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (''IEEPA''), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9) (''ISDCA''), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, in order to clarify the steps taken in Executive Orders 12957 of March 15, 1995, and 12959 of May 6, 1995, to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States declared in Executive Order 12957 in response to the actions and policies of the Government of Iran, hereby order:

Section 1. Except to the extent provided in section 3 of this order or in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran, other than information or informational materials within the meaning of section 203(b)(3) of IEEPA (50 U.S.C. 1702(b)(3)), is hereby prohibited.

Sec. 2. Except to the extent provided in section 3 of this order, in section 203(b) of IEEPA (50 U.S.C. 1702(b)), or in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, the following are prohibited:

(a) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, technology, or services to Iran or the Government of Iran, including the exportation, reexportation, sale, or supply of any goods, technology, or services to a person in a third country undertaken with knowledge or reason to know that:

(i) such goods, technology, or services are intended specifically for supply, transshipment, or reexportation, directly or indirectly, to Iran or the Government of Iran; or

(ii) such goods, technology, or services are intended specifically for use in the production of, for commingling with, or for incorporation into goods, technology, or services to be directly or indirectly supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran;

(b) the reexportation from a third country, directly or indirectly, by a person other than a United States person of any goods, technology, or services that have been exported from the United States, if:

(i) undertaken with knowledge or reason to know that the reexportation is intended specifically for Iran or the Government of Iran, and

(ii) the exportation of such goods, technology, or services to Iran from the United States was subject to export license application requirements under any United States regulations in effect on May 6, 1995, or thereafter

is made subject to such requirements imposed independently of the actions taken pursuant to the national emergency declared in Executive Order 12957; provided, however, that this prohibition shall not apply to those goods or that technology subject to export license application requirements if such goods or technology have been:

(A) substantially transformed into a foreign-made product outside the United States; or

(B) incorporated into a foreign-made product outside the United States if the aggregate value of such controlled United States goods and technology constitutes less than 10 percent of the total value of the foreign-made product to be exported from a third country;

(c) any new investment by a United States person in Iran or in property, including entities, owned or controlled by the Government of Iran;

(d) any transaction or dealing by a United States person, wherever located, including purchasing, selling, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing, in or related to:

(i) goods or services of Iranian origin or owned or controlled by the Government of Iran; or

(ii) goods, technology, or services for exportation, reexportation, sale, or supply, directly or indirectly, to Iran or the Government of Iran;

(e) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this order if performed by a United States person or within the United States; and

(f) any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order.

Sec. 3. Specific licenses issued pursuant to Executive Orders 12613 (of October 29, 1987), 12957, or 12959 continue in effect in accordance with their terms except to the extent revoked, amended, or modified by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to those orders continue in effect in accordance with their terms except to the extent inconsistent with this order or to the extent revoked, amended, or modified by the Secretary of the Treasury.

Sec. 4. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(d) the term ''Iran'' means the territory of Iran and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the Government of Iran claims sovereignty, sovereign rights, or jurisdiction, provided that the Government of Iran exercises partial or total de facto control over the area or derives a benefit from economic activity in the area pursuant to international arrangements;

(e) the term ''Government of Iran'' includes the Government of Iran, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, the Government of Iran;

(f) the term ''new investment'' means:

(i) a commitment or contribution of funds or other assets; or

(ii) a loan or other extension of credit, made after the effective date of Executive Order 12957 as to transactions prohibited by that order, or otherwise made after the effective date of Executive Order 12959.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, other agencies, is hereby authorized to take such actions, including the promulgation of rules and regulations, the requirement of reports, including reports by United States persons on oil and related transactions engaged in by their foreign affiliates with Iran or the Government of Iran, and to employ all powers granted to me by IEEPA and the ISDCA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. (a) The Secretary of the Treasury may authorize the exportation or reexportation to Iran or the Government of Iran of any goods, technology, or services also subject to export license application requirements of another agency of the United States Government only if authorization by that agency of the exportation or reexportation to Iran would be permitted by law.

(b) Nothing contained in this order shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the United States Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency.

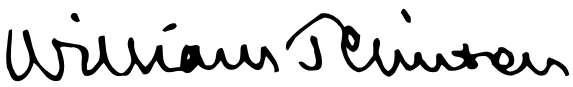
Sec. 7. The provisions of this order consolidate the provisions of Executive Orders 12613, 12957, and 12959. Executive Order 12613 and subsections (a), (b), (c), (d), and (f) of section 1 of Executive Order 12959 are hereby revoked with respect to transactions occurring after the effective date of this order. The revocation of those provisions shall not alter their applicability to any transaction or violation occurring before the effective date of this order, nor shall it affect the applicability of any rule, regulation, order, license, or other form of administrative action previously taken pursuant to Executive Orders 12613 or 12959.

Sec. 8. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 9. The measures taken pursuant to this order are in response to actions of the Government of Iran occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those later actions.

Sec. 10. (a) This order is effective at 12:01 a.m. eastern daylight time on August 20, 1997.

(b) This order shall be transmitted to the Congress and published in the Federal Register.



THE WHITE HOUSE,
August 19, 1997.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Whooping cranes; Rocky Mountains population

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